Chief injustice

Escalating instances of abuse, corruption and mismanagement on the part of male First Nations leaders are prompting aboriginal women to take action

DEBORAH JIMMIE is a prisoner in her own home. There are no actual shackles, just a fear as heavy and solid as metal handcuffs. With a husband, a 12-year-old daughter and four older sons, Jimmie's 20-year confinement is almost tolerable. "You can get used to anything," she shrugs.

Jimmie says that someone routinely drives by her house when she's alone and slows down in front of her big living room window. She's convinced it is John Laurence Pennier, the 61-year-old chief of her reserve. She also claims Pennier has verbally threatened her and that he withholds ▶

BY CORI HOWARD

"If you dare criticize the abuses, you are ostracized," says Viola Thomas (right), president of a support group for off-reserve, urban aboriginals in Vancouver. "It's like goon squads. Aboriginal goon squads." Since she testified against the chief of her reserve, a convicted sex offender, Deborah Jimmie (inset) has been afraid to leave her house. But, she says, "The chief can't keep me hidden away for another 20 years."

social-assistance cheques, cuts people off the housing list and puts his close relatives on instead, and won't give Jimmie her education funds – complaints she and others on the reserve have taken to Indian Affairs.

Jimmie says the chief used to sexually harass her as well, but a year and a half ago she put an end to that by testifying against him in court, where he was up on charges of sexually abusing her 17-year-old niece. So far Chief Pennier has been charged several times for sex-related crimes, and convicted and sentenced each time except in the most recent case involving another woman on the reserve. In the case of Jimmie's niece, he was sentenced to four months in jail on two counts of sexual assault.

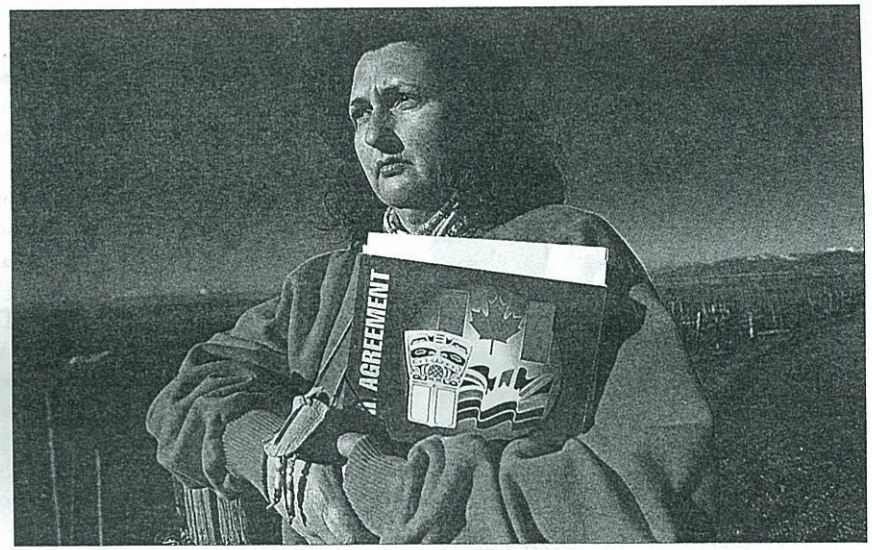
Testifying was a brave and rare move, one that has hurt Jimmie, 37, and one, she says, that has prevented members of her family from finding work or peace at home. The reserve, home to some 80 members of the Stó:lo Nation, about an hour's drive northeast of Vancouver, seems serene, tucked below towering green mountains with a river running towards nearby farms. Jimmie, however, doesn't get out much to enjoy it. "I don't have a life here. I'm stuck in my house," she says. "And I'm not the only woman who's afraid. It's just that a lot of women here won't come forward."

Pennier, who refused to be interviewed for this article and whose lawyer did not return calls, was re-elected chief last March by a one-vote majority, just four months after he was released from jail. Complaints filed with Indian Affairs accusing Pennier of buying votes and rewarding supporters with jobs and favours prompted an election appeal, but Indian Affairs turned up no proof that the vote was improper or illegal. Nor were Pennier's prior convictions a barrier to holding political office. Because he was acquitted of his most recent sexual assault charge, the department said his election was perfectly legitimate. "Only chiefs convicted of an indictable offence while in office can be removed under the Indian Act," says Indian Affairs spokeswoman Toni Timmermans.

> Some reserve residents allege that the chiefs use the money doled out by Ottawa to control band members, rig votes and line their own pockets.

The situation incenses Jimmie, whose relationship with Pennier is hostile. "I don't have anything to do with him," she says. Instead, she works quietly behind the scenes, writing letters to the media and the government, inviting women into her home to listen to their stories, slowly gathering support among other band members in the hope of eventually kicking Pennier out of office. "I look at my innocent daughter," she says, "and I don't want her to live the life I did, for the abuse to continue to her daughters and granddaughters."

MOTIVATED BY ANGER and a fierce desire to improve life for their children, a growing number of aboriginal women like Jimmie are beginning to fight the corruption, financial mismanagement and abuse of power that plague many reserves in Canada. By coming forward with ▶



Wendy Lockhart Lundberg, who is fighting to have two family properties restored to her mother, says that "property decisions are usually skewed in favour of men."

Photo: Kim Stallknecht

allegations of fraud, nepotism and discrimination, women are demanding greater accountability and respect.

The problems, as always, stem from control of the money. Reserve residents say they are at the mercy of male chiefs and male-dominated band councils, who receive direct transfers from Ottawa to the tune of about $6.5 billion a year. They in turn dole out the funds for health care, education, social programs and community services. But according to the Auditor-General's office, ambiguous documentation makes accountability a problem, and some residents allege that the chiefs use the money to control band members, rig votes and line their own pockets. For example, on some reserves chiefs distribute the welfare cheques from Ottawa, and some native women contend the chiefs threaten to hold back the checks from anyone who disobeys them or refuses to vote for them.

Fourteen First Nations band councils also have the power to expropriate land for community use, and all band councils decide how to divide matrimonial land when marriages fall apart. Property inheritance is also at their discretion, says Wendy Lockhart Lundberg of Richmond, B.C., an off-reserve member of the Squamish Nation who's currently fighting to have two family properties restored to her mother. Because the councils are male-dominated, she says, "property decisions are usually skewed in favour of men." Some reserves, in fact, are notorious for situations where the male chiefs and band council members live in fancy houses and drive expensive cars, while ▶

the majority of reserve residents – mostly women and children – live in abject poverty. Says Gail Sparrow, a former chief of the Musqueam band in Vancouver who has often lamented conditions on reserves, "In B.C., there's a nucleus of 10 superpower chiefs who are hand in hand with Indian Affairs and women are not allowed in there. We need to break the circle."

Viola Thomas, president of the United Native Nations Society, a support group for off-reserve, urban aboriginals in Vancouver, says that the escalating instances of discrimination and abuse stem from "an inherited disrespect and dishonouring" resulting from the Indian Act. Pointing out that 75 per cent of aboriginal women have been physically or sexually abused, Thomas says, "The disrespect is intergenerational and directly correlates to the legacy of residential schools [where aboriginal children were removed from their family homes and taught – often forcibly – to abandon their language and culture] that has now rippled into the younger generation. And our men have inherited mainstream society's sexist ideology. And if you dare criticize the abuses, you are ostracized. It's happened time and time again. It's like goon squads. Aboriginal goon squads."

But after decades of living in fear of the consequences of speaking out, a groundswell of native women across Canada are beginning to stand up to the "goon squads." There's Leona Freed, a Dakota Plains Indian from Manitoba, who is fighting for a First Nations ombudsman who would serve as an independent watchdog to audit and investigate allegations of mismanagement on Canada's 600-plus reserves. Freed has travelled the country visiting other reserves and setting up her organization, the First Nations Accountability Coalition of Manitoba. There's Yolande Redcalf from Alberta who went on a hunger strike last summer to protest the Third-World conditions on her reserve, particularly the lack of housing. There's Meaghan Walker-Williams from Cowichan, Vancouver Island, who has set up her own accountability group and an exhaustive Web site which makes allegations about the shady dealings on her reserve.

The most high-profile example of aboriginal corruption is on the oil-rich Stoney reserve, 60 kilometres west of Calgary, where an independent audit into financial mismanagement resulted in 43 complaints being turned over to the RCMP. In a precedent-setting decision in 1997, Alberta Judge John Reilly demanded a provincial inquiry into how such a wealthy band could have such poverty and social ills, likening the Stoney government to a "banana republic." In September 1999, after investigating the suicide of a Stoney teenager, Reilly produced a damning report that laid the blame for the boy's death squarely at the feet of corrupt native leaders and misguided federal bureaucrats. "I now believe that... vested interests deliberately sabotage education, health and welfare programs, and economic development in order to keep the people uneducated, unwell and unemployed so that they can be dominated and controlled." Reilly's outrage and disgust jump off the page as he continues, "I cannot believe that the abuses of power that have occurred in this tribal government have happened without ▶

the knowledge and even the complicity of the officials in the Department of Indian Affairs." (Subsequent attempts on the part of Alberta's former chief judge and three Stoney Nation chiefs to transfer the outspoken Reilly were unsuccessful and are currently under appeal.)

Among other examples:

- The Gitxsan [Nation] Health Authority in B.C. was caught in 1998 investing federal health-care funds in the Alberta Stock Exchange. No charges were laid, but the band lost $50,000.
- Between 1992 and 1998, federal funding to Indian bands jumped 47 per cent. And yet during that time, the number of bands in receivership increased to 20 from four.
- A scathing report released last year by Auditor-General Denis Desautels said that the Department of Indian Affairs faced several hundred mismanagement complaints with no clear direction on how to handle them. "The department has the responsibility to ensure the resolution of these problems, and they have not been resolved," says Grant Wilson, auditor responsible for Indian Affairs.

Some of the problems are attributed by chiefs and the federal government to the difficulty that reserves are having in adjusting to self-government. In recent years, reserves have been negotiating with the federal government for more control over their resources and greater autonomy in justice, policing, taxation and education.

But Dr. Taiaiake Alfred, a Mohawk who is the director of Indigenous Governance Programs at the University of Victoria, says that the corruption and mismanagement on Canadian reserves have

When people speak up, says off-reserve activist Leona Freed, they get evicted, their children apprehended, dogs killed, houses looted. "There's nowhere to go for help."

nothing to do with self-government and everything to do with the Indian Act. According to Alfred, there's an inherent corruption in the Indian Act system because it makes band governments answerable to Ottawa – notorious for its laissez-faire attitude on this issue – rather than to their own people. In his most recent book, *Peace, Power, Righteousness: An Indigenous Manifesto*, Alfred writes that "there's almost a complete lack of accountability" in the current system, making it ripe to be taken advantage of by people who are "corrupt and greedy and selfish."

Corruption is something Leona Freed knows well. A 47-year-old mother of six and grandmother of eight, Freed was born on the Long Plains (now Dakota Plains) reserve, but she now lives in a small town nearby, working casual shifts in an onion packaging plant. She describes the lead- ▶

Photo: Fred Greenslade

ership crisis on reserves in a nutshell: "We have self-appointed chiefs, silent chiefs, illiterate chiefs, bought-and-paid-for chiefs, hereditary chiefs. If a band member opposes them, all services are cut off and they are chased off reserve."

When Freed was young, her mother moved the whole family off reserve in order to avoid residential schools. Later, Freed married into a nearby reserve, Hollow Water, but left after seven years of physical abuse by her husband. Now she lives just outside Portage la Prairie and couldn't return to her reserve even if she wanted to because of a lack of housing. So from a distance she is fighting alleged corruption, much to the dismay of the local chiefs and councillors. "A lot of them are angry at me," she says. "I bet they'd like to file a lawsuit against me, but they wouldn't dare because they'd have to open up their books."

Freed says the chief of Dakota Plains, Orville Smoke, promoted himself to that position after the previous chief, his brother, died. Less than a year after Smoke became chief, band members approached Freed and asked for help to deal with the problem of lack of services and mismanagement of funds. Reached for comment, Smoke admitted that there was no election but claims that he was appointed by acclamation. "That prevented vote-buying."

Freed says that only 40 people live on the Dakota Plains reserve, but that the band office is collecting money for 193. The other 153 members, she says, live off reserve because there is no housing. Smoke's estimate of the number of reserve residents is closer to 200, but he agrees that about 150 members live off reserve. "There will be no money for housing until 2004," he says.

For all her work in digging up numbers, Freed says nothing has changed. "Everyone is afraid of the chiefs," she says, "even our own aboriginal politicians." During her tour of the country's reserves last year, Freed says she discovered similar problems everywhere. When people speak up, they get evicted, their children apprehended, dogs killed, houses looted. "There's nowhere to go for help," she says. "Not to Indian Affairs. Not to the RCMP. They're advised to stay out of it because it's internal. But people are getting very angry and frustrated and they don't know what to do. I'm speaking out because the aboriginal people have no future the way conditions are."

Until last November, Yolande Redcalf was living in a house on the Sunchild Reserve with 15 brothers, sisters, nieces, nephews and her mom. A reserve of just under 500 people northwest of Red Deer, Alta., Sunchild is mired in the fallout from more than a century of zero economic development. When she was five years old, Redcalf was taken from her family and put in foster care. At 30, she moved back to the reserve.

Returning to her heritage and to her reserve was shocking. So many of her family were living under the same roof that her sister had to move out of a bedroom where she was sleeping with her three kids so that Redcalf, who had a baby shortly after she returned, wouldn't have to sleep in the unfinished basement with her newborn. Fuelled by that frustration and unable to get the chief or council to do anything, Redcalf decided to go on a ►

hunger strike. "I wanted a public inquiry into financial accountability," she says.

From her perspective – having lived on the outside – conditions on the reserve looked very bad. "I thought this isn't right. Other people on the reserve have nice cars and good jobs. The chief and council and their families and the people that support him have benefited and my family and two others are slowly being ousted out, denied housing and jobs."

Forty-four days later, the chief granted her request for additional houses for her family. But for Redcalf, the hunger strike became more than just a protest about housing. The experience prompted her to decide that her advocacy work would be better served off reserve. She's now enrolled at the University of Alberta in Edmonton pursuing a B.A. in native studies. Since last summer, she has travelled to Winnipeg to meet with Freed's group and with Myron Thompson, Reform MP for Wild Rose, Alta. Thompson, the former deputy critic for Indian Affairs, continues to work with native women and on a private members bill about the ombudsman that he plans to present to Parliament.

On one reserve in northern Alberta, "Huge amounts of [welfare] money were being paid to people who were dead," says Reform MP Myron Thompson.

Redcalf is willing to do almost anything to try to secure an independent audit of her reserve. "People here are threatened by people who've come back with an education," she says. "I've been told I'm white inside and not appreciated there, trying to change our society into mainstream society. But I don't believe that. I just want nice clothes for my nieces and nephews, no overcrowded homes and clean water. But to have that, you have to stand up and speak out against it."

Thompson says he sympathizes with Redcalf and Freed. In helping organize their cross-country meetings, he came face to face with the "deplorable and disgusting living conditions" on reserves. "I didn't realize it was so bad," he says. On one reserve he visited in northern Alberta, Thompson found documents he says indicated social welfare payments were skewed. "Huge amounts of money were being paid to people who were dead," he said. Thompson referred the matter to the RCMP who, two months later, dropped the case because of "insufficient evidence."

Like Redcalf, Meaghan Walker-Williams of the Somena First Nations on Vancouver Island returned to her reserve when she was 27, after being adopted out to a white family in Vancouver at birth. Smart, savvy and tough, Walker-Williams has taken to teaching herself about Canadian law so she can fight the alleged corruption and inequality on her reserve. Her group, the Somena Governance Society (www.cow-net. com/tiltulum), is focusing now on forcing the local elected leaders to be accountable. "I really disagree with the idea that First Nations aren't ready for self-government," she says. "What we're doing is forcing account- ►

ability, calling for change and responsive government. As uncomfortable as it may be for some people in band governments, this is the birthing stage of self-government."

But she isn't getting far with the federal government. "I've tried to solicit a response from the minister in Ottawa, from the ministers in B.C.," she says. "But the only people interested in assisting us in any way are the Reform Party, and it's pretty scary when Indians have to go to the Reform Party for help." That First Nations are so desperate is depressing to Walker-Williams, but she isn't going to let it get her down. After two years of working with her late grandfather to educate people on the reserve about the band system and their rights to information, she says, more and more people are coming out to meetings and getting politically involved. She's attracting fervent responses to her Web site from First Nations people across the country who share their horror stories and their triumphs online.

Yet she doesn't see herself as a leader. "A lot of people have asked me to run in the next election," she says. "But I don't think we'll get very far by changing the players. We need to change the rules. We have to talk openly about this, instead of being in denial. It's like an alcoholic family where everyone knows there's a problem but no one wants to talk about it."

One of the major stumbling blocks in resolving the issue is the government's tendency to deal only with the elite, male-dominated aboriginal leadership, some of whom are determined to follow their own agenda. According to Leona Freed, in her meetings with Phil Fontaine, Assembly of First Nations national chief, Fontaine keeps focusing on raising treaty money. "He doesn't give a shit about the band members." She has a different idea: "We need to eliminate welfare for all status Indians. We've got to get out from under the chiefs' thumbs. Welfare dollars are used to control us. The ones fighting us now are not just government, but our own aboriginal leaders. I'm going to start saying we don't need chiefs."

Fontaine was not available for an interview, but Jean La Rose, a spokesperson for the Assembly of First Nations, says Fontaine invited Freed to take specific allegations of fraud or mismanagement to the police. "We have no authority to go into a band or a council to investigate these kinds of allegations," he says. "That's not our role."

La Rose said the AFN is developing mechanisms to make reporting allegations easier for First Nations people, but he denied any widespread corruption amongst chiefs and councils. "We are more accountable than any other level of government," he says. "I don't think it's worse than any other community."

On the Stó:lo reserve outside Vancouver, Deborah Jimmie has taught her daughter to stay away from the chief and she doesn't let her go out after dark. Jimmie works long hours off the reserve, but when she comes home, she stays inside. For now. "I only know one thing," she says. "The chief can't keep me hidden away for another 20 years. And the more I speak out, the more people come to me with their stories. That gives me the will to fight."