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
Membertou Trade & Convention Centre
Kluskap A & Jenu rooms
Membertou, Nova Scotia

PUBLIC

Public Volume 18:
Cheryl Maloney, Deveron Paul & Candice Sylliboy,
In relation to Victoria Paul;

Darlene Gilbert;

Natalie Gloade, In relation to Nora Bernard;

Becky Michelin, In Relation to Deidre Michelin;

Georgina Doucette & Joe Michael,
In relation to Kate Michael and Tradina Marshall

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APPEARANCES

Note: For the purpose of establishing this record of attendance, counsel are considered present whether they attended one or all of the public hearings held over the course of the day at the Membertou Trade and Convention Centre Kluskap A & Jenu Rooms (i.e. the main public hearing spaces).

Assembly of First Nations	Julie McGregor (Legal counsel)
Government of Canada	Sarah Churchill-Joly (Legal counsel) Jennifer Clarke (Legal counsel) Anne Turley (Legal counsel)
Government of Nova Scotia	Heather Ternoway, Pamela Marche, Karen Hudson, Janel Fisher (Representatives)
Eastern Door Indigenous Women's Association	Non appearance
Pauktuutit Inuit Women of Canada, Saturviit Inuit Women's Association of Nunavik, AnânauKatiget Tumingit Regional Inuit Women's Association Inc., Ottawa Inuit Children's Centre, Manitoba Inuit Association	Beth Symes (Legal counsel)

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Membertou, Nova Scotia

--- Upon commencing on Tuesday, October 31, 2017, at 9:10 a.m.

Hearing # 1

Witnesses: Cheryl Maloney, Deveron Paul, Candice Sylliboy

In relation to Victoria Paul

Heard by Commissioner Michèle Audette

MS. JENNIFER COX: Good morning. Good morning, Madam Commissioner. Hello, Elders. I'm here with the Victoria Paul family and Families of the Heart, so I'm going to let the individuals before you introduce them and then we'll move on to the -- the oath.

MS. LINDA MALONEY: Linda Maloney. I'm a residential school survivor. I'm from Millbrook.

MS. CHERYL MALONEY: Cheryl Maloney. I'll be speaking as the Family of the Heart today.

MR. DEVERON PAUL: Deveron Paul, victim's son, from Indian Brook.

MS. CANDICE SYLLIBOY: Candice Sylliboy, Victoria Paul's niece, from Sydney, I guess.

MS. CHERYL MALONEY: And I have behind me a family that are actually here as my supports for a little bit this morning, Clayton and Miriam Saunders.

MS. JENNIFER COX: Thank you. Mr. Registrar, if we could have the --

MR. REGISTRAR: Okay. Good morning, Cheryl.

MS. CHERYL MALONEY: Good morning.

MR. REGISTRAR: Did you wish to make a solemn affirmation with the eagle feather this morning?

MS. CHERYL MALONEY: Yes.

MR. REGISTRAR: Okay, very well.

CHERYL MALONEY, AFFIRMED

MR. REGISTRAR: Thank you.

MS. JENNIFER COX: Do you want to do them too?

MR. REGISTRAR: Yes.

MS. JENNIFER COX: Deveron Paul.

MR. REGISTRAR: It's Debron [sic], Deveron?

MR. DEVERON PAUL: Deveron.

MR. REGISTRAR: Deveron? Good. Good morning.

MR. DEVERON PAUL: Good morning.

DEVERON PAUL, AFFIRMED

MR. REGISTRAR: Thank you. I think it's Candice? Okay. Good morning, Candice.

MS. CANDICE SYLLIBOY: Good morning.

CANDICE SYLLIBOY, AFFIRMED

MR. REGISTRAR: Thank you.

MS. JENNIFER COX: So, Madam Commissioner, we're going to start with Cheryl Maloney, who is a friend

of the Family of the Heart, and she's the -- been behind a lot of the investigation work that's been done to push this matter forward on behalf of the family.

MS. CHERYL MALONEY: I have a photo of some of the pictures of missing and murdered women that I asked on the slideshow. I don't know who's doing that, but if -- if you have a chance to put that picture up, there's five pictures from the -- the memorial table out there.

That's Kimber (ph), one of the girls I'm going to be speaking for, but there's -- I -- I'll have to just go the way it's in my heart right now.

There was a picture in the memorial table of families of missing and murdered women and Victoria's was there, Loretta Saunders is there, Nora Bernard's was there, Tanya Brooks was there, and Victoria. And as a friend -- for me to be here, I'm not a family member. I didn't -- I didn't spend Christmases, births with Victoria and her family. I grew up next to her.

It's very difficult for me to be here speaking on behalf of the family, and I never like to speak on behalf of the family. And the reason I've asked Miriam and Clay to -- to sit behind me for a few minutes this morning is because I think it's so important to allow the families to have their own voice and under the rarest most horrible circumstances should we as groups, organizations

or people claim to speak on behalf of the families, and I've heard across the country groups, political organizations, politicians say they're speaking on behalf of the families. I am a politician, but I never speak on behalf of those families. I never unless they ask me to help them find their voice; then I'll get up and I'll help them speak. And this is the situation here and why I wanted the Saunders here because a few years ago, they didn't have their voice, and I helped because they asked, but yesterday I witnessed them finding their voice, and so I take this role very, very serious. I am not the one that was at the births. I wasn't holding her hand when she was in labour. I wasn't there when she lost her family or the stories. I was there as a childhood friend, though, and I'll talk about that now.

I'm just going to thank you guys for being here for this and I know you're going to go, so whenever you feel like it, but thank you guys for being here.

Victoria was my neighbour and she was smarter than me. I have a couple of degrees, but she was smarter than me. My sister, Victoria, her cousin, Bridgette (ph) -- believe it or not, the daughters of Annie May Aquash were on this side of me. Victoria ended up living on this side of me. As children, we were playing in -- not in the -- on the rez. We were playing in the woods.

We had a street from -- it's called Church Street and we were allowed to go up to the ball field or the graveyard on this side and then it kind of looped down, and then on the other hill was the church. So as children, we were allowed to only go up to the church and up to the graveyard, but we could go as far as we wanted to into the woods behind us and that is where all my memories of Victoria is, is in those woods.

I remember one day we were hiding from our mother. She wanted to go to town. We hid in a tree. We're climb -- hiding in a tree in those woods and we must have been young because I thought -- we thought she couldn't see us or find us. A few minutes later, she's under the tree yelling at us, so we must have been really small in the woods because, you know, when you think you can't be seen and you're seen.

And the other story of Victoria in the woods -- and this is really embarrassing. I don't want to tell you guys, but my sister and -- and Victoria were older than me and we went to get a Christmas tree because we were so poor. There was no tree up and we had no tree, so we found an old saw in the basement and we walked into the woods and we're looking at trees and we're looking at the tops of really, really tall trees, and if anybody ever went for Christmas trees, you know they all look good at the

top. So they were sawing and sawing and we must have been young. I know I was -- I was following them. They were my leaders. The tree wasn't falling. The saw -- saw wasn't doing good. Victoria said, "Cheryl, climb up there. Sway the tree." So I climb up there and I sway the tree and they're sawing away, and the tree fell.

(LAUGHTER)

MS. CHERYL MALONEY: But Victoria was smarter than me.

And I want to go later in our recommendations about how you value the lives of Indigenous women and what they're worth when you -- when you die wrongfully; you know, what's the value of somebody that comes from an impoverished community where everybody is living below the poverty line, so I'll talk about that in my recommendations and they're going to be a little -- I'll read those later.

So in August 2009, I was in Ottawa. I was working on environmental files, and I heard about my neighbour. See, they're right next door to my mother. I was away a lot. Victoria probably seen my mother more than I did. And I heard she went into the drunk tank and came out on life support and I thought, "What the heck happened in there?" And so I waited to say, "This is a public outcry. Somebody is going to -- somebody has to find out

what happened in there," from what I heard. And then from the actual bouncers, I later heard -- not through just community gossip, but one of the bouncers, that there was a whole bunch of cops struggling with her to throw her in the back car. I can't give you the number, whether it was five, six or seven, but we know there was a lot there and so there was a struggle.

They got her into the police car. She went into the Truro police cell and she came out on life support and died, and I was waiting. I said, "Somebody's got to -- there's going to be a public outcry, the chiefs, somebody," and nothing -- nothing. It didn't hit the news again, quiet as can be, and I thought, "Geez, nobody's saying anything or doing anything." But reading the reports, Kimber -- and her picture was up there earlier -- was knocking on doors, and Kimber isn't here.

MS. JENNIFER COX: Just for the --

MS. CHERYL MALONEY: Kimber is her sister. Kimber was knocking on doors and Kimber was brown. Like the Saunders told us yesterday, if you're blonde and you got a law degree, people might answer you more than they answered Kimber. She was trying, but there was no one listening and there was no group, organization, leadership, advocacy in this country whose job it was to say, "Did the police do the right thing? Is she okay? What went wrong?"

So November 2009, I became the President of Nova Scotia Native Women. Victoria and I have been on this journey. It's been eight years now. I became the President of Nova Scotia Native Women because nobody was speaking, that dead silence, September, October, November.

And then now, Marie, can you guys show me the banner over there? Can somebody bring the banner up, a couple of people? So I became president, and we had no money and I didn't do a lot of media, and we bought this banner. I actually put it on my credit card and this isn't the actual one. There's another one. Turn around for the -- the cameras. A hundred and thirty-two dollars and a little bit of stubbornness. I went to the family and we started asking what happened to Victoria. And you'll see some of the old footage, that that banner was everywhere. We were banging on doors. We were calling on Ministers, calling for inquiries, you know, "What the heck did the police do?" And up into that point, it seemed like no one cared. Okay, that's good. Thank you, guys.

MS. JENNIFER COX: So you want to talk about what happened?

MS. CHERYL MALONEY: Yes, but I -- I just want to say that from the time in 2009 when we started, I had -- Deveron wasn't there. Deveron went in the cell with his mom and didn't come out, and we're going to go through

that chronology of that soon.

But at that time, I had Victoria's sister, Kimber, with me and I had her dad with me and they wanted to speak. People weren't listening, so, at that point in time, the family made me an agent for the family to speak on behalf of Victoria, so the next three years we started this process to seek answers.

Deveron, do you have anything you want to add? Yeah? I'm going to ask you every so often, but -- okay?

We started asking, "What's going on?" Truro Police in 2009, there's a few statements, and I seen in the reports there was even statements that said they're doing a report. There was indications that it was going to be an independent report looking at criminality and wrongdoing, and so everybody is waiting and waiting and waiting and -- patiently, because we have no clue what happened from the time she went in, for 18 months. Eighteen months came and we had no clue what happened between 3 a.m. in the morning till one in the afternoon the following day, ten hours. What happened in there that she came out on life support? So now there's people waiting. We're asking questions.

And I have to -- hats off to the media because there was a couple of media guys at the time that

would come every six months and say, "Did you hear anything yet?" And they would do a story, and those stories kept her alive when nobody else seemed to care or was listening to the -- the cries of the family. So I -- media sometimes are portrayed bad, but mostly, you know what, without them, we would never be here at this point. Without them, we wouldn't have an inquiry and the stories wouldn't be heard.

So 18 months later, I get a call from the -- or Truro Police Services and I get Kimber and we meet at our little office in Truro and the police came and they give me an executive summary of a report, and the executive summary said that -- not much. It had everything blacked out. The police said, "This is only an internal report to see if" -- I mean, "followed all our internal procedures and policies." I said, "What do you mean just an internal?" "Well, we don't even need to give you this," that's what they told me. "We don't even need to give you this. This was just our internal document." I said, "Well, why was the family and the community and the public waiting for this report that is supposed to tell us what happened in there and if anybody did anything wrong to her?" And the little -- I think it was 18 pages, lots of things blacked out. Some of the things we did see in there though was Commissionaire Skinner, and I'll try to go back and -- and give you some of the highlights of what we found

in the report.

Commissionaire Skinner came on around 6 a.m. Victoria went in around 3 a.m. She was alert. She was answering questions. She had an ankle bandage. She took her ankle bandage off. She rewrapped her ankle bandage in the cell. It was wrapped properly, correctly. It stayed on all night. She was a little sassy to the cell guard that she didn't like. No signs of alcohol poisoning. That was the limit. That was the base that her care should have been assessed by for the rest of the evening and -- and the next morning and the next afternoon.

So she had a good little sass and a good little laugh, so I think she was even laughing when she was sassing. They noticed her sleeping, and then around 6:30, they noticed her on the cell floor. And at one point in time around eight, they came and -- to assess her and Skinner was saying, "She looks like there's -- you know, we need -- something may be wrong with this," and I don't have the report and his actual words, but he started -- when he took over his duty, he came on and he started to say, "You know what? She's not responding," and -- or, "She doesn't seem well." And in his notes from the Truro report, I think this is what the -- the one thing that they did share with us that we could see is that he asked her, "Are you okay?" when she was on the floor, and she said, "No." And he told

me this because he called me and he said, "She said no." And he said, "Well, what's wrong?" and that was her last word. The next thing she did was point to her face and a tear coming down her eye, and that's the only thing we got from the Truro Police report from Halifax.

MS. JENNIFER COX: And so for the Commissioner's benefit, the Truro Police is where -- who was holding her? Is that where she was?

MS. CHERYL MALONEY: Yeah, the Truro Police Services is the cell she went into.

MS. JENNIFER COX: And the Halifax Police?

MS. CHERYL MALONEY: The report -- the report that -- 18 months later that told us what had happened to -- not what happened to her, but Constable Skinner sharing her last word and the anguish and the pain.

I also want to point out at this time -- and I never seen the videos and I wonder what they look like -- that she had her pants half down and urinated in the cell, so by this time she had taken a stroke. She was still able to talk. She said, "No," and pointed to her face. She attempted to take her pants down, so she wouldn't soil herself is all I can assume. And then so for the next four more hours, she laid in that cell on -- in her own urine, on the floor of the cell, with her condition deteriorating.

Halifax, Truro, they say she would have died anyways, but I watch, you know, Heart and Stroke Foundation, "Get help right away. Get help right away." And if she could have removed her pants and said, "No," and pointed to her face and tried to cry out for help, we don't know for sure that, you know, she may have been here in some capacity or another.

So over the next number of hours -- and it's here in my report, this report --

MS. JENNIFER COX: So you're referring to the report of --

MS. CHERYL MALONEY: It says the "Victoria Rose Paul Investigation Report" --

MS. JENNIFER COX: Okay.

MS. CHERYL MALONEY: -- and in -- in this report, it talks about the timeline, 6:15, 6:35. You know, it just goes on. Commissionaire Skinner was increasingly getting concerned, takes it to Sergeant Henderson. Henderson says, "If you get a grunt, that's good enough," never mind measuring her from when she came in, sassy and a little stagger, a little waver, to the point where she -- you're getting a grunt. She's laying on the floor in her own urine and Skinner -- Commissionaire Skinner got him downstairs around 8:37 to come look at her.

So Sergeant Henderson came down at 8:37,

looked at her on the floor in her own urine, and got a grunt. I don't know what his -- his response was, the wording. It's all here in the report that I will submit, but he just said, "Do more frequent checks" -- well, we're not even sure if he said that or -- or if Commissionaire Skinner suggested it. It's -- it's not clear there. Then he got on the road. He got on the road. He left the police and he went on the road. I don't know where he went.

But the commissionaire, Skinner, was visibly concerned. His notes that we got from that 18-month report, he was visibly concerned. He kept going back. And he called us later, and I think he's left. I don't think he's still there anymore. He called me and the grandfather and he wanted to apologize because he thinks he should have just disobeyed the hierarchy of the Truro Police Forces, disobeyed Sergeant Henderson and made that call. I -- he struggles with that. He's a Christian man and he reached out to the family, and I can't say the family forgave Commissionaire Skinner or anything, but I can tell you that the grandfather wanted to meet with him. He wanted to meet with him and let him know that he didn't hold it against him. And we were supposed to arrange that call, but then we lost the grandfather and he died, so they never had that meeting, and I know it was probably important for

Commissionaire Skinner because he felt bad and that night haunts him. It doesn't seem to haunt Sergeant Henderson. It doesn't seem to haunt Truro Police Services, and I say that because I see nothing change and there was no finding of any wrongdoing, no suspension, no firing, no criminal lens for failure to provide the necessities of life. Nothing happened for Victoria and for justice and nothing happened to the police.

This was the first report, the 18 months. We weren't happy with that once we had a glimpse of what was going on, so off we went again. We had another news conference. Her family was there to speak. Kimber was there to speak for the family. We demanded an inquiry into the death of Victoria Paul and we had our banner and we were fighting, and the Premier said, "Okay, not right away."

After we got that 18-month report, we made appointments with the Police Complaints Commission and we went to Human Rights. We said, "There's got to be something somewhere that can be done." So we went and knocked on doors and we got to the Police Complaints Commission with our 18-month report and said, "Look at this. Something has to be done." And the lady there said, "You know, I wish I could do something, but there's a statute of limitations for police complaints for six

months." I said, "But it's their fault. They kept it for 18 months," so I -- sorry -- went to the next appointment, the same day, office building, downtown Halifax, went to the Human Rights Commission. We're like, "There's got to be some grounds." We're really searching for something here. And they said, "Well, the statute of limitations for human rights is 12 months," so...

I remember the feeling coming down the elevator, sitting at the bottom of the step. I put my hands on my head like this and I was like, "This is just wrong. This is wrong to happen in Canada. This is wrong. There's got to be something that can be done." We weren't willing to accept she died of natural causes and there's no wrongdoing of anybody.

So my next stop was at the law school to meet with an environmental law professor. I just happened to be walking by the office of my former professor, Archie Kaiser, and I had that report from Truro. He said, "What are you doing, Cheryl?" and I walked in and I said, "Well, I don't know what to do anymore. You know, I'm pretty broken." And he works with people with disability and the law and an amazing professor, and he looked at that and he said, "I've been watching," and we sat there and these are the issues.

So I get a call the next day. The Premier

wants to meet with me because we're in the news. We're carrying our banner and sharing our story as much as we can. The Premier said, "Okay, we'll see you Monday morning. Who's coming with you?" I said, "I don't know really. Right now, me and, I think, Kimber."

So I walk in Monday morning with Professor Archie Kaiser, who is the expert in this area of law. We walk into the Premier's office, who went to Dal Law School. The Minister of Justice was there, who went to Dal Law School. The lawyers in the room went to Dal Law School and I walked in with their professor. I was a little smug. I was like, "Yeah, we're here now," level that playing field. And so the Premier said, "Well, we can't do an inquiry. We'll do a Section 7 review." "We'll take it," because just a couple of days before I was at the bottom of that building with no place to go, so that's where this report came from.

It's a -- it came out, I think, maybe a year later. Now, we're almost into year three, and two things came out of it, and then nothing else. One is, we're able to see what happened to Victoria. It was there. The second thing was that the report said that Sergeant Henderson failed in his duties to Victoria Paul. After the Halifax Police did their investigation of Truro Police -- I'm going to talk about that in the

recommendations -- finding that all the policies were met, there was no wrongdoing, no need for criminal charges or anything else, we got the report that said Sergeant Henderson failed in his duties and we knew what happened to Victoria; other than that, nothing happened. The recommendations are weak and -- and not implemented. Also, I'll speak to that in a little bit too.

So I said, "What about criminality?" because they -- they indicated in Halifax Truro Police that they were doing -- Halifax was doing -- you know, if there's any wrongdoing under the *Police Act* or criminality, it would come up, but it didn't. They -- they said, "No, we only do on policies." Then we thought this would look at criminality and then they said, "No, we can't. We don't have the mandate in the province under this Act to look at criminality."

So off we went with the pavement and the banner again demanding a police criminal scan of this report, so we got the criminal scan. I don't even remember who did it any more at this point in time. It came back and said there's no criminal wrongdoing, so that's the third report that we got on this case. Every single one of them can't find anything wrong with Sergeant Henderson failing in his duties to Victoria Paul.

We've taken it as far as we can. We pretty

much gave up on Canadian and Nova Scotia options. The Inquiry here, it's our last resort in Canada. This may be something -- you know, at the U.N., they say there's equal protection of the police guaranteed, but in Canada, equal protection of police is not applied equally to male and female, especially Indigenous men and women.

So this is where we are today. This case broke my heart. When I said Victoria, eight years ago was the reason I became the President of Native Women, I've taken it as far as I could. After that, we started demanding an inquiry, and that's why we demanded this inquiry is because there is no recourse. There is nobody listening to all these reports. There's more reports than this in this country. Nobody is listening. Nobody seems to care. There's no wrongdoing of the police in this country.

Halifax Police -- and you'll see in the report, there was an appearance of conflict of interest. The Halifax Police, Sergeant MacNeil, had to request -- or Truro Police, MacNeil, had to make his request to his cousin, the Deputy Sergeant or something of the Halifax Police in order to do this review, so he was asking his cousin to come -- of one police force, asking his cousin in the other police force, to come and do this review of my police force; right? They say there's an appearance of

conflict of interest. I say there is a conflict of interest, not just that they're cousins -- because police should not be reviewing police and that is in our recommendations also.

So here we are at the end of the day on the process. I need you guys to hear a story from Deveron about his mother. I didn't know his name. You know why I didn't know his name? Because his mom never said Deveron. She said, "My baby." Do you remember? Everywhere we went, "Oh, my baby." Oh, my sister and I were laughing about it today. I did know his name, but he was her baby, and I think it's important to hear about that relationship because since then, Deveron -- Victoria had one child and one grandchild, and since that time, she lost her sister in a car accident, her father died, and two brothers died tragically in the last five years -- in the last five years here, so I want Deveron to talk about how important his mother was to him and to his son.

And -- and then I'm going to ask if you want to share what happened that night because the police said she was arrested in the report, in the facts. She was arrested for -- and put in the drunk tank, right, for intoxication. It nowhere mentions the police out there and -- and the physical struggle with her that evening, and we don't know if she got injured at that time. I wasn't

there. Deveron can share what that night was like trying to get information about his mother and stuff. Are you ready? You want to do it anyways?

MR. DEVERON PAUL: A few minutes. Just give me a couple of minutes.

MS. CHERYL MALONEY: Candice, you want to say a couple of things while he's -- about Victoria?

(SHORT PAUSE)

MS. CANDICE SYLLIBOY: My auntie was really loving. She loved us all a lot and she's always right, giggly and bubbly. And over the years, she would talk to us all like we were little kids. And whenever I seen her, she would put me on her lap and squeeze me and talk to me like a baby, and she was always, like, joking around and just really there for all of us.

That day we found out about her, my dad called me, which is Victoria's brother. His name is Timmy Paul. And he told me, "And Victoria's not doing good," and that I needed to come home, and I said, "Right now?" He said, "Yeah, you got to come home right now," so Ann (ph) came and got on the phone and she said, "You've got to come home. It doesn't look good for auntie." I said, "Okay."

And when I got there, she was all hooked up and my dad was crying so hard, and he said he just wants to help her and we feel bad for Deveron, that he had to see

her like that.

Since then, it's like our whole family died. First, it was my dad. He died of an overdose. Then my Uncle Jeff, he also died of an overdose. Then my Uncle Abram and then my grandpa died of cancer. And then after that, our Auntie Kimber died, and she was our rock. She was everything to us. She protected all of us and made sure nothing happened to any of us and she wanted justice for Auntie Vic (ph). She was more angry than hurt, but she missed her a lot, and I remember going there and we'd always cry and hold each other and talk about Auntie Vic and everyone else who passed on, and it's hard to think about.

And I just came here to support Deveron and sit up here on behalf of everyone else that passed on and hope that something happens just so that this doesn't happen to anybody else, any other race. It don't matter. We're all human beings, and we're all meant to be treated equal and checked on, and it just feels like my Auntie Victoria's life was -- meant nothing. It's like, "Who cares? She's drunk. Don't -- don't go help her because she's -- because she's drunk." Well, people overdose and everything like that and you go to the hospital and they pump their stomach and they help them. Like, if someone comes in with an overdose, what do you say? "They're too

high," or, "They did that to themselves so we won't help them." That's -- that's what it feels like.

And after that time Auntie Victoria was laying in her urine with her pants down, there was a woman guard that went in and dressed her up, but then one of the guards said that it would be best for her to lay on the floor so she wouldn't fall off the bed and hurt herself again, but they didn't give her a mattress or a blanket or nothing. They just left her there on the cold cement floor.

So everyone -- everyone hurts and everyone wanted all the right things, wanted justice for everybody, and I'm just here to support Deveron. And he's a part of his mom and I love him a lot, and he's all I have left of her and our family got smaller, so we need to all stick together.

MR. DEVERON PAUL: I wasn't going to come to this yesterday, but I knew that my mother would have wanted me to come to it to speak for her, so I came.

When I lost my mother, it made me a stronger person. I learned how to control my emotions over the years losing half my family. Like, my son's going to grow up with no grandmother now, but all I wanted was just answers. I just wanted answers on what happened to my mother when it happened, and it took them, like, 18 months.

By the time I read over the stuff what happened to her, it was like two years later or something, but, yeah, it still hurts me, but I got my friends and family to support me, so -- I still struggle with my emotions, my addictions.

I just came to support all the families and friends who lost somebody they loved too. That's all I'd like to say.

MS. CHERYL MALONEY: I just want to ask, the police never interviewed you in their report; right?

MR. DEVERON PAUL: No.

MS. CHERYL MALONEY: And in the report, they interviewed a lot of people, but they didn't interview Deveron when he was with his mother from outside the bar when the police took her. Do you want to tell that story? No? Okay.

MS. JENNIFER COX: So did you have -- Cheryl, did you have some specific things that you wanted the Commissioners to consider in terms of recommendations?

MS. CHERYL MALONEY: Yeah, but I can't find my glasses. Anyone with reading glasses handy?

UNIDENTIFIED SPEAKER: Here, I have these (indiscernible).

MS. CHERYL MALONEY: Okay, this is good. Thanks to my support. All right, good.

Yesterday when I was listening to the Saunders, I was crying and crying because I was able to. The Inquiry and the supports and everybody else was here.

Victoria was my first official work as the President of the Nova Scotia Native Women's Association, and I find it very fitting fighting for Victoria and the last eight years fighting for an inquiry, fighting against Harper. My banner's been beaten and so am I, so this presentation to you guys and reading these recommendations is actually also the last official job that I'm doing as the President of Nova Scotia Native Women. I'm -- I'm stepping down on Saturday, so this has been an eight-year journey, and I'm giving this to the Inquiry to take on.

So many families in this country have been carrying it. We've been searching the ditches. We've been stomping the pavement with banners and flyers and candles, and we're tired. I want the Inquiry to work. I want you guys to do a good job with this stuff. I want Nova Scotia, the provinces, the federal government to do a good job and make these changes, so I'm just going to read some things that -- some are a little legal -- recommendations that we need. We've been through three investigations with Victoria. We know what's not working here in Canada.

The likelihood of comparable examples of suffering of other Indigenous women and girls in the

criminal justice system has undoubtedly been ignored. At least Victoria Paul's story has been told in the media, in this report and -- three reports and before the Inquiry today.

The limits on the reinvestigation included the acceptance that it did not have the authority to examine events through a lens of potential criminality, which was unfortunate, as there was neither a prosecution of any type nor a police disciplinary proceeding. For Victoria, there has never been any consequences for the findings, the wrongdoings, the failure of police, and the failure of Sergeant Lee Henderson to provide the necessities of life for Victoria.

There are structural problems when it comes to getting legal redress for the family of someone who died as a result of wilful or negligent conduct or -- or neglect of duty of another person in Nova Scotia. Some of these impact the families of Aboriginal women more than other families. At common law, surviving members of the deceased family had no right to sue a person who may have been responsible for the death. This was changed in the late 1800s by England -- in England by Lord Campbell's Act and in Nova Scotia by the *Fatal Injuries Act*.

The courts interpreted the *Fatal Injuries Act* so that only pecuniary losses were compensated.

Pecuniary losses means monetary losses. This was later changed to non-monetary losses, including loss of care, guidance and companionship. Damages are based on actual losses. The more a family would have expected to receive financially from the -- the deceased in their life, the more compensation the family would be entitled to. From this, you can see that a family of a deceased who had a high income or privilege would be entitled to more compensation than the family of a deceased who had been receiving a lower income, was on social assistance, an Aboriginal woman, a survivor or descendant of the residential school, and from -- and from a Mi'kmaw community suffering economically from forced centralization or relocation.

The impact of systemic and discriminatory laws against Indigenous women and people further limits and disadvantages Indigenous women and their families when it comes evaluation of the loss of life and compensation.

Because of the expenses involved in hiring lawyers to pursue claims for wrongful deaths, most cases are taken on a contingency fee basis, where the lawyer agrees to accept a percentage of the compensation received as legal fees. The more compensation that is likely to be awarded, the more likely a lawyer will take on the case. So the Indigenous women are more likely to receive social

assistance or have lower income than average, this will result in fewer claims of the family of Indigenous women as it would be less financially feasible.

Unfortunately -- and I'm taking my opportunity to throw this in here -- in the Mi'kmaw territory, the failure of Government of Canada to implement the 1999 Supreme Court of Canada decision of *Marshall* to allow access to fishery resources, especially for women, Mi'kmaq women, is one such example of historic and continued denial of economic opportunities. The denial of our resources and our rights in this country keeps Aboriginal women and peoples in poverty. We are worth less over and over again because of governments' policies, laws and inaction.

Non-pecuniary damages are relatively low, 10 to 30,000 for a child who lost a parent. These amounts tend not to be as influenced by income of the deceased, but are influenced by the quality of the relationship between the family members of the deceased. In Mi'kmaw families, the role of grandmothers is valued as much or often greater than the role of mother and we have often heard stories in Mi'kmaw communities where a grandmother would come to visit one day and take one of the kids home. This is common in Mi'kmaw communities. They would just take the children and that was it. They're gone. They're with the gram and that

gram would teach that child. They would teach them things that they wouldn't get with their mother.

The valuation of a relationship of the extended Mi'kmaw community may not be recognized in the colonial court processes and would need both a strong legal team and community experts on Aboriginal legal traditions to give value to Indigenous relationships and their worth.

In personal injury cases where a person suffers, but does not die, that person is able to bring a lawsuit on their own against the person responsible. This includes the ability to claim punitive damages in appropriate cases; however, in Nova Scotia, our courts have held that punitive damages are not available to families under the *Fatal Injuries Act*.

Punitive damage is about punishing the wrongdoer. The court will use punitive damages to denounce the behaviour and punish the individual. Punitive damages can be very significant. Their purpose is to deter future incidents and punish the defendant. By their nature, they need to be large enough to be a deterrent, to change -- to change the behaviour of the -- the defendant and others in the future. This may require stiff penalties.

For the case of Victoria, the Truro Police and other cases like this across the country, there is no punitive damage. There is no punishment. There's no

recourse. There's no reason why not. She was an Aboriginal woman to -- to kill. Why not? It's cheaper.

Punitive damages are rare because the circumstances where they are needed are rare; however, where they are deserved in a wrongful death case, they are not available in Nova Scotia like they are in some other provinces. While the Nova Scotia *Fatal Injuries Act* does not explicitly -- explicitly say that punitive damages cannot be awarded, some *Fatal Injury Acts* in other provinces do explicitly state that families cannot get punitive damage; neither -- neither does our Act say that punitive damages are allowed. Some provincial wrongful death statutes do say they are allowed. Where the legislation is silent on the -- on the point, the courts need to decide whether punitive damages are allowed or not.

The courts of Nova Scotia have decided that punitive damages are not allowed. In Alberta, which has a similarly worded Act, the Alberta Court of Appeal held that punitive damages could be awarded in some cases. Of course, our provincial Legislature could change their *Fatal Injuries Act* to allow punitive damages in Nova Scotia and this is one of the recommendations that we'd like to make on behalf of the Paul family.

The inability to seek punitive damage in Nova Scotia takes away the ability of the family to ensure

that the person responsible for the death of a deceased is punished for the wrongdoing. In my opinion, where the death of a person is caused by blatant racism, discrimination, wrongdoing such as a failure to provide the necessities of life causing death, punitive damages are appropriate to punish the behaviour.

To the extent that Indigenous women are more likely to be victims of wrongful death where racism was a factor, the families of Indigenous women are more disadvantaged by the Nova Scotia bar against punitive damage in wrongful death suits. Again, this has to do with the feasibility of even starting a wrongful death suit. If punitive damages are available, more damages are theoretically available and the -- the lawsuit is more likely to be seen as feasible by a lawyer.

In order for somebody like Victoria, who had little income; died, we say, a cell death by neglect or failure to provide the necessities of life, finding a lawyer where the damages might be 10,000, if that -- or, in our case, Deveron was institutionalized from that day. His son was a minor and the fatality -- *Fatal Injuries Act* says you're statute-barred from claiming later, so once again, we seen statutory limitations used in favour of the police and then again used against the family again in favour of the police and -- and government in this country.

The families of Indigenous women would benefit more than most if -- if the province allowed punitive damages in wrongful death cases. This in turn would benefit living Indigenous women as a deterrence [sic] -- effect of the punitive damages becoming widespread -- sorry about that.

The case of Victoria Paul, the Robert Pickton victims, the search going on in a BC farm as we speak today, attest to the little value given to Indigenous women in this country. Therefore, we would like to recommend in the Province of Nova Scotia and other jurisdictions which do not allow punitive damage in wrongful deaths to enact or amend legislation allowing for punitive damages in wrongful death cases.

In addition, the days of police investigating police should not happen anywhere in Canada. The days of the systemic old boys' school mentality must stop. Therefore, it is also recommended that each province enact legislation requiring independent reviews of cases of wrongful death or serious injury by police or in police custody, including the powers to launch investigations when parties are in no position -- as Deveron when he -- after his mother died, he was incarcerated for a number of years -- and also in the interest of minors such as Deveron's son, Dominic, who did not have the capacity to do

so on their own or in cases that would be in the public interest to do so, or the failure to do so would put the administration of justice into disrepute. In Nova Scotia, the Police Complaints Commission could not launch an investigation without a complainant and for our case, we didn't have the information for 18 months, so we were statutory-barred.

Removal of statutory limitations for police misconduct when death occurs in relevant provincial legislation. In Victoria's case, the family received no information on her death or details until 18 months after her death. The result was that statutory limits prevented investigation under the Police Complaints Commission and also the Human Rights Commission, which are six and 12 months.

Finally, police reviews and -- and investigations must be accountable to families and communities and should include time -- time limits which require disclosures of investigations in a reasonable time or process requiring the police to apply for extensions if needed. The 18 months waiting, the 18 months thinking things are being done, no answers for the family should not happen to any family. The family should have regular updates. If there's delays for any reason, they should apply for an extension so that we and other families will

not have to go through this.

This is one case. This is one case of wrongdoing of police in this country. This is one example and if Victoria wasn't born next door and played in the woods and fell that tree on me and I'm light and I have a law degree, we wouldn't have even got the three reports done, but the sad fact is through everything we did, nothing has happened. Sergeant Henderson is going on, life as usual. The Truro Police Services did not change.

I had a call a month ago from an Inuit woman who woke up in the Truro Police with no shirt on and she didn't know how long she was like that and they said, "Well, you took your shirt off yourself." Cover her up. Cover her up. Nothing has changed in this country from Victoria's case, and we really sincerely hope that this Inquiry, the Province of Nova Scotia, the Government of Canada and Canadians hear these stories and make some changes.

That's the end for me, but I want to give the opportunity -- Deveron, anything else?

MR. DEVERON PAUL: (Indiscernable).

MS. CHERYL MALONEY: You're all right?

MR. DEVERON PAUL: Yeah.

MS. CHERYL MALONEY: Thank you.

Is there any questions because I think we

have everything out that we needed.

COMMISSIONER MICHÈLE AUDETTE: *Bonjour. Merci*, Cheryl. Before I make a comment, I just want to state something here to Deveron.

You're more than welcome to do a statement in private if you want, in-camera, with one of the Commissioner if you want or with one of our staff, along with the people you want in that room, to share your truth, your story, so I'm offering this to you, so today, next week, when you're ready; okay?

So *merci beaucoup*, Cheryl. I was looking for you in the room yesterday for the opening -- opening remarks where, when I was mentioning when one person do something and then you realize that there's many other people across or around that person who will support and so on and we see the ripple or the -- comment on dit ça -- when you drop a rock in the water, the circle that it makes --

MS. JENNIFER COX: Ripple.

COMMISSIONER MICHÈLE AUDETTE: -- ripple effect, so...

And I know also there's lots of families that you carry in your heart and you fought for them and you're still fighting for them, and I commend you for that. I hear from where I am in Quebec. I read news and there's

something special for the east coast and your name come often and it's important for the families, it's important for us. When I say us, we'd say family members and survivors, but for the Inquiry also. And we have one shot with this Inquiry and, personally, I want to make sure that we do it right because we won't be able to do it again and with reports like you presented, with recommended -- recommendations that you shared, the ripple effect will be very important also for women.

If you remember the Human Rights report, what they presented up north on Highway of Tears, how the police responded, you know, to Indigenous women -- and I hear or I can feel that there's some trend or some connection here in the east, so tomorrow we're launching the interim report, not me, but my colleagues because us, Qajaq and I, will be very involved with the families here, but there's a recommendation maybe that will -- one of the respond, I hope, and I pray a lot for that. But if we can receive officially your recommendations because they're very powerful, so that was my comment.

And I want to say thank you to Candice, *oui, merci beaucoup*, (Speaking native language). So I want to say thank you to support -- c'est ton cousin? -- your cousin. Very, very important. And I saw you the first day we arrived with the picture in the circle, so I was looking

for you, to go give you a hug and you gave the picture to -- so I thought she was your mom for a second, so I start a rumour, "Oh, that's the children of" -- so thank you so much.

And you won't stop. I know you. I know you. It's a title. You gave a lot to that organization. You made us move in Ottawa, shaped in all of that, but I know you won't stop, and I hope you don't. Thank you.

MS. JENNIFER COX: So if we can conclude or adjourn this matter.

UNIDENTIFIED SPEAKER: Pardon?

MS. JENNIFER COX: If we can conclude or adjourn this matter.

--- Exhibits (code: P0P04P0201)

Exhibit 1: Electronic folder with six images displayed during the testimony of the witnesses

Exhibit 2: Copy of *Victoria Rose Paul: Investigation Report*, prepared by Nadine Cooper Mont, published May 24, 2012, ISBN: 978-1-55457-485-8, 136 pages

Exhibit 3: Two news stories i) "Police will not face charges in Victoria Paul's death," CTV Atlantic, published June 6, 2013, at 12:37 PM ADT, last updated June 6, 2013, 6:34 PM ADT; and ii) "Truro Police failed Victoria

Paul, report finds," CBC News, posted May 24, 2012, 7:16 AM AT, last updated May 24, 2012, 10:59 PM AT

--- Upon recessing at 10:22 a.m.

--- Upon reconvening at 11:07 a.m.

Hearing # 2

Witness: Darlene Gilbert

Heard by Commissioner Michèle Audette

Commissioner Counsel: Jennifer Cox

Grandmothers, Elders, Knowledge Keepers: Bernie Skundaal Williams, Katy McEwan, Jane Meader, Lotti Johnson, Pauline Bernard

Registrar: Bryan Zandberg

MS. JENNIFER COX: Good morning, Madam Commissioner, and fellow Elders. We are going to now speak with Ms. Gilbert. And I'll let Darlene Gilbert, who is sitting in the middle of her supports, introduce herself and the individuals that are sitting beside her.

MS. DARLENE GILBERT: My name is Darlene Gilbert. I'm from Halifax. My clan name is Toney. My mother was Vivien Eileen Toney and this is Elizabeth Sheen (phonetic). She's my therapist. On my right -- and on my left is Elizabeth Marshall, my Elder. Behind me is my sister, Janice, who was on the Highway of Tears with me when I was out there.

MS. JENNIFER COX: So, Mr. Registrar, if we could have the oath?

MR. REGISTRAR: Good morning, Darlene.

MS. DARLENE GILBERT: Good morning.

MR. REGISTRAR: Welcome.

DARLENE GILBERT, AFFIRMED

MR. REGISTRAR: Thank you.

MS. JENNIFER COX: So, Darlene, if you want to just begin by telling the Commissioner a little bit about yourself? So you started to talk about your family, so if you want to just begin talking about who you are and where you grew up?

MS. DARLENE GILBERT: Okay. I'm from Halifax. I've been off-reserve status -- I've been an off-reserve status from birth. My mother and father -- my father is Charles Gilbert. My mother was in residential schools. She -- she was raped by the priests in the schools. She was an alcoholic and she died of alcoholism at the age of 39 from the trauma of the residential schools.

My father, he supported us. He was white. He's French. I have three elder siblings that were put into adoption/foster homes before me. By right, I probably would have been adopted out if my father didn't leave the family that he had and go with my mother to save me from

being scooped into the system.

I grew up in darkness in a very alcoholic home. My father, he was a functioning alcoholic. He took care of us the best that he could. My mother, she was the alcoholic that took us as children to where she went drinking, so all through downtown Dartmouth I know all of the old drunk houses as they call it.

In one of those houses I was raped at the age of nine by my mother's drinking buddy. We went to court and the man walked out of the courtroom with six months' probation and 500 metres -- to stay away from me. He lived in the same area, downtown Dartmouth.

I -- I grew up very insecure, you know, fighting about -- my mother and my father always fighting about that she wanted to be home with her family and take me home to my people so I could get to know them, and he wanted me to stay in the city away from my people because the -- what had happened to my mother. He didn't want the same thing happening to his daughter, so he didn't believe in the reserves. I was kept away.

At the age of nine after being raped and the man walking out of the courtroom, I -- as a confused young lady, I acted out. I acted out in school. I was basically my little brother's protector. At the age of 11, Social Services, because I acted out and the schools called and I

got kicked out of school so much and I -- they walked in when my father was working -- see, my mother and my father were not ever married, and I didn't know that at that age, but I remember being put in a car with a suitcase and a teddy bear and watching my mother stand in the doorway with my little brother and being drove away. I didn't know what I did or felt I did anything wrong to be taken. I just was angry because I was hurt. I was alienated. My spirit was taken.

I -- I was put into the children's ward of the Nova Scotia Hospital because they didn't know where to stick me, looking *Ilnu* with a white name -- I truly believe that -- so they stuck me in the Nova Scotia children's ward where I went through abuse. I was stuck in -- they used to call them time-out rooms when I acted out because I missed my family. You know, they'd throw me in rooms with a bed and prayers on the walls, and I still can remember the clock ticking outside that room because you had 15 minutes in that room and you could hear the clock ticking minute by minute. You know, I didn't understand.

My mother was across the street in the hospital when I was 12. She was dying, cirrhosis of the liver. I got to be taken over there once before she passed. She was in a coma, and about two weeks later, she passed. I, by then, was a ward of the court because at one

time before my mother went into hospital, my father came to take me on a Sunday. I packed my bag, sat in the hallway of the MacKay Unit, and they took us in the room and they manipulated my father into coming back the next day and I was like, "No, Daddy, take me now. Please take me now." He said, "No, we do it the right way. We come back tomorrow and we talk to these people."

My father come in. As a functioning alcoholic, he had to have his drink. They could smell the liquor. The police were called, and I became a ward of the Province of Nova Scotia at the age of 12, so I went and did whatever they told me. I acted out. I was abused. They called it reprimand -- or being reprimanded for your behaviour. It was abuse, period. When you hit a child, where you pull her hair, it's abuse. I -- I grew up with the attitude of, "You're not my mother. You're not my father. I'm not listening to you. You're not my people." So that was my attitude I grew up with.

You know, my mother passed. I was put into a Catholic foster home. He was a deacon of the Catholic Church. She was the Archbishop's secretary for the Province of Nova Scotia. I was the middle child. I felt out of place.

I remember when, after my mother was buried -- because I never made my mother's burial. There

was a storm come up and Social Services wouldn't take me to my mother's funeral, so I never got to say my good-byes to my mother, so I went down afterwards in the foster home.

They pull into the yard down in Cambridge. We have our own graveyard there. I never knew where my mother was. There was nobody around. They looked at me and they said, "Go say good-bye to your mother," by myself, a 12-year-old child, very confused, very sad and very lonely, and I did not know where in the graveyard my mother laid. Today, still, we're not sure. My uncle takes me, Vincent Toney. He's my last living Elder of our clan. He took me there and showed me where my mother was buried.

At the age of 14, I was in junior high school and the foster family I had well-adapted into by then. My foster sister -- being like I was older than my younger foster sister because I had failed grades in school, I was in the lunchroom one time and as girls, we -- girls at the age we were, we were -- we were testing out makeup, so I put a little bit of eye shadow on my eyes, not a big bunch, just a little bit because I didn't want to get in trouble because in a Catholic foster home, we weren't allowed to wear makeup, but I was like, "I'm going to hang out with my girls, I'm at school. I won't get in trouble." And the foster sister walked in and she swiped her hand across my eyes and she goes, "Oh, what's this?" and for the

first time in my life I was like, “Oh, what's this?” and I hauled off and I slapped her because I was tired of people putting their hands on me. They have no right.

I went home to the foster home and I was reprimanded, put in the bedroom. Before that, they did not know -- the foster home did not know that Uncle Vincent -- see, Rita Smith is my aunt -- was my auntie. She was chief of Horton Reserve. She was the chief of Cambridge Reserve first and then she was chief of Horton Reserve. They started Horton Reserve. She wanted me -- the government to put me with her. They wouldn't. They wouldn't allow any of my people, so my -- I was shoved so into the system after my mom died and my father didn't know where I was either. He was in the valley.

My uncle became part of council in Shubenacadie Reserve and he held the title of community service worker, which held the title that you could get into the computers, into the government, to find out his -- where his sister’s daughter was. He came to my school at 14. He -- I was called to the office. I figured I did something wrong again, “Here we go,” you know, and I walked -- I remember walking into the office and looking and I was shocked. My -- my uncle was there and he put the face on (unreportable sound), as to say nothing, “Don’t say nothing,” so I didn't. The principal said, “There's a

social worker here, Darlene, that wants to take you for lunch." "Okay." My uncle took me to a lady that was Aboriginal, Ida MacLeod (ph). He said, "If there's any time that you need to get a hold of your family, you come to this lady. She'll take you to me. She knows where I am," so when that happened with the Catholic foster home, that's where I ran.

Within a couple of weeks, the government system was looking for me because I am a ward of the province until I'm 19, I was told at 16, so I started running at 14. I became a runner because I wanted to be near my people. I felt safe, I felt part of.

From there, I went to another foster family and I got in with my cousins and started partying and drinking, and I acted out as I started drinking at 16. Even though I swore I would not ever be like my mom, the alcoholic that she was, I did turn into her.

At the age of 16 -- 15, I was put -- I was allowed to -- to go home. They figured the best place for Darlene would be with her grandmother, which was really not my grandmother. It was a black community that my brother was fostered across the street, Patrick, and my little brother and my father lived there with -- so I called her my grandmother. She raised my mother when she got out of residential schools. She gave her a place to live where

she had a job off reserve.

I lived there for a while. My grandmother went to Maine to visit her daughter, and on the trip, she left my -- her son to watch the house and she had boarders there and stuff besides me and my brother, so he had to make the breakfast and get the house ready and stuff and -- for the boarders and breakfast in the morning for us. And that day I woke up, it was -- he was drunk. And as I come down the stairs, he seen my mother. He didn't see me. He seen my mother because he was drinking and he called my mother every name in the book except for her name, and no matter what I thought of my mother, nobody got that chance to disrespect her, nobody, so I packed my stuff and I was ready to leave and I told him I was leaving because I wasn't staying here and he slapped me across my face.

I went across the street to my brother and he told me to go to the school and tell them what happened. I went to the school and told them what happened. A social worker came and picked me up. They never told my father that they were taking me. They never told anybody they were taking me. They just scooped me and took me to the Nova Scotia Colored Home for Children. I was 16.

I got there and it’s on the number -- Highway -- Highway 101 -- 102 -- 101. Oh, I can't remember

what highway that is out towards the Preston area, and that's a very dangerous highway for girls. Girls disappear on that road all the time. They end up in Toronto. They end up being taken. So I was put out there where they figured I couldn't run. I'd be too scared to run. I wasn't scared anymore.

I -- I was there for two weeks and these three boys -- when I walked into the other house, there was two units, and I was in one unit. And I walked into the other unit because they were the teenage unit, somewhere. The other one was children's unit, the younger -- the younger children. And I was jumped by two boys, surrounded, and I was groped and I said they had to count to three before somebody was getting hurt, but they thought it was a joke. I end up putting one of the guys in the hospital. He turned out to be my baby's father in the future. My son, he's 34. He apologized to me. I believed him. His apology, I took it. We became friends, but because of his sisters and I put him in the hospital, his sisters were two of the biggest bullies in the home, much feared by rights, so I was warned, "Stay in your room. Don't go out. You're going to get your ass beat." So Social Services had no other choice but to come in and move me again and they moved me to the Johnson House.

And in Johnson House, I was calling for

James and one of the workers -- I'm not going to mention no names right now -- one of the workers, he answered the phone and, see, he couldn't get at me. He was one of the abusers in the home, but he couldn't get at me because I was in the younger unit. He wasn't in my unit. He wasn't working in my unit. So he answered the phone and he said, "Hey, Darlene, how you doing?" I'm like, "Good," you know, had a little conversation with staff, and being in the government system, it's -- you get into the cars or the police put you in the cars, but you don't have a choice, okay? My choices are taken. So he says, "Darlene, want to have coffee? Do a check in." Sure enough, "Sure, when, we'll go up by the home." So I figured, okay, I could go out there and I'd talk to him and find out if Jimmy had any other girlfriends. I was 16. I was naive. I wanted to know if he had any other girlfriends. The staff could tell me that, you know, if I was just more than one of his girlfriends. And we drove out to the number -- out to Number 7 Highway, that's what it is, and we passed the Colored Home, the units that I was in, and I said, "Where are we going? I thought we were going to (indiscernible)." He goes, "Yeah, we're going up here to this one."

When we pulled in that long driveway in front of the old Colored Home, my stomach dropped. I knew what was next. I always put myself into a position where I

couldn't get out of. We drove around the back of the Colored Home. He basically said to me, “You know, front or back, I'm going to get me some, you know it,” and I was in a position where I had no one. There was nobody. Where was I going to run to? There was woods around me. I could run into the woods. The highway was down there, but who would say that I would make it back safe? So I got out and I got in the back of the car.

To this day, I don't remember that man’s face. It’s blocked. I live in the City of Halifax with this man that walks the streets. I don't remember his face, which caused me to go into a mental breakdown a couple of years ago. But after that, I went back. I figured -- he told me, “Nobody’s going to believe you. I'm a staff member. You're a kid. Who's going to believe you?” It’s true, you know, because through my life when I told stuff -- see, I learned how to manipulate at a very young age. When I went to see the shrinks in the Nova Scotia Hospital, MacKay Unit, I would tell them the way that my parents were. I would tell them my bringing -- my upbringing and I would hear all the time, “That's wrong. That's wrong. That's wrong. No, that's wrong,” so I’d go home to MacKay Unit after visiting this shrink or psychologist, whatever she was, Pat, and I thought, “How can I make this woman stop saying that my family was so bad?” so

started to make up stories of -- good stories of my family. I started to agree with them, not that I wanted to or to believe what they were saying, but it helped me not have to hear that it was wrong, you know, so I learned to manipulate. I learned to people please.

After the rape, I -- I was at the Johnson House. I was trying to figure out how to get out of the system and everybody told me, "You know what, Darlene? You can go a long way on your looks," so I'm like, "Okay, modelling. I think I can do modelling. Read the right people, I can get out of here and get a life and" -- but at the same time, that modelling, okay, phone call came in that day. Right after it came, "Darlene, you're pregnant." I planned to have a child. It was the only way to get out of the system. They couldn't take my child. I wouldn't let them. They were not taking mine, and that's the only way I could get out of the system.

My son was born September the 1st, 1983. The law passed to get out of the -- to get into the community service system to 19 that year, a day before, so I was still in Social Services for another year. I was put back at the home. Within two weeks, I didn't -- I took any dive I could get downtown Dartmouth, north end. Moved into a building where, again, I got into the wrong crowd, and I couldn't get out unless I took a beating, and I took that beating. I had

a knife thrown at my head, above my head, and I took that beating from these people.

I met my daughter's father shortly afterwards and he was leaving Nova Scotia, and I was like, "Yeah, there's nothing here for me," so I left Nova Scotia with a -- I left Nova Scotia and I went to Toronto.

I buried my father at the age of 20 from throat cancer. He was 53. He told me when I told him I was moving to Toronto, he said the next time he'd see me, "I'll be in a wooden box." I couldn't understand what he was talking about. I went like, "No, Dad, I'm not going that far. I'm not going that long. I'll be home." He didn't tell me he had cancer, so the next time I came home, he was in a wooden box.

When I left there to Nova Scotia with my son, I brought him. I don't remember getting on the plane. I went into an emotional blackout. I don't remember getting off the plane. I remember walking into my apartment and putting him to bed. There at the table sat my partner that I was with at the time, my daughter's father, and a bunch of friends of his and they were doing crack, and I was warned about cocaine, never touched it before that. I was scared of it, but at that point in time in my life, I felt I had nothing left and I thought, "Screw it," and I said, "To hell with everything," and I picked up that pipe.

With that pipe came a lot of abuse on the streets. Within a year, I was out on the street supporting my habit, supporting my -- my child and into the hostels. Abuse -- the abuse from my partner, it was real. I called my -- I say, you know, they say you're solid in the world that we were in. You know, you had to be solid. You couldn't be a rat. You couldn't, you know, be scared. You had to be solid. You had to watch what you say, how you say it, and if you didn't, you got beaten. If you didn't bring home -- if you didn't come home at the right times, you got beaten, you know, so I'd say I was beat solid. I'd say today, I was beat solid.

I -- I don't give out much information about my life too much. This is the first time really except for the common-law suit. I -- I believe that when I was out there in Toronto on the streets, I had somebody watching over me because there's many times I should have been dead.

I tried to quit addiction by thinking, "Okay, I'm going to have another child. I'll stop using. I can do this." And I couldn't. I have a 26-year-old daughter now with a five-year-old granddaughter. I am blessed, very blessed, and she's well and that was no do -- no part of mine.

So my two children grew up in an abusive, drug-infested house where there was lots of violence. My

son was taken at the age of 12. He was abused by my -- his stepdad. My daughter, I lost her when I made a choice one day between the drugs and my daughter, and I lost her.

Within two weeks of that, I had looked in the mirror and I seen my mother. At the time, the pig farmer was out there in Vancouver on the streets. I know I was in his car. The only thing that saved me was I was taught not to go outside of my territory. We had boundaries. It was explained to me, "You have two children at home you need to come home to. If you go out of your area, the money that you make, you're going to spend it on a cab to get home, so what you've just done, you've done it for free or you can hike and maybe you'll make it home," so I stayed in my territory. I wouldn't go outside of Burnaby, and I truly believe that's the thing that -- that saved me.

At the same time that the pig farmer was out there, I -- I was up at Hastings and -- it wasn't Main. It was farther up. They called it kiddie corner because I was young. I look young for 52, so I -- I looked really young. When I was 30, I looked like I was about 22. There was a man that was going around that was grabbing the girls and beating them. That was another fear that was out there at that time for our girls. Girls were disappearing. I could see -- I have people drive up in cars and say -- show me pictures -- "Have you seen my sister? Have you seen my

daughter?" "No, I'm sorry. I seen her a couple of days ago. I haven't seen her since," so our sisters were disappearing.

That lifestyle out there was hard enough after I lost my son and my daughter that I decided that I didn't want to die. I wanted to live, so I went into recovery. I went to 12-step programs. I got myself a sponsor. I went to a treatment centre, and I worked the program, and I changed my life for 17 and a half years. I came home with my children. I have a recovery baby. She's 15. I love her so much. I -- I brought my children home because it was time, and it's -- it's when I got connected with my family again.

My life really alters at Vincent Toney. He's been my rock, you know. He sat at a table one day. At my Auntie Regina Toney's funeral, we were all sitting out in the back of my Uncle Lawrence's house and we're around the table and I was clean and sober. I was five years. And he looked at me, and he says, "Do you want to know why your mother was the way she was with you? Do you want to know why your mother was the way your mother was, no feeling, cold? Because she was raped by the priests." I couldn't understand that, but I could understand why she was the way she was, why she drank, she -- the way she drank. Why I used and drank the way I used, it's because of systemic

abuse, generational abuse, the government trying to change who we are.

You know, I -- I remember when I was five going into Dartmouth Library and I used to hear being called the dirty Indian and a squaw, and I'm like, "Why are these people, you know, so mean to our people?" I went to the library, Dartmouth Library, and I sat in a corner and I opened a book and I'm amazed. The books that they had back then had us scalping people. I remember that. I remember saying to myself, "That's not who we are. That's not who we are." You know, so I grew closer to my spirit, I believe. Even though they tried to break me, the government, I knew who I was because miwangii (ph). I feel -- feel it in our spirit who we are. We know. We feel it.

With the Colored Home lawsuit, it was -- like I say, it was a 17 years claim. I went into a lawyers' room with a violence worker as a witness to what I was talking to the lawyers about. The lawyers basically told me, "You know, we believe you, Darlene, that you were raped by this person, but what's two weeks in and two weeks out?" See, the law that they had passed with this is if you were not in the home, but you were in the home, but you were not in the home at the time of the rape, even though it was a government worker and you -- this is how you met this man, it don't count, so once again, Darlene didn't count.

My integrity was questioned. I was told to lie if I want to get paid for the rape. I don't lie. I won't lie about what is truth, so -- for money. It's not who I am, but that was put on me. As lawyers, a lawyer, how can a lawyer say that to you and ask you to -- to do that to yourself, to lie, which caused me to go into an emotional, mental breakdown. I relapsed. I picked the alcohol back up.

I remember going to Avalon. They told me, "Don't go to mental health. Don't go to mental health. Go to your family doctor." I went to my family doctor. He put me on pills which caused -- with the alcohol. Didn't tell me not to mix them with the alcohol, knew I was in relapse, but still gave them to me and I had a mental breakdown.

I -- my children have been through a lot in my life because I -- I picked up the same -- I picked up the same things that my mother did, that people did to me growing up, so I abused my children. I beat them. I yell at them because I was yelled at my whole life. They say, "Mommy, why you yell at me?" "It's just me. I speak loud," I say. Really, I don't.

The girls are there. The government needs to understand that we're not out there because we want it. We're not whores. We're not addicts. We're not junkies. We're people that are hurting because of what has gone

through us. We're hurting because of the way we were treated and this is a form of acting out, and acting out is that we take it out on ourselves because nobody suffers as much as I suffered in addiction. We all suffer in addiction and we suffer hard.

I'm grateful today to say that I'll be four months sober by the grace of my Creator Thursday again. I went to the Anishinaabe people, Delico Treatment Centre. Where I found my spirituality again and strength was through the Elders, the teachings, being able to go in and grieve the way that I should have been able to grieve as a child, but I was 52 years old when I finally got to grieve with an Elder.

Our children, I believe, and the system needs to be changed. The system needs to be changed for our children because when you take us into the system, you take away our culture and you take away our souls and you take away who we are, you know, and we need that in order to live. We need that in order to be whole. I teach my children today. I teach my grandchildren Mi'kmaq. I don't know my language. It was never taught to me, but I know a few words. My granddaughter runs around up in Ontario and she's a Tgiglasi (ph).

MS. JENNIFER COX: What does it mean?

MS. DARLENE GILBERT: I spoke to her last

night. She says, “Nanny, I miss you.” These are the things that keep me going now today, to know that I am a (indiscernible), that I can make a difference, but I can say that bringing my children up was not easy because I had to teach them streets. I had to teach them to be aware of men. I still have to teach my children to be wary of men and their intentions.

You know, I have a 15-year-old daughter that's going through her own trauma while I was in relapse. We’re healing together. I call it healing together, and I'm going to continue to teach my child to heal because -- because men stole my spirit, I won't let them steal hers. I'll help her get hers back. You know, I have faith in the Creator. I -- that's the only thing.

Many signs through my life have shown me the Creator and the grandmothers and grandfathers are with me because I truly believe I shouldn't be here. I should have been either dead on the side of a road or I should have OD'd somewheres, but I didn't. So any message that I can carry to this is the children’s system needs to change and we need to understand why our women are out there abusing themselves. Have some empathy. We don’t want sympathy. We don’t want you to feel sorry for us. We want you to have empathy for us and understanding why we are who we are. And that's about all I have to say. Wela’lin.

MS. JENNIFER COX: So, Darlene, just a couple of questions I have just to clarify some of the things that you said. So you mentioned that you were at a treatment centre --

MS. DARLENE GILBERT: Yes.

MS. JENNIFER COX: -- and what's the name of that treatment centre?

MS. DARLENE GILBERT: Delico.

MS. JENNIFER COX: Delico?

MS. DARLENE GILBERT: Delico, yeah, in Thunder Bay.

MS. JENNIFER COX: In Thunder Bay?

MS. DARLENE GILBERT: Yeah.

MS. JENNIFER COX: And in terms of the community that you belong to, what's the name of the community that you -- the First Nation or Indigenous community?

MS. DARLENE GILBERT: Annapolis Valley First Nations.

MS. JENNIFER COX: Okay. And that's here in Nova Scotia?

MS. DARLENE GILBERT: Yes.

MS. JENNIFER COX: Okay. Those are all my questions.

COMMISSIONER MICHÈLE AUDETTE: *Merci*

beaucoup Me Cox. Thank you very much. You're beautiful, very beautiful, and full of hope.

You mention in your testimony when you shared to us -- you shared so many things, but there were moment -- not long ago, you said -- how do we say in English if I can do something or if I can change something? You did a long time ago -- a long time ago. And we have some student in this room, Canadian student from university, and you give them a gift of resilience, not giving up, but most of all, to share a truth that it's not known enough here in Canada, how the women were treated and still treated today, and it's happening everywhere and they're here witnessing, so I hope the mind and the heart are very open. And they'll be nurses pretty soon, so the health system, it's something we need to study also.

MS. DARLENE GILBERT: Yes.

COMMISSIONER MICHÈLE AUDETTE: So hopefully we'll have good people.

We have good people everywhere. I believe in that and you're one of them and I know your warriors beside you, surrounding you, are amazing women.

MS. DARLENE GILBERT: Yes.

COMMISSIONER MICHÈLE AUDETTE: So -- and knowing that you're having your children back and grandchildren, as mothers, it's -- it's important, so

thanks for your gift. And to change the system, you have me on that, that's for sure. Am I going to be able to do it? There's four of -- four of us Commissioners. We're not magicians, but if we had that magic stick, we would change it, but your testimony will help us to bring that to the governments, not only one, but we have to remember also we have First Nation, Métis and Inuit governments. We have municipalities. There's so many, you know, that are making things for us or -- wants to help, so your voice, we'll make sure that we bring your voice and your spirit. And I was honoured and I'm still honoured to be in this circle with you.

MS. DARLENE GILBERT: Thank you.

COMMISSIONER MICHÈLE AUDETTE: You can follow us. You can ask us questions until the end. We -- we will make ourselves available, technology now, so if you have more, you know, to share to us, I'm here somewhere in Canada, but I'll be there.

MS. DARLENE GILBERT: I -- I went to the sacred fire last night to pray for today and I was gifted by an Elder the turtle shell. I was gifted in Thunder Bay, my second day in, my golden eagle feather from the shores of Lake Superior. That's where I draw my strength from today.

COMMISSIONER MICHÈLE AUDETTE: Yes.

MS. DARLENE GILBERT: Thank you.

COMMISSIONER MICHÈLE AUDETTE: And from this land, I have a gift also for you, eagle feathers that they prepared and we have beautiful grandmothers who will come and give it to you.

MS. DARLENE GILBERT: There's a sweat afterward tonight at 8:00.

COMMISSIONER MICHÈLE AUDETTE: Where?

MS. DARLENE GILBERT: Out back. I requested a sweat.

COMMISSIONER MICHÈLE AUDETTE: Yeah? *Merci*.

MS. JENNIFER COX: So that would conclude this matter. We can adjourn this matter.

--- Upon recessing at 11:58 a.m.

--- Upon reconvening at 2:32 p.m.

Hearing # 3

Witness: Natalie Gloade (In Relation to Nora Bernard)

Heard by Commissioner Michèle Audette

Commission Counsel: Jennifer Cox

Grandmothers: Elders, Knowledge Keepers: Bernie Skundaal Williams, Katy McEwan, Jane Meader, Lotti Johnson, Pauline Bernard

Registrar: Bryan Zandberg

NOTE: Natalie Gloade is drummed in by Cathy Martin.

Silence from circa 2:35:00 to 2:37:30 (no audio

feed) during which time Natalie Gloade is introduced, affirms with an eagle feather and begins with several sentences of testimony about her mother, Nora Bernard. This portion was captured on film by the pool cameras.

MS. NATALIE GLOADE: -- at the tender age of nine, she wasn't quite ten yet, and at that time, she was mentally, emotionally, physically and sexually abused. They tried to beat the Mi'kmaw language out of her. They tried to kill the Mi'kmaw in her, which they didn't. Mom was one of the young ladies that took care of the younger siblings as her -- her -- as she was one of the oldest girls in her family to be there; then her siblings followed.

Her sisters were Matilda -- Linda Maloney, Matilda Bernard, Leitha Shoppie (ph). There was Lemuel (ph) Bernard, Albert Bernard, and she had another sister from PEI, and she had a brother, Dunnan. She had many -- she had many siblings, and I guess there's more out there that weren't accounted for, but she was in there. She said it was like prison.

As a young woman when she left the residential school, the nuns had told her to go and become civilized, marry a man in uniform, so when she left the residential school that's exactly what she did. She married an army man who was my father, Douglas Eldridge

MacLeod, with whom -- was an alcoholic and beat her severely.

On their wedding day, mom was telling us girls that she even took him in his uniform back to the residential school to show the priest and the nuns, these ones that beat her, that she "became civilized," and she took him there as almost like a trophy, I guess, to prove to them that she was somebody. She -- she was an amazing lady.

Dad left us when I was only three years old or almost three years old. We grew up poor. She did the best she could with what she had. I always talk about the magical stew pot that she had. I don't know how many bones, ham bones, turkey bones, whatever it was, it went in that pot and it was always enough just to feed one more mouth with whomever came through that door. Her door was a revolving door. She never turned anyone away.

I was -- I was born October 22nd, 1964. I was born two weeks after my grandfather, Alexander Cope (ph), they say, was murdered. My mom went into post-traumatic stress disorder, I guess, depression. I guess I was the blonde-haired, blue-eyed, white child, I guess.

And reading through the book of Isabel/Tony Shay, there was a part there that she said about when Christmas gifts were taken to the residential school and

very few and far between were gifts brought, but when they were brought, the Indian agent's daughter, who was blue-eyed, blonde hair, got the first pick. And Mom and I struggled back and forth and after I read that, because I was in school at that time, and I said, "Is that why," I said, "we struggle, Mom? Do you look at me as the blonde-haired, blue-eyed Indian agent's daughter that gets all the gifts?" She said, "I never thought about that," you know, and I was the child with the big mouth.

I was the child that was kind of awkward. I was the child that had learning disabilities. You know, even as a baby, she said I had asthma. She'd wrap me up and kind of put me outside, but as the years came along, we began to bond more, and I felt the love that she couldn't give me, she gave to my children, my birth children, James and Danielle, as well as my -- my stepchildren, Frank and Richard, and my foster son, Alvin, which Alvin called her Nanny Timbuktu because we adopted him through Mi'kmaq Family, which Mom called another second coming of the residential school because children should never be taken out of their homes. The parents should be helped to manage. Don't take children out of their home, you know, and, anyway -- and he was scared of the phone, so my Mom told -- told me -- she said, "When the phone rings, let him pick it up," and so that's what we did. And the phone was

ringing. He'd kind of panic and I said, "No, it's all right. Pick the phone up," so he picked it up and he said, "Hello. Who's speaking?" and that's where Mom got her name, Nanny Timbuktu. She said -- he said, "Oh, Nanny Timbuktu is on the phone." I said, "Okay." I said, "Oh, okay, so we'll go see Nanny Timbuktu," so that's how -- she absolutely adored him. She adored all my children.

I -- I gave birth to this big boy June 8th, 1983. His name was James Douglas Newell Augustine at that time. That was from my first marriage, and he's the little boy that wherever Mom went, he was sure to follow her. He's the one that helped carry the -- the bags and whatever or when he was a baby and if he was crying too much and I breastfed him and if I became empty, I couldn't -- I didn't have no more milk, Mom would say, "Give him -- give him to me. I'll give him the rubber soother," so she'd wash her breast up and give it to him and then he'd fall asleep. And he was like just -- he was so in love with his grandmother.

Then my daughter, Danielle, came. She was a very sick baby. Mom would take my breast milk back and forth to Halifax to the IWK because she was a preemie. She was the first one to hold her. She's the -- she -- we thought that she was the only one going to be born, so Mom got to name her Danielle Dawn, and it means, God is my

judge at the break of Dawn.

Mom said she had wonderful things. She -- it was three times that they had to revive her and she made it and Mom said, "There's -- she's going to do great things in this world. She's going to be somebody," and she is somebody. She's a teacher in New Glasgow. She teaches grade 3. She's got a heart of gold, smart as a whip.

When James -- when James was born, like I said, he was 9-15. It was the -- he was the little boy that taught me how to love because I really didn't know what love was all about. He was mine. I could cuddle him, bath him. He'd go to sleep and he thought that I was everything, and I thought he was everything.

The marriage was bad. I was abused a lot and I moved with my first husband to Burnt Church, New Brunswick, and I remember walking down the road and I remember hearing people saying, "Oh, she's (speaking in Native language)," or, "(speaking in Native language)," like a raw-eating fish something, and they didn't know that I was Mi'kmaw from Millbrook First Nations. I don't imagine a lot of people realized who I was because the blue eyes, the blonde hair.

So, like I said, the kids -- my kids were -- were everything to my mother and my James would

help her hang her clothes. He'd go to the Co-op with her, help her get her groceries, but he always hit her up for five bucks or he knew she was cooking some food and he was -- he was going to be the one that was going to be fed first.

It was just -- you know, if my -- my Douce, Danielle, was acting up -- I called it acting up. She was on a moon time when she was a young girl; she'd get on my nerves and she'd say, "I'm calling -- I'm calling Nanny, Mom." "Go ahead," I'd say. Mom would come right up. Mom would pick her up. Mom would say, "Don't even look at them, Douce. Just keep going," so she'd take her out and take her home.

And then Frank, my Frank and my Richard and Alvin, she absolutely loved them too. She got to meet my two grandsons, Richard -- or Aiden and Colby. Colby was the first great-grandson; Aiden was the second. She never did get to meet my Douce, Ellie. Sometimes I look at Ellie and -- and I wonder. I know Mom -- that would have been Mom's sidekick. Sometimes she's got a big mouth and she acts just like Mom. She's there. She does her thing. She calls you out on stuff. She thinks she knows it all. She -- and, you know, when I'm saying things, "Oh, no, Grammy. This is -- you know, this is what it is," and she's beautiful. She's got this long dark hair. She's got

these beautiful dark eyes, and there she is, and we call her -- we call her Boss Ellie. And she sings and she tries to teach Grammy to Koju'a -- Koju'a dance and she tells Grammy, "No, you're not doing it right. You have to practice, practice." Oh, I tell her, "My feet get sore," but, anyway, that's -- yeah, she's -- she's beautiful.

Anyway --

MS. JENNIFER COX: Do you want to sit?

MS. NATALIE GLOADE: No, thank you.

So I -- December 24th, Christmas Eve, I took my first grandson, Mom's first great-grandson, Colby, and my Alvin, our youngest boy, down to see Mom. It was Christmas Eve and I knew she was making stuff and she always made stuff on Christmas Eve, so I -- we were down there carrying on and Colby, which is my son James -- that's his son and James was the one that was convicted of my Mom's murder. He was charged manslaughter for 15 years in prison, and it was a shocker.

When -- when we were -- when we were standing there, just before I left -- and I never look back. Every time we were ready to go, I'd get them all ready and head out and get things done, and I never look back and I never did, but this time, I looked back and Mom was like -- and I'm looking and she wanted me to kiss her, so I went back and then she gave me a kiss and then she

reached down and she had a -- she took a chunk of her stuff and she said, "Here, nay, Douce," and she put it in my mouth and -- and I said, "Oh, My God, Mom, that tastes good," and she made the best stuffing ever. Anyway -- and then she hugged me so tight and the little grandson -- great-grandson, Colby, come between us and we were teasing him. We said, "We're going to sandwich you," like put him right in -- anyway, she hugged me so tight and she said, "I'm going to put all my strength in you, Douce," she said and she rubbed my back and she just held me. And then I went to the door and I said, "I love you too, Mom," and that was the first time I -- that was the last time I seen my mom alive.

That night she -- not that night, the next night she called me. I -- I became sick. I don't know why I got sick, but I got sick and I couldn't go down. She was having a family dinner. Anyway, I -- she said, "There's somebody up in the back, Douce." She said, "I see lights," she said, "flashing." I said, "Call the police, Mom," I said, "or I'll just come down." I said, "Let me come down." She said, "It's like they're flickering their lights," and I said, "Well, come up here," I said, "if you don't want me to go down there," and she said, "No, I'm all right," she said. "I was out to your sister's earlier." I said, "Okay." And she said, "I like my teapot -- or my

coffee pot," she said, "but you know I drink bedelway (ph)," and she just kind of chuckled about it.

And so, anyway, she just said she was just going to get ready for bed and head to bed and I told her, "Keep your doors locked. Keep your doors locked. Don't -- don't open your doors, Mom." But if anybody came to my mother's door the middle of the night, during the day, it didn't matter, she would always, always open that door because my mom was very loving, kind. She would help anybody. Her house was a place for people to come and sit and cry and talk, take a deep breath, to get fed or maybe have a nap or take a shower or just to get a hug or just somebody to sit and listen.

Now, don't forget this lady grew up -- she grew -- she brought us up, five girls and one boy. She chopped her wood. She carried her wood. A lot of times we didn't have electricity. We'd help her bring in the wood. We didn't have no running water. We had a big basin, and I was one of the younger ones, so we kind of got left with the -- it looked like milk. It was all dirty water, but at least we got bathed up. We had to carry our water from up the road.

I used to feel bad for mom because mom would say, "Here I am, a Mi'kmaw woman looking into my own reserve that I was born on and I have non-Native women that

have band numbers," she said, "that are living there with heat. They don't have to chop wood. They have washers, dryers, nice warm beds," because she used to have to pile coats on us. We didn't always have nice big thick blankets. Before her house was moved up, you could see right out through the cracks.

We had a honey bucket that, boy, I'm telling you, you could clean -- you could -- we cleaned it so well that you could have ate out of it. We were always emptying it, cleaning it.

Can you imagine having five daughters on your moon time? Having -- having pads were a luxury. She'd take all these old sheets and cut them and every month they were soaked, scrubbed, rinsed, hung out on the line, then folded all back up for -- for the next girl that had to go on her moon time.

And if we were lucky enough, because mom had to work two -- two jobs at a time, taxi driving. She worked for the Rural Native Housing, helping people get their houses fixed when she couldn't even get her own fixed.

She helped organize and start up the Native Women of Nova Scotia. She was involved with the Native Council of Nova Scotia. She was always doing and she was always helping people. My mother, the late Mi'kmaw

activist, born September 22nd, 1935, was one of the largest class action suits in the history of the Canadian government, helping more than 79,000 students. There's nothing in place to suggest that she even did that. And Harper, Harper's full of shit. His apology -- excuse my language -- was nothing. It meant nothing.

And I tell you, Phil Fontaine was asked to come to my mother's funeral, but he couldn't come. He said he was too busy with his family. It was Christmas. Who does that? Who does that? They were leaders. They were supposed to be there. They were supposed to help.

There was nothing put in place in Millbrook First Nations for our family. There was no liaison person there. There was no emergency response team to put in there for crisis to help us. There was nothing. There was nothing there, but, thank the Creator, I had strong family members that stood by me. I had so many people that tried to knock me down. They couldn't knock me any further than I was already knocked -- knocked down. I was lower -- I was lower than Mother Earth itself.

I apologized to the Nation as a whole for what my son did, but in saying that, I wanted my mother's case re-opened because I know there was other individuals that were involved in her murder. It's been the hardest thing, the hardest thing to stand up and hold your head up.

My mother stood alone for many years and I know that this big body came out of her body and she said, "The blood that -- that flows through my body came through all of my children." That's how you know a Mi'kmaw woman having a Mi'kmaw child. You cannot become Mi'kmaw through a card. It has to come through the blood, the bloodline. She said, "Douce, I know," she said, "that you have blue eyes and blonde hair, but," she said, "you know what? You're like the bridge that help our people to get over, to make that connection."

December 27th, 2007, I was in bed. The phone rang. All I could hear on the other line was, "Your mother has passed on." I said, "What?" It was my brother-in-law, Alex MacDonald. He said, "Your mother has passed on." Well, from that moment on, I went into total shock.

I remember getting to the -- my truck, heading down and flashing lights, red, clear, blue. They seemed like they were everywhere, and it was so bitter cold and I had my nightdress on, but yet I couldn't feel anything. And the snow was just gently coming down, but I don't know if that was my shock that everything seemed slow motion. And I remember thinking, "This is -- this can't be real." And I remember running as fast as I could, and I almost made it to the top of the step when we had an officer that could outrun me. Thank goodness he could

outrun me. He -- he could outrun me. Darren Sylvester was his name, one of the best RCMP officers we have from Membertou. He -- he knew what was in there. He knew the shape. I didn't know. We had thought that she had -- mom had passed from natural causes.

We couldn't understand. We couldn't think. We couldn't -- we were wrapping our heads around and we knew that she was going through this commission, this -- for the residential school. There was compensation money. People were getting their monies, and then we knew that there was hate phone calls coming through to her, telling her off and she'd say, "I'm going to -- I'm going to pray for them. You know, their hearts are hurt, you know." She was always about forgiveness and always about helping people. She said, "You know, Douce, you always got to turn the cheek. When somebody does you wrong, you pray for them," she said, "and keep going," but yet sometimes she -- she would get mad and then -- and then sometimes it seemed like she was -- it would take her a little while to get over it.

I remember sitting across the street because they wouldn't let us in front of her house. It was kind of all blocked off and it seemed like there was thousands of crows. They were just squawking and they were, like, flying. They were dipping down and they were -- they were,

like, everywhere. It was just like a horror movie to me and everybody was just bringing me tea. I didn't want tea. I wanted coffee, and I just couldn't understand what was going on and I thought, "God."

So early that morning, the priest with whom my mother and him had words and she told him off -- anyway, he was the one apparently that was called to go in and bless her. I remember standing out there and I said, not realizing what I was saying -- excuse me -- I said, "Can you go and put a blanket on her to keep her warm?" and they said, "Yes." They said, "We have. We put a blanket on her and she's warm," and now I know the difference, but I guess to help us along, that's what was saying -- what was said.

I seen my sisters, Leanna and Janice. Those were mom's favourite girls. And I pray that they're -- they have some sort of peace. And my sister, Gail, she's in Winnipeg. I hope she has some sort of peace as well. We lost our sister, Juanita, the oldest girl, almost three years ago. That was -- she was our sleeping beauty. She was absolutely beautiful. And my brother, Jason, he's the one that found her. Come to find out that she was -- her throat had been slit.

They took my brother into lockup. They -- because they said they weren't sure. I remember trying to get down to the police station to tell them,

"What are you doing? Why are you -- why do you have him there? There's no way Jason would hurt our mother." Anyway, they -- it was about 20 minutes, I think, later, but it could have been -- it could be a little longer. I remember sitting out on our front lawn and somebody -- I don't know who it was -- somebody said, "You'd better get up. It's getting cold." I said, "I'm not cold," but I didn't realize that was the shock.

Anyway, the police cruiser pulled up and my baby brother was in the back, crying, shaking. They put me in the back with him and he -- he could hardly get words out, just that mom -- mom was gone, mom -- mom was dead, and remember, he's the only boy. So now, we're -- we're outside and this woman comes and knocks at the window and she said, "They're saying in Shubie that James murdered your mother." I said, "What? What are you talking about?" They said, "Yeah, there was -- that's what they're saying anyway," and from then, I just -- it was like, "Oh, my God." I didn't know what to say. I didn't -- didn't know what to think.

Anyway, I had to get a message to -- to James, and I know that I text him and asked him -- and I told him, I said, "They found Nanny, but she's dead." There was no response. I had to text my daughter, Danielle, in Cape Breton because she was going to Cape

Breton University, to let her know that her nanny mom had passed. She tried to contact her brother, James, who wasn't answering. They were on their way back to Truro. Frank and Richard, they got word that their grammy had -- grandmother had passed. Alvin was in total shock. Everybody seemed to be in total shock that this -- that she was gone. "How can she be gone? She was our matriarch," the lady that -- you know.

Let's face it, I -- I'm not a good cook. I -- I cleaned. I -- I can sew. She taught us how to make sweetgrass dolls. We peddled that to get our food. She sewed. She made dolls. She knitted. She made lots of luski (ph). When funerals came around, mom was always making sandwiches and sending them to the family to help, with stew, and there was nobody. We didn't have Native Women of Nova Scotia. Nobody stepped in. We didn't have Native Council of Nova Scotia to step in to offer any guidance. We didn't have a liaison officer or somebody to bridge a path to begin a healing journey for my son, James, which I started speaking to him approximately four years ago.

I tried to hate my son. I prayed that the Creator would take him. When I stood up in front of the judge and I addressed my son, I said, "Life is life. You took your grandmother's life and you should be given life,"

but because it was manslaughter, there was no premeditation. He got 15 years. Every time it came up for him to go up for a hearing for early parole, he denied. He wouldn't go. He wouldn't go. He said, "There's not a day that I don't think about my Gram. My Gram was everything," he said. "Mom," he said, "you know, I was even closer to Gram than you," he said.

He told me what he could remember, and it wasn't money that he was after. There was $20 -- a 20 dollar bill still in her wallet. People have written all over the place, "Oh, it was about money." No, he was wrecked. He was just -- it was drugs. There was four different drugs found in his system. The people that sold him the drugs, why weren't they in prison too?

The trickle down effect of the residential school system still prevails today. Everything that has happened prehistorically is still continuing, the abuse on women and children. Our stories are not being told, and if they're being told, they're only being told halfway. And you know, we as Mi'kmaw women, we're tough as nails. Yeah, we might falter, but we find a way.

I'm doing my masters program at Mount Saint Vincent right now, and I have a project going on at my mom's house, which I bought her home, and it's about healing because there was a lot of people that said I don't

get -- "I never had closure." They were used to popping in and having tea, luski, so I opened it up for one of my projects for my masters degree, and it's every Wednesday. Her little wood stove goes. There's a pot of tea (indiscernible). There's -- you know, I have red dresses to signify the missing and murdered women and children.

And this thing about the Cornwallis statue, that thing should have been down a long time ago. Why can't we have a statue of our strong Mi'kmaw women up there? Not just one, have two, three. There's Annie Mae Aquash -- Pictou Aquash. There's Nora Bernard, Rita Joe. There's the Saunders girl. There's Tanya Brooks, which she used to come to our house when she was little and we'd help -- mom would help her. I mean, there's so many women out there. There's -- you know, it should be -- it should be donated -- like not donated, but a memorial, something put up there. We were here first. We have matriarchs that were here first.

And if we have to have a centre -- or I would recommend a centre in memory of my mother and the thousands that she's helped, I hope and I pray that there's a room put in there for Ben Martin, who has stuck -- who stuck by my mother no matter what. Evelyn Francis (ph), a strong powerhouse. She used to tell me, "Douce, don't matter what anybody says. They don't have to walk in your

moccasins. You don't even have to pay attention to them," he [sic] said. She said, "Don't even listen to them. Keep going. Put your head up."

I've even gone into grocery stores where women have come up and, "Mother of a murderer." Well, I guess, you know, in a way it's true, but, you know, I'm not the first nor will I be the last, and it's about forgiveness-forgiveness. I had to find it deep within myself. I used that basket of tools that my mother taught us all to use growing up, empathy, honesty, loyalty, love, sharing, truth, and money's not everything. Peace, love, sharing, living off the land.

What I try to -- when I do my subbing at LSK in Indian Brook, I see many, many different little -- little people that I am -- I just fall in love with them. It seems to me the ones that are the most rowdiest are my favourite. They stick like glue to me and -- and it's just like nobody else wants them, but I want them and I try to -- I try to love them and show them that even with a learning disability, you can -- you can go anywhere.

MS. JENNIFER COX: For the benefit of the Commissioner, Natalie, LSK is a school?

MS. NATALIE GLOADE: It's the -- it's the Mi'kmaw school in Shubenacadie Indian -- or Shubenacadie

Reserve.

MS. JENNIFER COX: You're a teacher?

MS. NATALIE GLOADE: I'm -- I'm a teacher, but I'm subbing and I'm doing my masters degree.

MS. JENNIFER COX: So, Natalie, I'm wondering if we could go back and talk a little bit about your mom's -- where your mom lived. She didn't live on the reserve, did she?

MS. NATALIE GLOADE: No, she didn't. She lived about -- I don't know if it was -- 30, 34 feet or something away from the Millbrook First Nations sign. My mom was actually born right on the reserve. Her grandmother and her aunties helped deliver her, and yet when she turned 16, they took her status card away from her, which wasn't even her status card. It was her mother's status card, so how can they take Grammy Cope -- Mary Cope's band number from mom when it wasn't even mom?

Mom wasn't legal age to get a band number, and it wasn't until 1985 that she was able to get her status back under Bill C-31 and we still have -- and they wouldn't even welcome her back to her home reserve. She had to go on these referendums and she had to go to these different people, the non-Native people on the reserve, and ask them and beg them for their signature, which some of

them wouldn't even give, and it's like, "How can you do that? Here, you're talking to a real Mi'kmaw woman that's got to beg you for your signature." She had to have, I think, a 51 percent plus in order to go back on, but then mom and her other cousins and her relatives that were in the same boat as her, they weren't accepted back on either. It became like a personality contest or a congeniality contest or whatever. If they liked you, then they put you back on, but if you didn't do what they wanted, then they weren't letting you back on, but shame on them. Shame on them.

We have many women that are living off the reserve that should be on their home reserves and not living in squalor, you know, or feel that they have to always be working so hard. I mean, they're getting up in age. Why do they have to be scrubbing floors or, you know, making crafts all the time just to make ends meet, you know? And a lot of our women -- we still have women walking the street thinking that the only way that they're going to make that little bit of ends meet is to give a part of their soul to the devil in order to make a little bit of change to pay for the rent, pay for maybe their kids' things or whatever, so it was -- like, it was hard because when mom looked out her window, she seen Millbrook First Nations Reserve. How ironic is that? It just

doesn't make sense, but that's the government, that's the Canadian government trying to cause part of the assimilation, the colonization.

Mom said, "You know what? The way that the government is going and what -- the traps that are people are falling into, one day there's not going to be no reserves anymore. There's not going to be First Nations." Then the money that they owe us -- the government owes us money that was in trust for us that still sits there and they steal the money out of that to pay for this organization, to pay for that organization, and then the little bit of monies that's in there that they're -- they're building -- what do you say when money's -- money's in there and it's -- it's building -- interest --

MS. JENNIFER COX: Escrow?

MS. NATALIE GLOADE: -- the interest money, then is given as a little offering here and here and here. She said, "That money all up there belongs to all of us, but," she said, "sometimes our people" -- she said, "And the males, our males," she said, "they had to come to us." The mothers, the grammys were the matriarchs. They came to us for comfort, love and support and to get direction of where we should go, and we have a lot of strong men that are misguided.

MS. JENNIFER COX: Natalie, I think it would help the Commissioner to understand why your mom was involved with the Native Women's Association, particularly in Nova Scotia, and was there other women that were involved in that?

MS. NATALIE GLOADE: There was other Native women's -- Native women that were involved in that. There was Viola Robinson. There was Lorraine Cox. There was Clara Gloade. There was Cathy Smilie (ph). There was Sarah Gloade -- Sarah Fettes (ph), Theresa Moore. There was --

MS. JENNIFER COX: They all had something in common, all of those --

MS. NATALIE GLOADE: -- and there was a Martin lady. Helen Martin was the original one that started --

MS. JENNIFER COX: And those women all had something in common, right?

MS. NATALIE GLOADE: Yeah, they had -- their rights were taken. They -- they didn't have homes. They were fighting for our Mi'kmaw women to have stable homes, secure homes because we as young children -- my cousins could go to the band office and get free school supplies and whatever. We -- we didn't get that, but there was one gentleman, Mr. Paul. He was the janitor at Millbrook Band

Office and he always called us Nora's girls, so he'd take us after the place closed at night and he'd say, "Okay, open your arms up," and he had -- gave us scribblers, pencils, erasers. We thought it was like Christmas. And then, "Off you go. Go right home," you know, so...

And for me to be here, I have a very strong husband. His name is Ricky Gloade. He's seen me at my worst and he's seen me at my best, and he supports me 110 percent, and there's not too many people that can say they have a support system, plus I have my Cathy. I have Marilyn, Lotti. I have my spirit world that's around me.

MS. JENNIFER COX: Natalie, I'm wondering if we could talk a little bit about the memorial that you talked about. You have some ideas about what you think the memorial and -- and the services that -- in your mom's name. That would probably be helpful.

MS. NATALIE GLOADE: Well, I was -- I was hoping that there could be a centre put up that would be a traditional place for basic needs to teach our women to keep their families together, whether it be cooking, shopping, cleaning, being a voice for their children, not taking home -- not allowing Mi'kmaq Family and Children Services to apprehend the children and take them. They spend thousands and thousands of dollars apprehending these children, and it's -- it's hard to believe that they'll

take a child out of a home, put them in another home, but they're going to pay, like, $5,000 for new beds, new dressers, new clothes, some food, whatever. Why can't they take that $5,000 or whatever, buy them brand new beds in their own home, buy some food for their own home, help the parents, get *Ilnu* support, you know?

We have allies that are still out there that are not *Ilnu* that understand where we're coming from and they believe this and they -- and we have to acknowledge that. I have great professors that -- from Mount Saint Vincent. Dr. Sharpe, who -- he's very knowledgeable and he tries to listen to what I -- what I have to say.

In -- in this healing place, I would like for it to be a place that -- like a resource centre that they could -- people could come to, but I'm hoping that -- that they could have it on her property, her late property, and to have an Elders' room in there. Have our Elders come in, teach, tell stories, you know, help -- help our women and children, you know, because our young children are going to grow up one day. They're going to be adults. We want them to be healthy, mind, body and spirit. The heart and the mind have to connect and we have to be the stepping stones for them to reach that point. Elders are very important in our life. Even if we could have some -- some rooms there in case our -- our Elders need to

lay down and have a rest; you know, even if our families need a place to stay, you know, have a couple of rooms, you know.

After they opened the door back up for mom's home when the keys were passed over, we walked in, the house wasn't cleaned. You seen the markings of where the footprints went and whatever. As you stepped into her house off to the left was the outprint [sic] of her body where it laid. I went to that spot, and I laid in that spot. I put my head down where her head was and her hand -- where her hand was and when I looked up, there was a mirror in her living room, and through that mirror there was a picture off to the wall -- off to the side and that picture was five of us girls, so I hope and I pray that the Creator -- that's the last thing that she would have saw.

Life is a strange thing and we all have to live it, but I know that I'm not the only one that's lived this life. I know there's many people out here that have a truth to tell.

MS. JENNIFER COX: Do you think you have anything else that you want to talk about? I think you've pretty much --

MS. NATALIE GLOADE: I think -- I think I'm done. *Wela'lioq.*

COMMISSIONER MICHÈLE AUDETTE: *Merci*

beaucoup. Thank you. And I -- you brought me in -- in a space where you talk about all the women, recognizing the women, your mom, the centre having them. Was it like making statue, monument of -- it would be so beautiful, very, very beautiful.

And you mentioned some names that -- the history of Canada is missing so much and they would -- they would learn -- would learn from our beautiful warriors, our beautiful keeper of the knowledge or the culture. And when we walk and we see pictures, it's always our men, even here, our leaders who did the first shovel or -- and the women are part of the history and what I -- when I was listening to your truth, you were reminding us, the Inquiry, the people who works for you, that the history -- we have to make sure that the women are officially in the history of our different places across Canada, and I say thank you for that.

And something that we didn't hear a lot across Canada, it's the impact. Yeah, we talk about -- about the colonialist, okay, that impact, but to say *Indian Act* and to say your mom lost her status, I would like you to explain. We have some Canadian here listening and why your mom and many -- many other women lost their rights.

MS. NATALIE GLOADE: They lost their rights

because once you marry a non-Native -- or once a Native woman marries a non-Native man, then she lost her rights or if you -- you became educated, you lost your rights, so -- and it took many years. But then you have the -- the *Ilnu* man that marries the non-Native woman and, magically, she becomes a Mi'kmaw with a status card. I don't know how that happens, but again that's the government, a part of assimilation. That's how they're trying to make us to become the same as them. And my truth is that every non-Native woman that carries that band number should have them taken from them. They took our First Nations women and they didn't -- their status cards and they did not have one problem doing that, so now they have to get rid of the *Indian Act*, take those cards away from them, give them to our women that are rightfully so Mi'kmaw. They're *Ilnu*. Let them go back to their -- let them go back home where they belong.

COMMISSIONER MICHÈLE AUDETTE: So for you, Natalie, that discrimination or -- based on women because we were women, because we marry out, we lost the status, but it stopped in '85. Do you believe that impact is still going on?

MS. NATALIE GLOADE: Oh, absolutely, absolutely still to this day. There's the first generation, they got their status, but their children, they

can't get them registered and then they're trying to go back to the grandmother's law, but still they're still having a hard time getting them registered. Those children should be registered.

COMMISSIONER MICHÈLE AUDETTE: All right.

MS. JENNIFER COX: Madam Commissioner, I think one of the things too that we should talk about is not only status, but membership. So one of the things that your mom struggled with as well was membership in Millbrook. So she got her status, but she didn't automatically become a band member, right, of Millbrook?

MS. NATALIE GLOADE: Oh, with -- well, when the referendum was agreed upon, that if she got 51 -- or 51 plus, then they said that automatically she would come back to her First Nations -- her reserve, her home, and I think she went through three or four of them, but -- and every one, "Nope, nope," and she had 51 plus, but the band council, I believe, was fearful of my mother because she was a strong Mi'kmaw warrior that wasn't going to let things slide under the rug. She was going to bring them forth, and I believe she was going to bring all those cards that were given out to the non-Native women, she was going to see that the government brought -- took them, rightfully so, but the children still would be status -- would have their status.

MS. KATHY MARTIN: So each time that the referendum happened, the Elders of the community presented to the band council, right, why -- who they -- that they knew her, how they knew her and that they wanted her back along with -- I remember the last referendum. I think there was three or four women that the Elders went and said, "These were our people. We grew up with them, were born with them. We want them to come back," and they wrote -- brought it to the band council, so I just wondered if you remember how that decision was made. So the -- so there was a referendum and --

MS. NATALIE GLOADE: And mom had to go on the referendum. Mom had to go on that referendum and by the skin of her teeth, she got in, I think, by one vote, the fourth referendum, and there were people that were not happy. There were people that were ecstatic, and she was just in the process of picking out land to build her home.

COMMISSIONER MICHÈLE AUDETTE: If I can ask, you said that it -- it is still very there. Give me an example, share, so you -- you can educate the rest of Canada who, for the first time, hear about this legislation, how women were treated under the *Indian Act*. Do they -- what it does concrete, you know, the impact on your children or your grandchildren.

MS. NATALIE GLOADE: Well, I know on our

First Nations reserve, the houses go into the males' names. They're not in the females' names. The -- it's all run by male, and we have -- we only have one councillor, Lisa Marshall, on the board, but we have another referendum that's -- or not a referendum -- we have another election coming up in February, but it'll be the same.

MS. JENNIFER COX: If I phrase it this way, if you're a band member, which is different than having status, right --

MS. NATALIE GLOADE: Yes.

MS. JENNIFER COX: -- so if you're a band member, you have -- that's the only way you can get a house; is that right?

MS. NATALIE GLOADE: Yes, you have to be a band member to get a house.

MS. JENNIFER COX: So there would be a lot of women who might have gotten their status, but are still not able to get through the referendum?

MS. NATALIE GLOADE: They might be band members elsewhere, but living on our First Nations reserve. They won't get a house. They have to be band members with status cards living on our reserve and you get more points if you're married and if you have more kids, so it's almost like them pushing them into having more kids just to get a house, so...

COMMISSIONER MICHÈLE AUDETTE: *Merci beaucoup*. So my last question/comment to you, you talked about a centre for -- to teach or traditional with Elders. What for you the importance of teaching or giving that culture to our next generation?

MS. NATALIE GLOADE: It's about healing through trauma --

COMMISSIONER MICHÈLE AUDETTE: Okay.

MS. NATALIE GLOADE: -- and we've all gone through trauma. We've -- this is like a historical trauma right from the residential schools straight up through the Indian agents, through the -- the Eurocentric colonialism. I want this to be trauma -- living through trauma, the Indigenous ways of knowing, that's what I would like to see. We need to know that big fancy cars, big fancy homes and all that, that's all materialistic. We have to know that the basic of living and loving -- loving, truly loving yourself and connecting from your heart and your mind, making that. Meditation. We have to connect with our spirit world because they were here before we were, you know. Let's make it better for the rest of our people. Let's help them heal, you know.

It seems like we've been talking about this for years and years and years. It's like beating an old bush and it's like the poor thing is all splintered and

whatever and now we've got to revive it. We have to get -- grow some fruit from it.

COMMISSIONER MICHÈLE AUDETTE: *Merci beaucoup*. How do we say in Mi'kmaw, *wela'lioq*?

MS. NATALIE GLOADE: *Wela'lioq*.

COMMISSIONER MICHÈLE AUDETTE: Oui, *merci*. (Speaking in native language) You're very strong, very, very strong and thank you very much for your message and testimony and your truth.

MS. NATALIE GLOADE: *Wela'lioq*.

MS. JENNIFER COX: So if we may adjourn?

Exhibits (code: P0P04P0201)

Exhibit 1: Electronic folder with 25 images displayed during the testimony of the witnesses

Exhibit 2: Two news stories, three pages total

--- Upon recessing 3:49 p.m.

--- Upon reconvening 4:19 p.m.

Hearing # 4

Witness: Becky Michelin (In relation to Deidre Michelin)

Heard by Commissioner Qajaq Robinson

Commission Counsel: Joseph Murdoch-Flowers

Grandmothers, Elders, Knowledge Keepers: Louise Haulli, Katy McEwan, Jane Meader, Lotti Johnson, Pauline Bernard

Registrar: Bryan Zandberg

MR. JOSEPH MURDOCH-FLOWERS: Commissioner, I

have the pleasure today of working with Becky Michelin from -- from my territory. We grew up in the same area. She's from Rigolet, Nunatsiavut, and is now in Happy Valley, Goose Bay, and she'll be solemnly affirming before she speaks.

MR. REGISTRAR: Great. Becky, did you want to solemnly affirm with an eagle feather or without?

MS. BECKY MICHELIN: Without is good.

MR. REGISTRAR: Okay, great. Well, welcome this afternoon.

BECKY MICHELIN, AFFIRMED

MR. REGISTRAR: Thank you.

MR. JOSEPH MURDOCH-FLOWERS: Commissioner, in preparing -- in preparing for today, Becky has written her statement, so she's going to read from that, and I'll just leave it at.

MS. BECKY MICHELIN: Could I start? All right.

I just wanted to show a picture. This is my parents and myself and siblings. I think it’s important when we’re remembering our loved ones that we see, you know, there's a face behind who we’re talking about and a loved one, so I'm just going to lay this photo over here.

My name is Becky Michelin. I am the daughter of Deidre Marie Michelin. My mother was a

beautiful person inside and out. She was a mother, a daughter, a friend, a family member to many. I know she was loved. I hear people speak so fondly of her. She was easygoing and loved the outdoors.

I remember going to the cabin with her when I was a child and my fondest memory was just being loved. Her friends all told me that she had a great sense of humour and her smile would brighten a room. I know she had great love for those around her.

My mom was shot and killed at the tender age of 21 by my father, who then turned the gun on himself. It was a murder-suicide in my home in Rigolet in 1993. I remember being awakened by a loud bang. I remember after that, nothing could be heard in the dark cold winter night over the cries of my siblings and I as we were to watch this tragedy unfold.

I remember what she was wearing. I remember the blood that surrounded her long curly hair. I remember shaking her with my tiny hands as I cried, "Wake up, Mom, wake up," but she wouldn't wake up. There were no movements, no breathing, just death.

I remember finding my father briefly, who had shot himself after he had murdered my mother. I remember the smell of the blood and the gun powder, which still haunts me to this day. I remember thinking that my

mom had hit her head off the wood stove because my young self could never imagine that something so tragic could happen to my family.

My sister and I knew that we had to get help. There were four of us children left at the home, but we knew we would have to leave our two younger brothers to get help. We walked to my uncle's house and told him what happened. I remember him saying, "You're lying. This isn't true," and it didn't take long for him to realize that this was serious.

In Rigolet, at the time of the murder-suicide, there was no police stationed in our small community. The closest RCMP detachment was in Goose Bay, which was 45 minutes by plane. My mother needed help, but help wasn't there. The system had failed her. It has failed us as a family and it has failed our little community of Rigolet, as it has many other families who face the same battles.

My mother was stolen from us. She never had a chance to reach her full potential in life. She never got to experience life after 21. She never got to watch me and my siblings grow up. She never got to celebrate milestones and birthdays. She didn't get to be where -- there when I had my daughter and when my siblings had their children. And she won't get to watch me walk

down the aisle if I get married.

So much was stolen from us when the system failed our family. It's not -- it's not all the big things that are missed, but the small things too. When people go on trips, they call their mom to let them know that they made it safely. I don't get to do that. I don't get to call my mom to ask for advise or to call for support when needed.

It hurts to see everyone with their beautiful families, sharing special moments together and creating beautiful memories. One of the last memories I have of my mother is lying in a pool of -- a pool of her own blood, lifeless on the floor. One of the last words I said to her as a child was, "Mommy, wake up." Losing both of my parents that night was life-changing. Things would never be the same.

I remember as a child, I was afraid of loud noises. When most people enjoyed fireworks, I was terrified. I would cry because every time the fireworks banged, to me, it was a gunshot.

I remember Halloween being fun for those who surrounded me, but the sight of seeing fake dummies on the ground covered in blood brought me back to the very moment of finding my parents dead. I would wake up with nightmares more often than not and cry to see my mom and dad again.

Things weren't okay. I had no help to get me past this part of my life. I never seen a counsellor. I never spoke with anybody that was able to understand what this done to me. My whole world shattered and life just went on.

I was sent to live with a family in another community after the death of my parents. My siblings and I were separated into different homes, living with different families and some in different communities. We didn't know each other well after this happened.

One brother lived in Goose Bay, one in Rigolet, and my sister was also in Rigolet. I used to speak to my brother that lived in Goose Bay sometimes, but back then, it was long distance, so I wouldn't be able to speak to him often. I remember visiting him sometimes.

My other siblings are in Rigolet. I never went back to Rigolet until 1996. I went down for two weeks with my grandmother, who also happened to be raising my sister. I had a hard time living away from my family and I hardly knew my brother when I seen him. I remember asking which child he was because I no longer knew him.

It was in North West River that I started calling the family that raised me mom and dad. When I moved there, nothing that happened was ever talked about. It was like everybody forgot that it happened, but I knew. I also

knew that at some point, I needed to try and start over, a new beginning at life, one that I hoped would better me and lead me to success and to fill the void which was so fresh in my heart.

At the age of ten, I'd gotten very ill. I was diagnosed with idiopathic thrombocytopenic purpura. My platelets had become dangerously low, and I would fight with this condition for two years. I was back and forth to the Janeway Children's Hospital numerous times within this timeframe. After trying all forms of treatment, the final decision was made and I had a splenectomy.

It was six months within -- it was within six months of recovering from my condition that the sexual abuse started in foster care. Every time there was nobody around, I was sexually abused. The first time, I thought it was an accident. It didn't take long before I realized that this was no accident. It happened more and more. I stood there holding back tears while fear overcame my body. I was too scared to say anything. This went on for two and a half to three years. I had written everything that was happening to me in an old notebook.

When it was discovered that I was being sexually abused, I went back into the social service system and was moved around from place to place, and I had my own apartment at 16. The police visited to take statements. I

once again had lost everything that I had. They just left me there like I was a nobody. All I ever knew was gone again. I used to get nasty messages on Facebook. This was a very difficult time for me in my life. I had now lost my real parents to a murder-suicide and then faced sexual abuse in the foster care system.

I went through the court system from the time I was 15 until I was 17 dealing with the sexual abuse case. I ended up losing the case because there was no physical evidence of the sexual abuse. I was emotionally and mentally drained. I felt as though I had nothing left to give. Everything had already been taken.

My whole life was a whirlwind of tragedy, hurt and abuse and once again the system had failed me. I spent a lot of time feeling sorry for myself, thinking of my own funeral because I felt like my life didn't matter. It felt like it didn't matter from the start. I was born just to face tragedy. I didn't see a future. I felt angry and I felt finished. I always thought to myself none of this would have happened if my real parents were still alive. My whole life, I was brought back to the moments of being loved by my parents and the moment my whole world was snatched away from me. I spent many nights crying myself to sleep, depressed, angry and hurt.

I still to this day wonder what life would be

like if my parents were still here. I often wonder if my mother was able to get help, would she still be here to raise us and create memories? Would life have been normal? I would have had the opportunity to grow up with my siblings and a real family.

There was no mental health help from the murder-suicide to the sexual abuse. I didn't get the chance to talk to anybody. I felt like I had nobody to relate to. My siblings and I weren't close. We didn't talk about what happened. It was a very sensitive part of our lives that we would move on from and brush under the rug.

I've always said my mother is more than what happened to her. She was a beautiful person. She was a beautiful person we were blessed with to call mom if even for a short period. I miss her every day. I live day-by-day without that special bond that a mother and daughter should share, and without her to share special occasions with, and without her to grow older with. I miss her terribly. I wish she could have been helped and I wish the system didn't fail us.

At the time of the murder-suicide, there were [sic] no police station in Rigolet. My mother had nobody to call for help. There were no mental health facilities. My father had nowhere to turn when he needed help. There were no shelters in Rigolet for my mom to go to, and there were

no social workers to help my siblings and I. After this happened, we never got to speak with counsellors or social workers to help deal with the aftermath of what had happened. We were to pick up the pieces and move on ourselves.

The lack of resources for the Aboriginal communities has a lot to do with the suffering that -- that families go through. Because many northern families face geographic barriers and -- and inadequate funding, many services are not accessible in these northern communities; therefore, residents have to leave their hometown to receive the help they need.

Many men face intergenerational trauma leading to risk -- living high-risk lifestyles and more likely to partake in riskier behaviours. Many men that are behind these cases have faced and deal with unresolved trauma themselves, this being one of the root causes of violence against women. We need to make more resources available for these men to get help, whether it be rehabilitation for substance abuse, counselling for mental health issues or a program for younger men to show them how to cope with trauma. If we can help the men who live these high-risk lifestyles, we can better help the women by fixing -- helping fix the root of the problem.

So in my recommendations, I've recommended

more safe houses; more funding for awareness programs; more programs for youth to teach coping skills and awareness and warning signs and red flags, and what to do if you should find yourself in crisis; more rehabilitation services within the region; more mental health services available within the Aboriginal communities; translators for 911 calls because if you only speak Inuktitut and you call 911, you're getting somebody English; social workers and counsellors available to help deal with the aftermath of trauma; better protocol for those who experience trauma with an initial visit and follow-up and later appointments.

I just wanted to say that I'm doing well now. My boyfriend and I have been together for ten years. We have a beautiful daughter named Mackenzie (ph). She's eight years old. And I'm an LPN and I'm hoping to -- when I get enough hours at my job, to do the Post-LPN BN program, so that's just some of my goals and, you know, life gets better.

MR. JOSEPH MURDOCH-FLOWERS: I don't have any follow-up, Commissioner. I don't know if you have questions.

COMMISSIONER QAJAQ ROBINSON: Do you mind if I ask you a couple of questions?

There's a couple of photos on -- on the monitor behind you and behind me, I think. Do you want to

talk about those photos, explain them a bit?

MS. BECKY MICHELIN: Pardon?

COMMISSIONER QAJAQ ROBINSON: Do you want to talk about and explain those photos?

MS. BECKY MICHELIN: This photo was taken -- I was approached by the Observer Magazine and they had asked me to submit a few photos to go with my story, so I sent in a bunch of photos, and I think that might have been one they chose.

And that picture is my mother I seen with my sister because she's the one that got all the photos.

And this here photo, that's the only family photo I have of us all together and, you know, I try to keep it close.

COMMISSIONER QAJAQ ROBINSON: How long before your mother was killed was this photo taken?

MS. BECKY MICHELIN: I don't actually know, but it wasn't too long before because we, in that photo, look around the ages that this happened.

COMMISSIONER QAJAQ ROBINSON: You were saying at the time in Rigolet there was no police. There's, you know, people listening and watching who have no idea where Rigolet is or -- can you describe Rigolet at the time?

MS. BECKY MICHELIN: It’s a very remote

community of, I would say, less than 500 people. At the time, there was no RCMP officers. My mother called for help numerous times that day, but they wouldn't send the police until something actually happened, from what I was told.

COMMISSIONER QAJAQ ROBINSON: And where would she have called the police, in Goose Bay?

MS. BECKY MICHELIN: Yeah.

COMMISSIONER QAJAQ ROBINSON: Okay.

MS. BECKY MICHELIN: So they would have had to fly into Rigolet.

COMMISSIONER QAJAQ ROBINSON: What other services were there? You said there were no social services. All those services were --

MS. BECKY MICHELIN: You had to travel outside to get access to any of the help.

COMMISSIONER QAJAQ ROBINSON: So when -- when your parents -- after they died and social services got involved, it was social services from Goose Bay?

MS. BECKY MICHELIN: Yeah.

COMMISSIONER QAJAQ ROBINSON: And -- and why was it -- how was it decided that you guys would be in care and would go to these different communities? Was your family involved at all in that or --

MS. BECKY MICHELIN: I'm not really sure how we ended up where we ended up. I think they wanted to keep us all together, but my aunt was adamant that she wanted my brother, so -- so we just went -- after, my grandmother did take us for a little while, but she had my sister and her daughter as well, who were -- we were all really close in age and I can imagine having three young children running around the same age, so...

COMMISSIONER QAJAQ ROBINSON: I've been to Goose Bay. I haven't been to the other communities in Nunatsiavut yet, but I have some familiarity with the history and I know that there were -- a lot of the communities were relocated and there's quite a history of -- to the impacts of colonialism and -- and there was residential schools there and day schools, I think. I don't remember some of the names.

But can you share with us at all -- sort of you said that -- you know, that your family was failed, that your father didn't get the help that he needed, that your mother didn't get the help that she needed. What was the help that you think they needed?

MS. BECKY MICHELIN: Well, my mother definitely needed the police that day. She definitely needed somewhere safe to go. And I assume for my father to have done this, he would have had some mental health issues

that, you know, could have been helped before it got that far. I think there was just a lot of -- a lot of things that weren't in place that could have been, and I mean, I'm not saying it wouldn't have happened if it was there, but had the option been there, it might not have, you know, and it always -- the wonder is always there.

COMMISSIONER QAJAQ ROBINSON: It's been a number of years since. Has the situation changed in Rigolet since?

MS. BECKY MICHELIN: Yeah, they do -- they have a police station down there now. They have the -- I don't know how to pronounce it -- Kirkina House, so that's like a women's shelter. And I'm not sure. I think they might be open full time now, but I know that there's one there anyways for people to get help, go somewhere safe.

COMMISSIONER QAJAQ ROBINSON: And you said when people call 911, there isn't Inuktitut available. For those that don't know, the Labrador coast is Nunatsiavut, Inuit territory. So when you call 911 in Nunatsiavut or in Rigolet, those calls are in the community picked up or how does that --

MS. BECKY MICHELIN: No, it's -- I think if you call 911, you -- I think it calls to Newfoundland and then they send it to the detachment here, and then they do whatever they've got to do --

COMMISSIONER QAJAQ ROBINSON: Okay.

MS. BECKY MICHELIN: -- but it's all English.

COMMISSIONER QAJAQ ROBINSON: Just a couple more questions. Goose Bay, I understand, is -- is outside of Inuit territory?

MS. BECKY MICHELIN: Yeah.

COMMISSIONER QAJAQ ROBINSON: When you were put in a -- in the foster home, was that an Inuk family?

MS. BECKY MICHELIN: Partially --

COMMISSIONER QAJAQ ROBINSON: Okay.

MS. BECKY MICHELIN: -- yeah.

COMMISSIONER QAJAQ ROBINSON: Did you have exposure to your -- your culture and language through that time?

MS. BECKY MICHELIN: Not my language, but I still done some of the things that I would have done in Rigolet. Like, I still went fishing and --

COMMISSIONER QAJAQ ROBINSON: Okay.

MS. BECKY MICHELIN: -- out on the land and stuff.

COMMISSIONER QAJAQ ROBINSON: So you were able to maintain --

MS. BECKY MICHELIN: Yeah.

COMMISSIONER QAJAQ ROBINSON: -- some of

that? That's good.

I -- I don't have any more questions. Is there anything else you want to say or add?

MS. BECKY MICHELIN: I don't think so.

COMMISSIONER QAJAQ ROBINSON: Okay. I -- I want to -- we've met before and I know your *anaanatsiaq*, your grandmother, and -- and I know that you and your *anaanatsiaq* have been activists on this issue for a long time and some of your *anaanatsiaq's* work since her daughter was taken has caused some of these changes, and I just want to acknowledge that and -- because those acts and fighting and standing up and speaking out do cause change, do make change, and I just really wanted to acknowledge that and acknowledge you and thank you so much.

MS. BECKY MICHELIN: *Merci*. Thank you.

COMMISSIONER QAJAQ ROBINSON: Do you have anything based on my questions?

MR. JOSEPH MURDOCH-FLOWERS: No, no follow-up. No follow-up other than thank you for your story. Thank you for being here.

MS. BECKY MICHELIN: Thank you for the opportunity to be here to share.

COMMISSIONER QAJAQ ROBINSON: We have some -- a couple of gifts for you. I'm going to put the microphone down because I'd rather talk to you than -- out

there, but I'll explain real quickly.

The matriarchs of the Haida Gwaii Nation as we started our work after Whitehorse and -- wanted to send their love and give strength to -- to families and survivors who were taking part in this process, so I have an eagle feather that they -- I am just the lucky one who gets to give it to you so that it's from them.

And then from us, we have *muna* (ph) or *supoday* (ph), the wick for the *Qu'liq*. Some of that that has been gathered, some of it I gathered, some of it our staff gathered and different people in different communities across Inuit -- Nunavut have gathered and I want to give you some of that.

MS. BECKY MICHELIN: Thank you so much.

MR. JOSEPH MURDOCH-FLOWERS: Okay. Thank you. So I would just ask to adjourn to tomorrow.

COMMISSIONER QAJAQ ROBINSON: At the end of the day, we -- we like dim the *Qu'liq*. Like I don't know what the word is -- put out the flame.

Exhibits (code: P0P04P0203)

Exhibit 1: Electronic folder with images displayed during the testimony of the witnesses

--- Upon recessing at 4:48 p.m.

--- Upon reconvening at 9:52 a.m.

Hearing # 5

Witnesses: Georgina Doucette and Joe Michael (In relation to Kate Michael and Tradina Marshall)

Heard by Commissioner Qajaq Robinson

Commission Counsel: Fanny Wylde

Clerk: Christian Rock

Registrar: Bryan Zandberg

MS. FANNY WYLDE: Commissioner Robinson, I would like to introduce you to our first family of today. We have here Joe Michael and Georgina Doucette. They are here to share the story of their loved ones, of two Mi'kmaw women, and with their husband who suddenly disappeared on March 30, 1936.

MR. JOE MICHAEL: 1936?

MS. FANNY WYLDE: Yes. So before -- before they share their --

MR. JOE MICHAEL: 1936?

MS. FANNY WYLDE: That's what I said, 1936. Yeah --

MR. JOE MICHAEL: Not 1938.

MS. FANNY WYLDE: -- 1936. So before they share their story, I'm going to ask Mr. Rock, the registrar, to please swear in the witnesses. Both of them will like to give oath with an eagle feather, so the eagle feather is -- with the Bible too.

MR. REGISTRAR: With the Bible?

JOE MICHAEL, SWORN

MR. REGISTRAR: Thank you.

GEORGINA DOUCETTE, AFFIRMED

MR. REGISTRAR: Thank you.

MS. FANNY WYLDE: Thank you. So thank you for being here this morning. We can start with both of you, if you could introduce yourself and what is your relation to Noel Marshall, Judina Marshall, Joseph Michael and Kate Michael? We could start with Joe Mike. We can start with you.

MR. JOE MICHAEL: My name's Joe Michael. I'm from the community of Shubenacadie, but the original clan or the original families came from Eakasoni, my father. The relationship between the -- the missing people are my grandparents and her sister also was also missing, my grandmother's sister, so the two women that went missing in March 29, 1936, and I'll continue on later on after. That's my relationship there, but I have another story, just Georgina now.

MS. FANNY WYLDE: So, Georgina, can you introduce yourself to Commissioner Robinson and just give us details on what is your relation to the missing loved ones?

MS. GEORGINA DOUCETTE: Okay. I'm Georgina Doucette and Judina and Kate were my aunts, my mother's

sisters, and that's my relationship with the two missing women, and their husbands were my uncles through marriage, and I'm here to tell the story. So many years has gone by, and I think it's time the story surfaced. It's been hidden too long.

This morning when I had -- after I had my breakfast, I had like a mini-meltdown just thinking about this inquiry. So many years has passed and through my lifetime I've always thought, "Will this ever come to surface? Well there be -- will there be anybody that will care enough to bring it up?" And I have older sisters in Maine and they call me and they give me little stories of what they heard over the years when my -- when they were young about our aunts and, you know, it's a long wait, but I'm here. Joe and I, we're cousins and we're here to tell our story of what -- what little we -- we have learned over the years about our families.

I'm hoping that I'll have the strength to go through this, this morning, because I've been involved in missing murdered Aboriginal women's quilt-making, so last year Mount Saint Vincent gave me 21 pieces to do and I'm working on them as -- as much as I can do. They're not very big, but my God, the people that come into my home, in my sewing room, and they tell me their stories of what happened and I'm there all alone listening, taking it all

in, trying to sew these pieces together and I have no one. No one is there to help me, you know, because I'm absorbing everything from all these poor women. They bring their loved one's pictures to me. I've never taken so long making 21 quilt pieces, and I've been quilting over 30 years and this just took me down, and this morning I -- I just couldn't function too well after breakfast. I had to pray and I smudged and I prayed for strength. I asked the Creator if you could hold me up another day so I could see these through and have my aunts and my uncles and our unborn cousin -- because one of my aunts was eight months pregnant. This -- oh, I can't even find the words for this.

They were hardworking people. They were out there bartering with their baskets and flowers and axe handles and trying to make a living for their children. Between the two families, they left behind 16 children and most of them ended up in residential school, which they suffered more, but I always find the Indigenous people of this country suffer a lot more than the people that landed here years ago. If only they knew what damage has been done. I don't know if they'll ever understand, but our people are very close and we try to help one another even though we don't always have the tools.

I always talk about mental health. I work

with the Eskasoni Health Board and I'm also on ML SN and now they asked me to join Mi'kmaw Family Services, and the stories I hear on a daily basis wipes me out, but I think I'm getting my strength from my Creator and my people in Eskasoni because when they come to me to talk to me, they give me strength.

And I would like to know who was responsible for the murder of my aunts and my uncles and put it all -- put it all together, and if we're lucky enough to find their remains, bring them home and have a burial. So with that, I'm going to let Joe talk to you. Thank you for listening.

MS. FANNY WYLDE: Thank you, Georgina. So, Joe, maybe you can give us details on what happened, that event.

MR. JOE MICHAEL: I want to thank Georgina over the years that I entered her house and put me up, you know.

So there's more to it. When the gentleman there -- or the whole thing started here, I had to swear into an oath to tell the truth. How could I tell the Commission, yourself or anybody around here that I am speaking the truth, so I took the eagle feather and the Bible, both of them, to say that what I word -- my words will be true. It's gone beyond -- it's hard to describe

that. I'm not here to -- to rose-colour any things. I'm not here to -- to elaborate on something that -- what happened.

In -- in my career as a Mounted Police, I spent 28 years doing investigations, and I dealt a lot with violence with women, men, children. I seen that and it came to a point where that's enough. I'm -- like Georgina said, a meltdown, but I had to be strong. I had to be like a rock, but yet I was an eggshell.

The incident that we're talking about this morning is about my grandparents and my uncle and great-aunt. I never knew who they were in growing up. Our parents moved from Eskasoni to Shubie, Shubie to Eskasoni and so on like that, and my father never spoke of his parents, so I didn't know. When you're young, it becomes complacent. You don't know. You just only -- you only see your mother's -- my mother's side of grandparents. But when we went to Eskasoni, we met this lady that -- and she was blind and sitting in a corner and -- and my father would call her Gram, but I thought it was out of respect as we do. I didn't realize that that was my grandmother's mother and that -- that didn't click in until I got involved in -- in this murdered missing women and men. As -- as a policeman, it -- it never leaves you. It never leaves you. Your training and your -- and your -- it's

always there with you because it's quite a -- to me it's an asset.

So what took place after that, the late Greg Johnston contacted me and he said, "Would you like to help me?" I said, "What?" He said, "Your grandparents." Nothing more said after that. I came to Eskasoni to talk to him and we went over -- we went over 45 or 50 years of documentation that he had, that he did, and also the late Charlie Morris -- both of them made a dedication of trying to find out what happened to my grandparents, my aunt and uncle.

The story they told was very interesting. The documents they had, to me, it was a -- it was a puzzle. They -- they weren't policemen, so they didn't have the experience or -- or the logistics of investigation, but they had very important information.

I started placing -- putting the pieces together and I went out to different places, and I interviewed Elders and I interviewed people, what they thought. In three and a half years, I -- sometimes I was chasing my tail, going in a circle, but you had to -- you know, you had to look at that -- that new information that comes to light. What happened after that, I -- I just filtered them out, "No, this is redundant. It's just, you know, the same thing," so I -- I had a quicker adapt to it,

myself, because I knew what -- what was a fact and what's just fictional and part of that I need to know -- I need to know where did my grandmother come from. I need to know where my grandfather come from. Where did they come from in order to -- then from there, I took the -- a look at, okay, these grandparents -- my grandparents made that journey over to Big Pond several times -- several times. They made their baskets, their -- they went eeling. They made (indiscernible), so that was not the first trip they made over to Big Pond.

On March 29, 1936, they left children behind. You know, my father is one of them on the shores. They went to sell baskets and at the time of the -- the baskets was Easter. They were going to sell Easter baskets and part of the investigation I did is that monetary -- money was nothing. The concept was -- was the barter system. They would take those baskets and they would trade bread, flour, clothes or whatever. That was their barter system because money had no value in here, like the First Nations here back in 1936. Not too many First Nations were -- really looked upon going in the stores. You know, it’s just there was lots of -- it’s a harsh word, but it’s a true word, racism. Everybody in this room is prejudice because I don't like drugs. I don't like people who abuse people. That's prejudice. But

racism is a strong, powerful word. If you're going to use it, you'd better be correct, and to me that's what happened in 1936. There was so much racism.

So, anyway, and I looked, then we found out through investigation and stuff like that. I -- I retracked -- I tracked them, and I literally went on the shores where they left and I went over to the shores where they arrived, part of the -- that's what I did. Like -- like it's almost re-investigating the -- the scene of a crime.

So they left 7:00 in the morning roughly --

MS. FANNY WYLDE: Joe, can we just take a step back. They left from where to where exactly --

MR. JOE MICHAEL: From Eskasoni.

MS. FANNY WYLDE: Thank you.

MR. JOE MICHAEL: They left 7:00 in the morning from Eskasoni, got their baskets and eeling pole and they were going to Big Pond. That was -- that's probably not -- but they're rowing and they got four people in that rowboat. And Georgina mentioned one of them was eight months pregnant, that was my grandmother. She was pregnant. So they kind of -- they went across the Bras d'Or Lake and then they arrived on the other side, but the story of the missing family member stopped there. What

happened? Did they go into some kind of a time dimension? Did they -- did they -- they disappeared. There was nothing more. All they seen was four couples going across Bras d'Or Lake and that was it.

It was not until -- so the -- our searches, the Mi'kmaw searches, they were good in water. They were good on land. These -- these individuals, they lived off land, our people, as your -- your family members did. They survived. They were survivors, but all of the communities went out and searched the -- the waters and --

MS. FANNY WYLDE: Besides the community that went to look for the family, was there any law enforcement that were looking for them?

MR. JOE MICHAEL: At the time when they -- when they searched, they -- there was nobody else involved. People knew that they were missing. The enforcement side of it was -- was never involved.

COMMISSIONER QAJAQ ROBINSON: Were there police in the region?

MR. JOE MICHAEL: Oh, yeah.

COMMISSIONER QAJAQ ROBINSON: RCMP or --

MR. JOE MICHAEL: Yeah. In 1936, you got to look at it too. I -- I look at it too. In 1936, there might have been one or two posted here, but now, 2017, they got about 20 or 30 people posted in one area, so I -- I

took that into consideration in part of the -- well, what happened.

I -- I went back to 1936, that's what I did. So, anyway, there was no police involved. There was no -- no Aboriginal searches. It was just all Aboriginal Mi'kmaqs. They scoured the water. They searched the land and they found out -- they found where they arrived on the shores, not far -- not far from where -- where they went to a couple's house that they visited all the time and it wasn't until much later -- much later, 25/30 years later, that that same individual said, "Those people that went in Bras d'Or Lake didn't drown. They didn't drown. They had tea at my house at 11:00," time -- time factor. Those are all documented. So at ten -- at 11:00, they had tea as part of the traditional and -- and they -- and they left and they had a prearranged location where they were going to go and -- and meet after the women settled -- sold their baskets in barter and the men went eeling. That was -- that was the arrangement.

Still missing. What happened? So in my -- my investigation -- I called it an investigation because I looked into it. So I -- I found out that they -- they did meet back not far from where we -- that location where we -- Georgina and the whole community, we did a ceremony and bringing the spirits back and it was

documented in -- in the news, stuff like that, but that's -- that's where they camped. That's where they were camping and it was probably too late to cross the Bras d'Or Lake, so they -- you know, like I said, they could survive anywhere.

So while they were there -- and I'm not going to sugar-coat this, okay -- they had some what you call sappier (ph), some homemade brew or whatever. That's the evidence I gathered. So, anyway, they were drinking and stuff like that, but not intoxicated, but that's in 1936. So -- so an individual came down, confronted them. He got -- he sort of got -- wants to fight and he went back to his house and he came back with a rifle -- gun and -- and shot them. The women took off. He shot the women. They put them in one massive grave, put all four people, and they made a fire. Why they made -- you know, they burnt the body and I know exactly where they're at.

Now, let's roll back a bit. Where did -- how do I know they made a fire? Because there's an individual in Eskasoni, Sylliboy (indiscernible) Denny. He's an Elder. He's the last surviving witness. In 1936, he was only 12 years old and he -- and he knew that he seen a fire on Bras d'Or, on the other side, you know, and him and his father turned around and stopped and -- and said, "Something's not right here. There's a big fire on the

other side." It was big enough -- it -- it was like -- like, you know, 15/20 feet, whatever. It was -- there was a fire, so they turned around --

COMMISSIONER QAJAQ ROBINSON: Certainly not a camp fire?

MR. JOE MICHAEL: No, no, it's definitely not a campfire. It was like a really big massive fire. So they -- they see it there and they thought that maybe if you walk along the shore that you could find the bodies.

And then, you know, like part of this case, I -- I knew that salt water affects the body -- the gas and fresh water also affects -- so I knew all that and how did I find out about that? I came upon more information through the -- the pieces that Greg Johnston had and I was very -- I said, "That's really interesting."

In 1964, that murder, mass murder, could have been solved -- could have been solved.

MS. FANNY WYLDE: In 1964?

MR. JOE MICHAEL: 1964. The chief, the late Chief Charlie Francis, was approached by individuals to tell him that this is the information they received and they all spoke Mi'kmaw, so there was no misunderstanding, no -- you know, no whatever. There was no misunderstanding. That information was taken to the -- the police. And I even thought about it. Was it a language

problem? Was it a culture problem or was it, "I don't want to be bothered with it"? I don't know.

So when they went to the police in Sydney, the -- the RCMP had had jurisdiction, they -- they didn't look into the information that they -- they had.

MS. FANNY WYLDE: And what kind of information did they have; do you know?

MR. JOE MICHAEL: Oh, yes. In -- in 1964, there was a woman that was in the hospital that was suffering -- well, today it would be stress or whatever, but there was another lady in hospital that the late -- she's passed away now, but they got a medical release form, the information, but that was the late Allison (ph) Bernard's mother spoke to this individual in hospital and this lady approached her and said, "I've got something -- I've got something to get off my chest, like I've got to talk to somebody," and she said, "Are you from Eskasoni?" She said, "No, I'm from We'koqma'q, but -- now, I married a man in Eskasoni," and she said, "Okay, I'll tell you what happened. My husband killed those people and burned their bodies," and, wow, you know, like, here -- here's the testimony even though it's second-hand, but to me that's a statement, the same as what you're writing down. It's a statement that was live, verbal, so that information -- that's where the information came from

in 1964, that (indiscernible), the -- the late Mrs. Bernard. Anyway, she -- she relayed that information to -- to the Michael family and the Marshalls and Francis, the chief.

So, anyway, I -- I went to the Sydney hospital to -- to get that because I had the consent form.

MS. FANNY WYLDE: Just before, Joe -- I'm sorry. So when the chief took that information to the law enforcement, to the police officers, what happened then?

MR. JOE MICHAEL: When -- when the chief went to the law enforcement, they didn't -- they didn't look into it and they -- they just didn't do it. They didn't do nothing. They --

COMMISSIONER QAJAQ ROBINSON: They didn't talk to Ms. Bernard's mother?

MR. JOE MICHAEL: Nobody. They didn't -- they didn't do no investigation at all and sometimes the -- the word back then would be -- it would be like something -- they -- they didn't -- they said they had -- had enough information or whatever. They have -- that's what -- the question is this. Why? Why did they not go and -- and look -- talk to Mrs. Bernard? In 1964, 95 percent of those witnesses that they could have interviewed were still alive, 94 percent of them -- 95.

MS. FANNY WYLDE: And were they interviewed

by --

MR. JOE MICHAEL: No --

MS. FANNY WYLDE: -- the police forces?

MR. JOE MICHAEL: -- none of them was interviewed. None of them was never interviewed by the police, but the police didn't -- didn't look into it at all.

MS. FANNY WYLDE: And, Joe, can we please take a few steps back? When you -- when you did your own investigation and found out that one man went to see the family in their camp and went back to his house and shot the family when he got out, where did you get that information from?

MR. JOE MICHAEL: I got that from the -- his -- his wife.

COMMISSIONER QAJAQ ROBINSON: What the wife had told Mrs. Bernard's mother?

MR. JOE MICHAEL: Yeah, yeah.

COMMISSIONER QAJAQ ROBINSON: Okay.

MR. JOE MICHAEL: So, you know, these -- these are live testimonies that -- they're horrible, sure, but they're -- they're true. It's the same as like I spoke -- like when I -- with that Bible and the eagle feather. It's the truth. It's not fabricated or anything like that. It's the truth. I'm convinced without

a doubt what happened that day.

MS. FANNY WYLDE: And, Joe, I remember you shared that the father, as -- as they were searching for the family, went to Big Pond and was looking for information. Can you tell the Commissioner what happened to the father as he was looking for the family?

MR. JOE MICHAEL: When John -- when John heard, he went -- was concerned for his daughters and there's no vehicles, so he walked around to the Big Pond to -- to see what happened.

When he got over to Big Pond, he was confronted by an individual and he was told to, "Go back to your reserve. Don't look for those people," or he -- he made a threat to them, to John Herney. It would be my great-great-grandfather. Made a threat to them and said, you know, to, "Get back on your -- your reserve and don't -- don't bother coming back here and looking for those people," you know, and the guys never said they were dead. He said, "Don't come back looking for," so he was threatened. The relationship back then was like he, you know, looked upon -- the Aboriginal people back then, there was fear. They -- they were afraid of non-Indigenous [sic] people, the white people or whatever because they -- they were very dominant and our people were very easygoing, you know, like, you know, it was a community thing. Everybody

looked after themselves. So when he was told to get out of there, that was it, you know.

I kind of suspect (indiscernible) grounds, that was the murderer that he confronted or he was confronted by the -- that was the individual that -- that killed my grandparents and the two men [sic].

But the relationship back then, it wasn't very good and it's -- and when I sat down in the sweat lodge or a pipe ceremony or a smudging, I looked -- I looked upon all that information. I went back to Greg, "I'll be there Saturday." He passed away Friday before I was going to go up, cancer, and I didn't have the chance. Give me a minute.

MS. FANNY WYLDE: Maybe, Georgina, maybe you could tell us about --

MS. GEORGINA DOUCETTE: No.

MS. FANNY WYLDE: -- the children?

MR. JOE MICHAEL: I'm ready. I've got to finish it. I've got to finish that journey.

COMMISSIONER ZAJAQ ROBINSON: Can you tell me who Greg Johnston --

MR. JOE MICHAEL: Greg Johnston was the -- a well respected Elder in Eskasoni. He's the one looking after the -- all the information for 45/50 years.

What I was trying to say when there's

emotions, I didn't have time to tell him that I found out what happened. I wanted to tell him that his investigations, his puzzles and all that stuff were accurate and I was going to tell him the name of the person that killed my grandparents, but I told his wife and -- and she just basically, "No, he -- he's in the spirit world. He probably knows."

Then I went to Charlie Morris and I told him that -- I thanked him for -- for his long investigation with Greg Johnston. He had cancer and when I told him about that, about a week later, he passed on.

So then -- then I went to our family members. They're very close. The first person I went to was Georgina. I sat down with her, had tea, and I said, "Georgina, this is what happened," you know.

I went to Mike Marshall, Mike Moose they call him. These are the Elders that were around and I told him what happened.

And finally I went to this Elder, Sylliboy Popo (ph) (indiscernible) Denny, was the last surviving witness. I went to him, and I told him what happened. All he said, "I knew they were murdered," confirmed. All I did was -- all he did was confirm what I did and -- and I confirmed what he was talking about, so he was right, so that's -- that's basically what happened. You know,

they -- they were murdered.

And the biggest thing that I find very disheartened or saddened, the police never did anything. When I did -- I went to the -- the Mounted Police. I had a 36-page report to present to them. I knew the lingo. I knew the -- the procedure. They went -- they're -- you know, it was -- I don't know. After -- after a while, I found it was a soother effect, "Here." I was like a child, "Here. Here's -- here's" --

COMMISSIONER QAJAQ ROBINSON: A pacifier?

MR. JOE MICHAEL: Yeah, to keep you quiet. So they went up there with what they call cadaver dogs, searching where they -- where the bodies were.

MS. FANNY WYLDE: And what year was that, Joe, when you went to show your 32 -- 32-page [sic] of -- report?

MR. JOE MICHAEL: Well, they -- they took it and they read it and then they said they're going to assign the Major Crime Unit.

MS. FANNY WYLDE: And when was that exactly?

MR. JOE MICHAEL: That was last year. So, anyway, they -- and I felt -- when they brought the dogs out and they're searching and -- it was like -- it was just like, "Well, what do you want to know?" Go there, search there, search there, whatever, and they -- and they -- it

was just -- it was -- I don't know. It just -- I didn't feel -- there was nothing there. They were just there because they wanted to satisfy me to search with a dog, but they didn't use no other means of equipment like -- like you can search on the depth in the -- the ground and stuff like that. They had a sonar up in Chapel Island on the reserve at the mission. They found bodies in a road at six feet and they -- and they took this machine that -- and they found about 12 -- about 12 bodies in -- in 12 different coffins six feet under.

The ones in Big Pond, my grandparents and my aunt and uncle, are not even close to that. They're probably only about a foot, a foot and a half in the ground and -- and covered with rock. That same instrument could have -- could have been used. I even made the comment, "Well, how come you're not using that?" "Oh, no, they'll use a big pole and they poke a hole in the ground and the -- the" -- that's almost like buying a ticket. You put a hole in the ground and you've got to hit that right on. You've got to be perfect. If it doesn't work, you could be three inches away from the -- from the decayed body or bones or the -- or the gases. You could be that close. But with that instrument that they use, I would be -- I think we would have a disclosure right there, Georgina, I now (indiscernible). It would have a disclosure of those

bodies. We know what happened and we know the spirits came back to Eskasoni and we -- we released them, but to have that tangible thing, the bones, it may not be much, but with the DNA -- but with the DNA -- but with the DNA that we -- we have just today, it's awesome. So that's -- that's where it stays.

MS. FANNY WYLDE: So what was the reason why they didn't use that sonar thing that you suggested? What did -- what did they responded [sic] to your suggestion?

MR. JOE MICHAEL: I can't answer that. There was no response, but I made -- I made a suggestion to them and they -- it was unheard or they didn't want to answer or they didn't want to nothing.

MS. FANNY WYLDE: So you mentioned that you brought the spirits back. Can you give details to the Commissioner about that? What did the family and the community do for the missing loved ones?

MR. JOE MICHAEL: Well, I think I'll let Georgina answer this one.

MS. FANNY WYLDE: Okay. Georgina? Do you feel comfortable to share with Commissioner Robinson what are the things that you did to bring back the -- the spirits to the community?

MS. GEORGINA DOUCETTE: Well, we went across to Big Pond and we had a ceremony on the shore and we

carried five pairs of moccasins, one for each member. We even had the baby's moccasins with us.

And after the ceremony, we -- we had, we offered tobacco to the water and prayed and smudged and we asked the spirits to come with us, that we were taking them home. It was very emotional for all of us because it took us that long to do this and we did bring them home. Joe set up -- he made wooden crosses for the shoreline where they left in 1936. He put up crosses there and they were wrapped in purple for healing.

We got through the ceremony and then we went to the church and we gave out the moccasins to each family members. Joe took a pair. I took a pair and other family members, the Marshall family, and Joe asked us to take those moccasins and bury them on top of loved ones who passed away years ago, so one of the women, Mary Jane Sanipass, I gave her a pair of moccasins and I asked her if she could bury them on top of her mother's grave because her mother was the daughter of one of my aunts. She was very emotional. And everything that we asked them to do was carried. That was the best way we know how to honour them and bring them home, but I was so overwhelmed that it took us that long to do something like that, and I do give a lot of credit to Joe, Gregory Johnston, Charlie Morris for all the help that they -- for all the research that got

done in 40 -- 45 to 50 years. That's a lot of work.

And at times over the last -- when we started this, over the last few years, each time we -- Joe would tell us something new that was in the report that Greg did, you know, we've always known in our hearts that they didn't drown and that they were murdered.

And one of my first cousins, Bridgette Marshall, was -- her mother was Judina, and she used to ask me about 20 years ago -- she says, "Georgina, you speak pretty good English." She said, "Why don't you talk to CBC and bring up this story?" so I did it twice, and it never went anywhere.

But I'll tell you another story about this young woman that went to CBU and she did a write-up of how our aunts and uncles, Joe's grandparents -- she did a write-up and she put it out there and she got threatened because she was married to a -- a white person from East Bay and whoever threatened her, threatened to go to her home and harm her family, so this young woman moved back to Eskasoni, took her children and left, left her home in East Bay, Northside East Bay, so I'm pretty sure there's somebody out there that knows the whole story. And when you start rattling cages, people will, you know, attack and I think this young woman was too close for comfort because of her -- her paper.

I never got to talk to her about it fully. She just told me the story of -- of her paper and why she had to move out of East Bay. Maybe that would be a good thing to do, to add on more to our story because there's somebody out there that knows, you know, still has -- carry that story in their hearts, their minds for a long time.

And one time there was a lab technician that used to come to Eskasoni doing blood work, and one morning, I got a call from the receptionist at the Hill Centre. She said, "Do you want to come down to the Hill Centre?" I said, "What for? Is there a meeting?" She said, "No, the lab technician has brought a basket in and she wants to get a hold of the Marshalls and the Michaels and all the Herney descendants of John Herney." She said, "Come on down. She brought a basket. It's here. She wants you and your family members to look at it," so we did that.

I went down with Mike Marshall, my cousin, and I think Bridgette and her daughters went down. We looked at the basket. The story this technician told us, that her father-in-law found that basket in the water years and years ago and he kept it in his house and he told -- that was his daughter-in-law, that was the technician. He told her that it was after the disappearance of -- of our family members when he found this basket, so I guess he was trying to say they drown. I

don't think they drown. We all know other -- you know, a different -- we know the difference. We know what happened because eventually if they did drown, they would have floated up eventually, but that didn't happen.

So I got this woman's name. I just got it recently, and I was kind of hoping maybe I can speak to her and find out what she did with that basket.

So my cousin, Mike Marshall, he held the basket. I didn't dare to touch it. I was so overwhelmed. I just looked at it. I said, "Maybe that is one of my aunt's baskets," but my cousin, Mike, touched it. He said when he did, he got chills all over his body, so I'm sure as I sit here, their spirits are out there.

We need to put a closure. We need the truth to be said loud and clear that our people didn't die in vain, that we as descendants will try to get answers because there's younger generations that only hear a little bit of what went on, and I think all of Mi'kmaq Nation deserves to know. It's just not our families that went missing. There are a lot of people out there and, like I said earlier, I hear a lot of stories in there. We need to do something. We need to find out what we could do to help.

It's a Canadian problem, people. It's not a Mi'kmaq Nation problem. It all lands at our feet, each and

every one of us. We are on this planet and we are responsible to what happens to each and every one of us. If we have any love and care and respect and honour for each and every one of us here on Mother Earth, we'd better get some answers soon and we'd better stand up and take control of what goes on this planet, what goes on, not only protect our people, but also protect the land and the earth, Mother Earth, the land we live on, we depend on. It's bad enough we abuse each other. Now, we're abusing the land.

For me, I'm getting on, and I would like to see closure for my family and other family members, and I'm going to drop it on your lap. Help us out. Thank you.

MR. JOE MICHAEL: The thing that Georgina was talking about, to me is about culture, traditional -- traditional values, family -- family ties.

I'm looking at that boat there. The individual -- when the Mi'kmaqs go out there on the waters, they know that they're looking for the bodies, but that boat was brand new, my information was. It was a keeper. But if he ever got caught with it, then all hell would have broke lose. You're guilty. So he took that boat and he moved it down to -- about a mile down shore near Ben Eoin and -- and the boat -- now, this is evidence there. The boat was -- the bottom of it was cut with an axe, like

downward, not -- not from the bottom of the boat, but downward. And they took the eeling pole and they tied a woman's scarf on there. That is not a Mi'kmaw distress signal. That is a European -- for a mariner signal, you tie it there. That's not Mi'kmaw. And -- and there was a woman's scarf on there.

COMMISSIONER QAJAQ ROBINSON: Is that how their boat was found?

MR. JOE MICHAEL: Yeah, yeah. And -- and the -- when the boat was found, the -- you know, it was placed there by an individual and the individual that put it there was the murderer, so it -- it wasn't talked about, this eeling pole with a scarf on there. He didn't know the -- the culture. He didn't know our ways. It's just like in the far north, they pile the rocks up, "We were here," and some people will take a mark on the tree this way. Our people have a different meaning to say that we're here or whatever. They will leave a campsite. They won't tear it down. They'll leave it for somebody else, share.

What I find in this whole Commission -- and I'm going to make a statement right now. And each province has law enforcement, whether it be federal or municipality, the cities and towns, the counties, the RCMP, whatever, OPP or whatever. Each province should have a specialized unit of First Nations. If I went up north, I wouldn't know too

much about the -- the customs of the Inuit or -- or the people of the land. I only could do that because of what I think it is, but what I think could be wrong, and the same thing in Mi'kmaq territory. Some kind of a specialized section that -- that's carefully selected to investigate these missing and murdered people. Have them trained by experienced -- to me, I have 28 years of service, you know. Could I offer my service? Oh, damn right I would. I would pick the best, not because they're good -- they're good on paper, but I would pick -- I would really pick the best in the -- for the Mi'kmaq, say, "Look, this is what we're looking for. This is the criteria," instead of somebody saying, "I have Aboriginal ancestors," and all of a sudden they're there. That's not what -- that's not what this whole thing is all about. It's finding out the truth. How can we find our people, whether they be missing, murdered or anything? This specialized section could go in a different province, Newfoundland, PEI, you know, or if they're on Mi'kmaq territory, then they could cover those things, and -- and also up in different areas.

I found a very interesting culture, your culture. I found it very interesting. I learned more and -- and it kind of -- I got obsessed with it. I really like it, family orientated. I really like that culture. As a matter of fact, some of them moved in Shubie.

MS. FANNY WYLDE: Can I ask a question about this police taskforce or these specialized units? When you talk about this, is it something that is specific to the issue of missing and murdered Indigenous, that this is a taskforce that should do this work specifically or just generally that that's how policing should be done?

MR. JOE MICHAEL: No, no, policing -- this is a different avenue. The policing is -- is part of -- you know, it probably will start for the policing. Look, you know, Jane is missing or John Doe is missing or whatever. Then that's -- they'll do their own investigation, like, you know, like whatever, but at some point in -- in time, they will get involved. It's like a Major Crime Unit. They do --

MS. FANNY WYLDE: So a Major Crimes Unit type that specializes in --

MR. JOE MICHAEL: First Nations or like they -- they could get details. And they're -- and they're closer to the families when it comes with information instead of, "Oh, sorry, we got nothing new right now," and all of a sudden they're brushed aside. And the same thing what happened to -- in 1964, when -- when the late great Charlie Francis went to the police, he was brushed aside. This unit would -- would be nice.

COMMISSIONER QAJAQ ROBINSON: M'hm.

MS. FANNY WYLDE: Joe, I think I would have a final question. Why do you think there was never any investigation regarding that story?

COMMISSIONER QAJAQ ROBINSON: That was my exact question. *Merci*.

MR. JOE MICHAEL: Which one, 1964?

COMMISSIONER QAJAQ ROBINSON: Yeah, why in 1964 --

MS. FANNY WYLDE: In 1936 and 1964, and then again in 2015 when you went to see the police enforcement, why do you think there was never any investigation nor interest in that story?

MR. JOE MICHAEL: 1936 and 1964 are a copy, both a copy of each one, "No, sorry, we can't do it." 1936, "I ain't even bothering going out there." This is the mentality of the police, you know. "Oh, they drown," and -- and that's all. When -- when they said, "Oh, they drown," that's what -- and that never came from a First Nation. That came from a non-Aboriginal that said, "Oh, they drown." Maybe the person that was responsible told them they drown. That's a little piece on -- on the Cape Breton Post, "Four Couples Drown at Bras d'Or Lake," that was it.

And when -- and when the -- or when I went there, they kind of treated me with kit gloves. They knew

I knew the lingo. They knew that I was sort of -- part of their family and they knew that they weren't trying to help me, but --

MS. FANNY WYLDE: But why do you think there was no investigation?

MR. JOE MICHAEL: One second. Excuse me. Excuse me.

COMMISSIONER QAJAQ ROBINSON: We can take a --

MS. FANNY WYLDE: Can -- can we have a recess of five minutes, please?

COMMISSIONER QAJAQ ROBINSON: Yeah, absolutely.

MS. FANNY WYLDE: Thank you. We'll take a five-minute break.

--- Upon recessing at 10:55 a.m.

--- Upon reconvening at 11:06 a.m.

COMMISSIONER QAJAQ ROBINSON: Fanny, the last question was about in 1936 and 1964, you said, you know, that really no investigations were done. Why do you think that is?

MR. JOE MICHAEL: I -- I really think they didn't care. They have no (indiscernible) of -- "So what?" so to speak, "So what?" They didn't really -- had any emotions. They didn't have no feelings. I can't say they

were hardcore -- well, kind of they're hardcore, but they didn't know about culture. They didn't know about the effects that -- they just didn't understand our people. They -- I can't say there was no love. I'm just saying there was no respect for -- for our first people and that goes across Canada.

Now, there in 1964 is the same -- basically the same thing, but our people were starting to speak their language, the English, and probably when they started speaking English, there was a culture difference, so that -- that played a part even though we spoke -- they spoke English, they could get along with it, but the main thing was their -- their train of thought was Mi'kmaw, so that happened in 1964. Again, there was just no concern. It's like -- it's almost like again repeated 1936, "So what?" you know. "We don't have enough information," but then -- and in -- when I get my timeframe, when I went to the -- the police, there was an individual -- I'll be honest with you. There was an individual in the RCMP, a lady, and she was ranked pretty good. I think she was a lovely woman. Her heart was there. Her understanding of culture developed. She took that time and she was Chief Superintendent. Can I use her name? Can I say her name?

MS. FANNY WYLDE: Yeah.

MS. GEORGINA DOUCETTE: Her -- her name is

Marlene Snowman. She took the time to understand what is the culture of Mi'kmaq. She took the time to go and visit you instead of saying, "Well, I'll see you at 10:00 and at 10:15 we're done. Oh, I've got a meeting to go to." She came to my house. She even came to a place where we -- where I had a gathering for the Elders. She took -- she understood culture and understood Mi'kmaq.

Now, an individual like that is a godsend. It's something that, wow, you know, if -- if that individual -- if there's individuals out there, they're out there, but they have to be trained and they have to understand our culture a little bit more or the cultures up north or any Ojibway, and I can't even pronounce it --

MS. FANNY WYLDE: Inuktitut.

MR. JOE MICHAEL: -- Inuktitut, the culture there -- from there.

So when -- when I went there, she -- she took the -- basically, she took the bull by the horn and said, "Hey, I want you -- this is what you're going to be doing," and this is what the -- this is how the cadaver dog got -- cadaver dogs got involved. But when she passed on that information to the -- to the people that were looking after the dog and -- and whatever and -- and there was another guy that was -- that's where it became -- I said earlier, it came -- it became a soother effect.

Now, what they put on the report, they never said. They never -- they never contacted me or whatever. It didn't matter to me anyway because I was there, but that's where a soother effect come. Do -- do those members really care? They knew me because I worked alongside of them and I worked in different things with them. They -- they were more respectful for Joe Michael as an ex-RCMP, but how respectful would they be if it was Georgina, you know, so it -- it would be like, "Okay, well, it's just Georgina, you know. We'll just -- you know, we'll look into it," or, "We've got no information, but we're" -- I had -- I don't know. I can't say it was a pole, but they better have their ducks lined up when they're dealing with me, you know, because I -- I would have -- you know, I knew what to expect.

But it boils down to, in any police, from Nova Scotia, tip of BC, tip to Inuktitut, yeah, Inuktitut -- you know what I mean -- you know what I mean. So even -- even in Alberta, Ontario, they -- they have to have a little compassion for our people. They have to have some kind of understanding. Don't use that soother effect across Canada. As Georgina said, it's like what this blanket is. It's -- it's before your feet with all the culture and it's like that lovely lady, Marlene Snowman. She took that time to say, "Hey," you know, but it took

somebody from a higher rank for -- to -- to take effect and as a mere somebody in a clog [sic] in a wheel, all he does is spins and spin and spin and, "I get through this and I'm going to retire," and that's it. I never retired, I don't think, from the police, you know. But there's -- there's no understanding. There's no -- I don't know. I can't even say -- I shouldn't even use the word love, but -- love -- it's respect. There's no respect for culture.

And when this came out, when my grandparents were missing, in -- in the *Cape Breton Post*, I was contacted by a family and -- and they said, "Can you investigate about our missing -- our murdered -- an individual?" I -- I didn't want to talk to them on the phone, but they phoned me. I didn't want -- because it was -- to me, it wasn't personal. I said, "Where do you live at?" They -- they told me where and I said, "I'll be there in an hour."

I just happened to be in Sydney and so I went and talked to them. They kind of knew a little bit about culture and they said -- they offered me tea and I drank tea and -- and they told me about their loved one, murdered. I -- I just let them go. I let them -- I let them vent, you know, and then I had to tell them that I'm not an investigator, a private investigator. "Well, can't

you get -- can't you get a licence?" I said, "Oh, I can get a licence," but I had to tell them that there's more to it than -- than what their request was, to knock on doors and stuff like that, because I -- I kept telling them -- I had to repeat myself several times that I'm not a private investigator. I don't have the legality -- the legal -- legal background to protect me if something happens, you know, and for me to go and get a private -- a private investigator, I'm -- I'm looking at a high cost and they're not going to cover it and I don't --

MS. FANNY WYLDE: That happened after you retired?

MR. JOE MICHAEL: Yeah, it happened after I retired and this happened after when they -- it was last year this happened.

Then some other people kind of said, "Look" -- something else happened, and I'm telling them I'm not a private investigator. If I find out something and I kind of like hold it back, I told them that I -- I could be -- I could be charged for obstruction or whatever, but the common person at that level, without no knowledge of the legality of it, they didn't (indiscernible) obstruction. "We want the truth." They're right. They want the truth. Unfortunately, I'm not in a position to -- to give them the truth because I'm -- I'm not a peace

officer. I don't have a badge and I -- I did that for 28 years. Do I want -- you know. It's like one of those -- it's like one of those TV series, like "Matlock," or somebody. You know, I'm not that. I'm better than that, you know, because I'm not an actor. I'm a real person. You know, I don't have an hour to solve a case. It would take a while, but that section I'm telling you about on division ever gets off the ground, ever gets foundation, that's when -- that's when things start to happen for our people.

MS. FANNY WYLDE: Thank you, Joe. I think I would like to ask Georgina if she has any recommendations to give to the Commission.

MS. GEORGINA DOUCETTE: I would like to see a lot of mental health coming to our communities. There are a lot of women and young men out there that are streets -- that are on the streets. And addictions, they have a lot of addictions. I spoke to the chiefs about three -- three weeks ago about getting better mental health for our communities, so nobody responded. They all looked at me. And it's not going to get better. Each and every one of us have to step up and help.

And I know the funding is hard. I hear that because I'm -- I'm on the health board, but all the resource money that Canadian government hangs onto for

our -- for our Nation, they should release it. I think it's high time, you know.

COMMISSIONER QAJAQ ROBINSON: And where should they put the money --

MS. GEORGINA DOUCETTE: Where it's needed -- where it's needed, you know. Education is a priority, mental health, to be self-sufficient. There's a lot of young people out there. They graduate grade 12 and then they're stuck because they're afraid to venture out because of racism and here it goes again. You know, I'm going to keep saying it until it doesn't hurt anymore.

I went through residential school and, my God, I had one hell of a time, but I'm recovering slowly and I get all my energy and support when I try to help the younger generation so they don't have to suffer the way I did and mental health, education, better health, more money from the government for our Indigenous people because there's no need for anybody in this country to be suffering.

When the Europeans came over, guess who was there? The Mi'kmaq fed them, sheltered them, helped them. What did we get in return? A lot of misery. And I don't want to go in my grave knowing that I didn't speak up when I could have. I have so much bad experience and this is what's coming out of me now. What I'm doing now is part of

my healing and I'll be damned if anybody is going to keep me down. There's a residential school survivor, Sister Dorothy Moore. Hats off to you, Sister. We came a long ways, but my recommendations will be for all the Mi'kmaq Nation to have good education and to have good support, mentally, physically and spiritually, and for all of us to be proud of who we are without any backlash from the -- from the white people.

And for years we suffered. Time to end it. Time to end it, Canada. Stand up, take responsibility. I'm trying. *Wela'lioq*.

MS. FANNY WYLDE: Thank you, Georgina and Joe. I will now leave to Commissioner Robinson if she has any final questions or comments.

COMMISSIONER QAJAQ ROBINSON: I have a habit of doing this. I ask my questions as we were talking, so I don't have a lot of questions. I do want to express my gratitude for -- for sharing with us today.

I want to make sure that as -- as I listen and as -- as the people -- because this is being televised -- are listening that they understand what it was like in 1936 and in 1964.

The -- your relatives, your loved ones, were in Eskasoni and they went to Big -- Big Pond; is that correct? Was that a non-Indigenous community, a settler

community, Big Pond, or when they went to go trade, where were they going? What was that environment like there?

MR. JOE MICHAEL: It was a non-Indigenous group/family there and the houses were probably more back then, but -- but they're a distance apart.

COMMISSIONER QAJAQ ROBINSON: M'hm.

MR. JOE MICHAEL: And back then in 1936, our people were -- were always -- almost considered beggars. When they'd go knock on a door and sell their basket, they were begging and then that's the way they looked upon us all in 1936, all, you know, and this happened not only in Big Pond, but it probably happened down in the valley, down in Yarmouth, Halifax and so forth.

Our people had special talents in -- in making baskets and they -- they were beautiful baskets and flowers just like the carvings up in Inuit, beautiful blue carvings.

COMMISSIONER QAJAQ ROBINSON: Is that an example that we were gifted --

MR. JOE MICHAEL: That would be probably an example, yeah, sweetgrass on there. Those -- those things were -- were probably -- back then, probably it'd be a loaf of bread, homemade bread. To go into a store now to buy that, you -- you could buy -- you could buy a truckload. It's like two, $300 now. That -- that's probably what it

cost and -- and bigger ones are more.

And the other thing they had too, skills, is in their sales and when they go to a place like Big Pond, they had porcupine birch bark, stuff like that. That was an art, but that was a fine art, stuff like that, but then, you know, people they'd look on it -- but our people were very gifted when it comes to art, and -- and they deal a lot with non-Indigenous people.

Part of my training -- I got to a point where when I first started in the RCMP, I -- I kept saying, "White guy," and then all of a sudden I -- I got corrected a couple of times, not -- not by words, but on paper, "You shall not say that." "What? Where am I anyway, in residential school or Indian day school?" because I'm not used to a culture of that, so now it got to a point where I'll say non-Aboriginal, you know, and that's -- that's what I say now, but I make fun of them. I -- I say Caucasian or -- or European. They don't like that, but I don't like being called Indian either or savage, you know.

COMMISSIONER QAJAQ ROBINSON: Fair enough. You said that you believed it was racism, the reason why they -- they were killed. Can you tell me a little bit about why you think it was racism? Was it what witnesses have told you? Was it the climate there at the time?

MR. JOE MICHAEL: What happened back then at

the time and when I say it was racism, a lot of things became very possessive back then and, "This is mine. This is my land. This is part of my property and you guys stay out of there. You -- you people stay out there," but when they were camping with a fire and stuff like that, that enraged that individual, you know. He went down there very verbally and then -- then, "You guys" -- you know, then that's where -- that's deep-rooted racism, you know. It was like, "You Indians get out of there," or whatever, you know. I don't know the word verbatim what he said, but the logistics are, "You get out of there" --

COMMISSIONER QAJAQ ROBINSON: Right.

MR. JOE MICHAEL: -- so a competition, but it does -- and when you go in 1936, back then even one thing there, they went, oh, yeah, you know, they were -- they were beggars and that's what our people were looked upon, they were beggars. They -- they weren't beggars, you know. They were trying to survive and, you know, they -- they never stole, you know, but all of a sudden they're called beggars. That's just -- that's not right, you know.

COMMISSIONER QAJAQ ROBINSON: Just one final question. You said you believed that the murders were based on racism. Do you think racism played a role in -- in the policing, in them not taking action?

MR. JOE MICHAEL: That's -- I'm going to have to live with that comment. Was it racism by the police? Yes --

COMMISSIONER QAJAQ ROBINSON: Yeah.

MR. JOE MICHAEL: -- damn right it was. It was racism, but it was so masked so -- so beautiful, so nice, deep inverted masked. It just was covered pretty good, you know. It was racism. And you got realize too these same police back then, the RCMP, forcefully took -- what Georgina was saying about residential school. The police were literally taking -- taking the children away from the mothers to place them in residential school. This happened throughout Nova Scotia and it happened out through the Atlantic region and it probably happened up north.

COMMISSIONER QAJAQ ROBINSON: It happened across the country.

MR. JOE MICHAEL: Country. You know, a policeman -- excuse me. You know, a policeman taking -- taking a child away from their mother, that's got to be hard. That's taking her heart away from her. So was there racism there? Sure, there was. There was no compassion.

You know, racism to me is when -- when I show respect for non-Indigenous people, when I show respect

for somebody that's on the street and they're bumming a quarter or whatever. I'll give them enough money to buy coffee or a sandwich. I have done that. I have gone to McDonalds and bought -- Tim Hortons, a coffee and -- and I see -- I know they're there and I'll roll the window down. And the big thing that my -- my thing is that he said, "Thank you." You know, I wasn't -- I did my thing, you know, so that's -- that's -- you know, that's what should be done, but racism is a terrible ugly monster and it's so hidden. It's so well hidden.

I could put racism in that basket and cover -- and cover it up. You're just going to see a basket, but once I uncovered it, then you're going to see the -- the turmoil. You're going to see the negative attitude, the "I don't care" attitude or "Let's just get rid of them," or just, you know, whatever. There's such -- such a big variety of negative stuff in that basket.

It's -- I seen prejudice. I seen prejudice in -- in my -- while working with the RCMP, in uniform, "What's that Indian doing here?" you know, and I was saying, "Wow," you know. "This Indian here got a badge and -- and a uniform," that's what I told him and, of course, they kind of, "F-you, Indian," and stuff like that and -- and that -- that's racism.

Then I went to buy -- I went to buy a dog in uniform, and I went with a non-Indigenous person. I bent over to look at that puppy. This individual said, "I'm not selling him a dog because he's an Indian," you know, and he came back, and he didn't want to say that to me. We got in the car, "Joe, I've got something to tell you. That woman wasn't going to sell you a dog because you're Aboriginal, but she said Native or Indian." And I said, "Well, I got used to that." You know what he did? He called Human Rights and a woman come out and interviewed me, and I didn't know what -- what was it all about [sic] and I said, "Oh, that was that woman," I said. Anyway, they -- they fined that woman for making that comment. They fined her and I don't know what the fine was, but the minimum was $10,000, so is racism out there? It's always been out there, whether I'm in uniform or I could have a title or I could be with -- with Georgina. Racism is out there. It's -- it's a reality, people.

COMMISSIONER QAJAQ ROBINSON: Georgina, do you -- I ask you the question too. Do you think racism was involved in -- in the murders and -- and in the investigation?

MS. GEORGINA DOUCETTE: Yes, I do.

COMMISSIONER QAJAQ ROBINSON: Can you tell me more about that?

MS. GEORGINA DOUCETTE: Well, we've had racism since people landed on these shores and it's still alive and well. We can't even stand up for -- for our land anymore, for the water, for the land, for -- you know. You get thrown in jail. You get beaten just because you're Indigenous and just because you're trying to protect something that we respect and love. And we have to get it out there with the non-Aboriginals that they have to respect where we all live. It's not just Indigenous, but guess who's digging for oil, gas, polluting the waters? It's not the Indigenous people, mind you. It's the non-Aboriginals -- and to put us in a situation where we cannot stand up for what we believe in and what we love, which is our land. Racism will always be here unless we all stand up and join hands and try to wipe it out.

Now, I look at the Americans. Our racism is hidden like Joe said. Like that basket, it's well hidden, but up there, it isn't. I watched the Sioux Nation fight for their -- for the safety of the land, for -- to keep it clean. You know, it was horrible. You'd think they were doing something wrong and that's all for the almighty dollar, so we're up against the almighty dollar and the non-Aboriginal people who want to make millions and millions.

When it all comes down to it, nobody is

going to be able to eat that dollar bill. When the water is gone, the land is polluted, then what? Eat that mighty dollar. We'll have to boil it, I guess, but --

COMMISSIONER QAJAQ ROBINSON: It's plastic now, so it'll be a long time boiling.

MS. GEORGINA DOUCETTE: Oh, My God. We are cornering ourselves. We are. And if we don't get along together as non-Aboriginals and the Aboriginal people, this place is not going to be -- it's not going to be a decent world, that's for sure. It's got to stop.

Eighty-one years ago it happened to my family and that's -- I believe deep in my heart it was racism that took my family out, left behind 16 children, which some of them ended up in residential school and some were taken in by our family members. And back in 1936, there was no money. We had to survive on what little -- back then, my father made 50 cents a day and he was trying to help, taking Michaels -- so racism is an ugly thing.

The only -- we need to educate Canada. Everybody has to put in their two cents worth if we're to survive and if we don't do that, we're not going to be happy people.

COMMISSIONER QAJAQ ROBINSON: Thank you so much. Thank you, both of you.

MS. GEORGINA DOUCETTE: You're very welcome.

COMMISSIONER QAJAQ ROBINSON: Before we end, I want to present you with a -- with a gift to honour and recognize what you've given us. I don't want to hold this.

And the matriarchs in Haida Gwaii -- the matriarchs in Haida Gwaii have been gathering eagle feathers from the west coast to give to families across the country, so from the West Coast Grandmothers, the matriarchs, an eagle feather for you.

MS. GEORGINA DOUCETTE: Thank you.

COMMISSIONER QAJAQ ROBINSON: And throughout the country, we've been giving packets of seeds and a bit of red willow as a gift as well, the seeds being, you know, something that you can plant and see it grow.

MS. GEORGINA DOUCETTE: Yeah.

COMMISSIONER QAJAQ ROBINSON: So we're hoping that --

MS. GEORGINA DOUCETTE: Red willow?

COMMISSIONER QAJAQ ROBINSON: I believe this is red willow, and the seeds are white yarrow seeds.

MS. GEORGINA DOUCETTE: My son would grow these.

COMMISSIONER QAJAQ ROBINSON: And if you want, your son can take pictures and email them to Fanny or to us and we can see --

MS. GEORGINA DOUCETTE: M'hm, yeah.

COMMISSIONER QAJAQ ROBINSON: -- we can all see together what this -- what this work turns into --

MS. GEORGINA DOUCETTE: Yeah.

COMMISSIONER QAJAQ ROBINSON: -- yeah.

MS. GEORGINA DOUCETTE: We've got to put back what we take.

COMMISSIONER QAJAQ ROBINSON: Yeah. Thank you. I offer you the same. Thank you. And an eagle feather as well.

MR. JOE MICHAEL: What -- what we went through this morning with everyone here, with the recommendation, I hope it goes (indiscernible). Find those -- find those Aboriginals that had the same (indiscernible) as that woman had and -- and they could prevent more -- they could prevent more Aboriginals from being murdered, and if they're murdered, they'll know why --

COMMISSIONER QAJAQ ROBINSON: Yeah.

MR. JOE MICHAEL: -- whether they're in the sex trade, drug trade or sexual abuse, whatever. Those individuals that are trained First Nations will have your answers. You will not have this Commission like this. You will have answers just because -- just because of what you're doing here. You're doing a good job.

COMMISSIONER QAJAQ ROBINSON: Thank you.

MR. JOE MICHAEL: You're doing a good job.

COMMISSIONER QAJAQ ROBINSON: I don't want to give this to you in an improper way.

MR. JOE MICHAEL: No, no, I'll accept it.

COMMISSIONER QAJAQ ROBINSON: Okay.

MR. JOE MICHAEL: I accept it with honour, you know. I have a special place at home. I have an eagle feather and I have gifts, but that's a place there nobody touches and nobody in my home knows it. I'm -- I'm what they call a pipe carrier, a traditional person. I speak (indiscernible).

COMMISSIONER QAJAQ ROBINSON: I guess my name is I-ah (ph), and I was named I-ah by Elders in my community. In Inuit tradition, you name children after people who have passed away.

MR. JOE MICHAEL: Yeah, be --

COMMISSIONER QAJAQ ROBINSON: And I-ah was a man. He was a special constable.

MR. JOE MICHAEL: Yeah.

COMMISSIONER QAJAQ ROBINSON: He was one of the first special -- Indian special constables who worked with the RCMP in Northern Baffin Island, and when he passed away in ’96 -- I was born in ’77 and my parents originally named me Evelyn -- don’t tell the cameras -- and

(indiscernible) -- (indiscernible) sister came to my house and said, "Your daughter is my brother," so I guess in the way I was raised, I do have a spirit name.

MR. JOE MICHAEL: Yeah.

COMMISSIONER QAJAQ ROBINSON: He is my spirit.

MR. JOE MICHAEL: I accept that as good. That's really good. Thank you.

COMMISSIONER QAJAQ ROBINSON: And I'll give you some seeds as well.

MR. JOE MICHAEL: Okay. Yarrow is used for internal medicine.

COMMISSIONER QAJAQ ROBINSON: Okay.

MR. JOE MICHAEL: You drink it and it's -- it's so powerful that I would take the first cupful (indiscernible) and then you drink it. It cleans all your (indiscernible).

COMMISSIONER QAJAQ ROBINSON: Okay.

MR. JOE MICHAEL: That's what yarrow --

COMMISSIONER QAJAQ ROBINSON: And is it the root that you boil up?

MR. JOE MICHAEL: Yeah, yeah, yeah. (Indiscernible), I think.

COMMISSIONER QAJAQ ROBINSON: Thank you.

MS. FANNY WYLDE: Thank you. So we can now

adjourn this hearing.

--- Upon recessing at 11:43 a.m.

LEGAL DICTA-TYPIST'S CERTIFICATE

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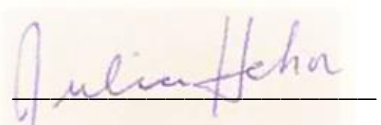

Jane Baniulis

January 31, 2018