

**Indian Residential Schools Resolution Canada
Media Clips**



**Résolution des questions des pensionnats indiens Canada
Manchettes**

Friday, January 27, 2006 ♦ vendredi, 27 janvier 2006

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Source: Indian Country Today

Date: January 26, 2006

By-line: David Wiwchar

Canadian election bad news for Natives

As the right-wing Conservative Party of Canada danced to power on Jan. 23, First Nations, Inuit and Metis leaders across the country were left wondering if the win would be as bad as it appeared.

The election of a Conservative government led by Stephen Harper was not welcomed by most Canadian First Nations, Inuit and Metis. Native leaders in British Columbia even went so far as to urge Canada's one million aboriginal people to vote strategically in what they called an "anyone but Harper" campaign.

Over the past two years, Canadian aboriginal leaders have gained greater prominence in federal and provincial politics, fueled by numerous court victories affirming aboriginal rights and title throughout the country.

This past November, at a First Ministers meeting held in Kelowna, British Columbia, national aboriginal leaders sat with the prime minister of Canada and premiers from the 10 provinces and three territories to discuss aboriginal issues. After years of fighting for "a seat at the table," the day had finally come.

After two days of meetings, the leaders signed the Kelowna Accord, which committed \$5.1 billion to close the gap between aboriginal and non-aboriginal Canadians.

The money would go towards improved health, education, housing, and economic opportunities for Canada's first peoples.

The federal government promised another \$1 billion to compensate the survivors of Canada's Indian Residential Schools system, where thousands of aboriginal children were physically, sexually, emotionally and spiritually abused in what one British Columbia Supreme Court judge called "institutionalized pedophilia."

But behind the handshakes and smiles, a dark cloud loomed.

Prime Minister Paul Martin and his Liberal government were barely holding on to power.

A scandal involving multi-million-dollar advertising deals with Liberal-friendly ad agencies and kickback schemes was crippling the government.

The Liberal Party did not have enough seats in Parliament to govern with a majority. For their legislations to pass, they had to convince members of Parliament from the three other parties to vote with them in support of bills. As the end of 2005 approached, the Liberals lost their grip on the reins of power after Harper's Conservative opposition led a vote of no-confidence against the government.

Harper had been waiting 12 years for this. A Calgary economist, Harper had risen up through the western-based Reform Party as it became the Canadian Alliance Party, then merged with another right-wing party to become the Conservative Party of Canada.

Going into the federal election, the Conservatives skipped over aboriginal issues. In press conferences, they made no commitments to uphold the Kelowna Accord, saying they would have to look at the federal budget before making any statements. They also refused to commit to the Indian Residential Schools Resolution.

Two Conservative candidates running in British Columbia drew the ire of Native leaders after being

repeatedly charged with interfering in aboriginal salmon fisheries, claiming the constitutionally protected fisheries were "race-based" and therefore illegal.

Behind the scenes, Tom Flanagan (author of "First Nations, Second Thoughts") was guiding the Conservative Party's aboriginal policies. His influence was clear in Conservative statements about treaty negotiations and how they should be legislated rather than constitutionally protected, which would make treaties susceptible to the ever-changing whims of governments.

Many Conservative candidates were prevented from speaking to the press; Harper had seen previous elections blown because of statements made by loose-cannon candidates, and wasn't about to let that happen this time.

As Election Day neared, Conservatives surged ahead in the polls. Native leaders grew increasingly nervous and did everything possible to get their people to the polls.

Days before the Jan. 23 vote, Assembly of First Nations Chief Phil Fontaine sent Harper a letter asking for clarification on outstanding aboriginal issues. He never heard back. The centrist Liberals and left-leaning New Democratic Party candidates also tried to push the Conservatives into making firm commitments, to no avail. Harper was not going to put his lead in jeopardy.

As results began streaming in from across the country, initially swaying back-and-forth between the two main contenders, the only question was not whether the Conservatives would glide into government, but whether they would have a minority or majority.

Many were surprised Canadians had given Harper only 124 seats, a weaker minority than the Liberals had, and far from the 155 seats needed for a majority government.

Former Prime Minister Paul Martin, a close ally of Fontaine, won his seat in Montreal, but resigned as leader of the Liberal Party after winning 103 seats for his party. The Bloc Québécois (a federal party only concerned about issues affecting the province of Quebec) won 51 seats and the NDP took 29.

A record number of aboriginal candidates ran for the four major parties this election, with four elected to the House of Commons in Ottawa.

Actress Tina Keeper (star of the "North of 60" television series) is now a Liberal member of Parliament for the riding of Churchill in northern Manitoba. Todd Russell returns to the house as Liberal MP for Labrador, as does Nancy Karetak-Lindell, representing the territory of Nunavut. Metis Rod Bruinooge won the riding of Winnipeg South for his Conservative Party, narrowly beating longtime Liberal MP Reg Alcock.

Although the election results between the two main parties were closer than most pollsters had guessed, the Liberals could not change the country's appetite for change, which is often the strongest force within a democracy.

Voting against 15 years of Liberal rule, Canadians were careful to not hand the unproven Harper too much power and have forced him to step carefully with his minority government.

The challenge facing Native leaders will be to keep the positive momentum of the past year rolling despite the change in government.

The AFN has committed to work with the new government "to ensure a better quality of life for First Nations and a stronger country for all Canadians."

Other leaders, realizing the challenges of gaining the attention of the Conservative government, have vowed to push opposition parties harder to ensure aboriginal voices are heard at the top levels.

It will be at least a year before aboriginal issues make it onto the Conservative radar as their party rushes to make campaign promises on health, child care, tax cuts and the economy into law. In the meantime, leaders who fought so hard for the Kelowna Accord will sit and wait, watching the dance that is Canadian politics: two steps forward, three steps back and a big slide to the right.

Source: The Catholic Register

Date: January 25, 2006

By-line: N/A

Catholic Register: Canada turns right in election

TORONTO, Canada (Catholic Register) -- Canada's first Conservative government since 1993 has sent faith and civil society groups scurrying to analyze how Prime Minister-elect Stephen Harper and his Conservatives will deal with their concerns. Interestingly, despite attempts by Liberal Prime Minister Paul Martin to paint the Conservatives as a "scary" force that would ravage Canada's social safety net, the post-election reaction was not overly fearful.

COMBATIVE CANADIAN PM CANDIDATES – Conservative leader Stephen Harper and Canadian Prime Minister and Liberal leader Paul Martin are shown campaigning in Montreal and Milton, Ontario, respectively, Jan. 18. Pro-family groups said Canadians voters rejected Martin's values, including support for abortion and same-sex marriage, in an election that saw Harper and the Conservative Party achieve victory. (CNS photo/Reuters)

Joe Gunn, campaign coordinator for Make Poverty History, an ecumenical and secular alliance devoted to eradicating poverty, said his group actually has pledges from a majority of new members of Parliament in support of its objectives.

"As of (Jan. 24, the day after the election), the candidates who supported us and were elected added up to 178 MPs in the new Parliament," the Ottawa-based Gunn told *The Catholic Register*.

That 178 is more than half of the 308 members in the House of Commons. The Conservatives hold 124 seats in the new Parliament, compared to 103 for the Liberals, 51 for the Bloc Quebecois, 29 for the New Democrats and one independent from Quebec City. In the last Parliament, the Liberals governed with 133 seats, against 98 Conservatives, 53 Bloc MPs, 18 NDP, four independents and two vacancies.

Many of the issues promoted by faith groups failed to generate much media interest during the campaign. Same-sex marriage had the most profile, though generally as an example of how the Conservatives would take away Charter rights from gays. But Harper neutralized the issue by saying his party would have a free vote on it. And he promised his government would not introduce legislation on abortion, putting him in the same camp as the other parties on that issue.

But the faith groups were concerned about more than abortion and same-sex marriage. Poverty, the environment, refugees, aboriginal concerns, health care and world conflict were part of their agenda, yet rarely made the headlines in any meaningful way.

Poverty

"I think in general, poverty issues were not given a high profile during the election campaign," Gunn said.

But below the media radar, Make Poverty History was quietly garnering support from all the political parties for its four objectives: more and better foreign aid; trade justice; canceling the debts of poor

countries and eradicating child poverty in Canada. In the end, 987 candidates endorsed the Make Poverty History objectives.

“What we really need to do is move on to the next step,” Gunn said. That is persuading Harper to include a pledge to eradicate poverty in the first speech from the throne.

Refugees and immigration

Tanya Chute Molina agrees that the Conservatives didn't give the issue much attention during the campaign. But the program coordinator for refugees and immigration at the ecumenical social-justice group KAIROS saw potential for action by the new government on some of their concerns.

“Refugees don't seem to be their high priority, and that presents challenges,” she said. “The areas where there is potential for movement are the issues of landing fees and professional credential recognition, which they have identified in their platform as issues they want to work on, and those certainly are issues of importance to newcomers.”

The Conservatives pledged to reduce the \$975 landing fee charged to all new immigrants and ease recognition of professional immigrants such as doctors, lawyers and engineers.

Life issues

On the same-sex marriage front, Pat O'Brien was cautiously optimistic. “I'm hopeful that we have elected a Parliament that in a free vote would restore the traditional definition of marriage,” said the co-chair of Vote Marriage Canada, who pointed out that 123 of the 211 candidates Vote Marriage endorsed were elected.

He also said cabinet ministers forced to vote for same-sex marriage may change their position if Harper holds the promised a free vote on marriage.

Campaign Life Coalition's (CLC) national organizer Mary Ellen Douglas saw minority status as “a disaster for the country,” because the Conservatives will be “hogtied.”

On a positive note, the number of pro-life MPs went up. “We have more pro-life MPs than ever before,” she told Canadian Catholic News.

Bishop Fred Henry of Calgary called on Harper to deal with abortion, despite the political difficulties.

“Mr. Harper is going to have to learn that he will not always have the luxury of playing peek-a-boo with life issues,” said Henry. “The government cannot be neutral on the question of abortion.”

Meanwhile, euthanasia and assisted suicide remain a threat, said Alex Schadenberg. “This is no time to relax and be complacent,” the executive director of the Euthanasia Prevention Coalition warned in a Jan. 24 news release.

He pointed out that Harper has said he opposes euthanasia, but he would allow a free vote if a private members' bill comes up. Liberals and Tories are divided on the issue, and perhaps only a few NDP MPs would vote against euthanasia, he said.

Health care

James Roche, policy analyst for the Catholic Health Association, said there is a possibility of progress under the Conservatives some of the issues the CHA raised, such as accountability in health care, and resisting the expansion of a for-profit sector in health care.

“There is some balance and some checks there to ensure that some of the issues would continue to be addressed,” he said.

Harper is on the record as saying his party will not create a two-tier health system. Roche said that any serious study of the problem of waiting lists for treatment would come to the conclusion that opting out of public health care is not a real solution for the majority of patients. Harper has promised a wait-time guarantee for all Canadians.

Environment

On environmental issues, there appears little to cheer about in the Conservative platform, but at least one environmentalist thought Conservatives would be no worse than the Liberals in that regard.

“Their (the Conservatives’) environmental policy is very weak, I’ll grant you that,” said Dennis Patrick O’Hara, director of the Elliott Allen Institute for Theology and Ecology in Toronto. “But the Liberals are saying a lot and doing nothing. So, I’m probably not any worse off.”

O’Hara thought the Conservative government of Brian Mulroney did more to improve Canada’s environment than the Liberals, who have governed since 1993.

Aboriginal rights

On aboriginal issues, the Conservatives refused to endorse completely the accord reached just prior to the election between the Liberal government, the provincial premiers and the Assembly of First Nations.

However, Harper did promise to uphold its objectives to improve native health and education and address the issue of abuse in residential schools.

Phil Fontaine, national chief of the Assembly of First Nations, said in a press release that he was willing to work with the new government. “We were consistently reassured that the Conservative Party would respect the objectives and targets of the First Ministers’ Meeting and would implement the Residential Schools Agreement,” he said. “We will seek a meeting as soon as possible to discuss how we move forward on these commitments.”

Defense

Project Ploughshares, an ecumenical group on military and peace issues, will be monitoring the new government closely on its plans to rebuild the Canadian Armed Forces and its intentions regarding the U.S. ballistic missile defense (BMD) project.

John Seibert, executive director of Project Ploughshares, said there is no certainty on how the Conservatives would respond to another American invitation to Canada to participate in ballistic missile defense, a project to put defensive weapons in space that could destroy enemy missiles before they hit targets in North America.

Seibert said there are indications even the American military is losing interest in BMD because of its high costs and technical problems. Seibert speculated a new question would be put to an open vote in Parliament and even the Conservatives are not unanimous on where they would stand.

Steve Staples, defense analyst for the Polaris Institute, said the Liberals, Conservatives and even the NDP agree on large increases for military spending. "We are concerned that these defense-spending increases are being used to fuel military integration with the United States," he said.

Source: The StarPhoenix

Date: January 27, 2006

By-line: Doug Cuthland

Bumpy ride awaits federal–aboriginal relations

"Conservatives are like the mumps, everyone gets them at least once in their life."

— former Liberal cabinet minister Jack Pickersgill

The federal election was not good for the **aboriginal** caucus. Some new members were elected, but overall the total went to four from six.

The two new members are Liberals — Tina Keeper and Gary Merasty. Todd Russell, past president of Labrador **Metis** association, and Nancy Karetak–Lindell, who represents Nunavut, were both re–elected. On the negative side, long–time Liberal MP Ethel Blondin–Andrew was defeated in Western Arctic, Quebec **aboriginal** incumbent, Bernard Cleary of the Bloc, lost to the Conservatives, and David Smith, a Liberal from Quebec, also lost to Conservatives. A six–member **aboriginal** caucus was a record, and it hurts to be reduced to four members.

So what can the **First Nations** and **Metis** expect from the Conservatives? There is a great deal of fear and loathing out there in **Indian** country, because the former Reform party had made it a habit to take cheap shots at **aboriginal** people and their leaders. There is an undercurrent of vengeance and racism in the right wing of the Conservative party, and it's bound to come out over the life of this government.

In the past, former Reform leader Preston Manning stated his party only would take a narrow, literal interpretation of the **treaties**, thus ignoring their spirit and intent. Reform, which became the Alliance party, would not place the **treaties** in a modern context but regard them as frozen in time.

Also the new Conservative party's policy statement says it would bring back **First Nations** governance legislation, and privatize **Indian** land. These issues come out of the blue and are not on the **First Nations'** agenda. Instead, they indicate the party is out of touch with **aboriginal** people.

Other political parties had **aboriginal** caucuses that helped prepare **aboriginal** policy. The Conservatives relied instead on Jim Prentice, their **aboriginal** affairs critic, and right wing groups such as the Canadian Taxpayers Federation and the Fraser Institute.

Two items on the table that have wide support among the **First Nations** are the residential school agreement and the Kelowna Accord. The residential school agreement offers the hope that this issue can finally be dealt with, and our people can move ahead. The Kelowna Accord offers hope that housing, infrastructure and education will get the resources needed to catch up with national standards.

During the campaign, Conservative MP Monte Solberg of Calgary said that a government by his party wouldn't honour the Kelowna Accord because it was "written on the back of a napkin." This cavalier statement ignored real issues in **Indian** country, and the intense negotiations that went on for months before the Kelowna meeting.

During the election, both the **Assembly of First Nations** and the **Metis** National Council opposed the Conservatives. The AFN proposed that **First Nations** people vote strategically, while the MNC endorsed the Liberals.

In a surprise move the Congress of **Aboriginal** Peoples came out in support of the Conservative party. It was passing strange, since the endorsement came late in the campaign, and after the other organizations had made their decision. This shabby move on the part of CAP smacked of cheap opportunism. For the

Conservatives it was the use of the old divide-and-conquer tactic, but it didn't work. **Aboriginal** people came out in record numbers and voted for Liberal or NDP candidates.

Now the Conservative government doesn't really owe anything to **aboriginal** people. Over the years the party has used **aboriginal** people and their governments as a whipping boy for its right-wing policies. It sees us as a drag on society rather than a potential ally. Consequently **aboriginal** people don't vote Conservative, or have any people on the inside like we have with the other parties. Even the Bloc was able to elect an **aboriginal** MP in the 2004 election.

So what lies in our future? First, relations between the AFN and the Conservative government will deteriorate, in favour of CAP. The latter group is regarded as a straw man and lacking a grassroots organization, unlike the MNC or AFN.

But the new federal government will be in a tough spot. It doesn't hold a majority and will have to build coalitions to survive. In past minority governments the Liberals were able to shift right or left on issues and garner support from all sides. The Tories can only hope to get support from the left-of-center, where its programs are not welcome. So, Conservative legislation will have to be tempered and take on more of a moderate tone than the party's campaign literature would suggest.

The public is not in a hurry to go to the polls again, and the pressure is on to make this Parliament work. The electorate has given Stephen Harper conditional support only, making it difficult to proceed with the party's negative **First Nations** agenda.

For **First Nations** people this was the best we could have hopped for. The Liberals are a spent force, and it became obvious during the campaign that they defeated themselves but the public wasn't prepared to embrace the Conservatives.

Harper has lots on his plate and there are doubts about how much he can pull off. In the grand scheme of things, **aboriginal** issues will have to wait

Source: The StarPhoenix (Similar article appeared in the Leader Post)

Date: January 27, 2006

By-line: Barry Glass

Officials confirm Merasty win

PRINCE ALBERT -- The Liberal candidate who won a close race Monday in the Desnetha-Missinippi-Churchill River riding is urging everyone to accept the result and move forward.

Gary Merasty won the northern Saskatchewan riding and held a press conference in Prince Albert Thursday after his Conservative rival, incumbent Jeremy Harrison, said the election was "stolen."

Preliminary results showed Merasty with a 106-vote edge over Harrison.

Doug Richardson, Saskatchewan campaign co-chair for the Liberals, said late Thursday the results were validated by Elections Canada and the margin shrunk, but he did not know the actual margin.

Tiffany Paulsen, a Saskatoon lawyer representing Merasty during the process in La Ronge Thursday, said there were a few minor errors which shifted the final count "slightly," but Merasty's margin of victory was still between 50 and 100 votes.

That's still not enough to trigger an automatic judicial recount, Paulsen said. To do that, the margin of victory must be closer than 0.1 per cent.

For several hours Thursday afternoon, the returning officer and the deputy returning officer opened boxes to confirm that the numbers in the box were the same as the numbers sent off to Ottawa.

Official confirmation will be posted sometime today, Paulsen said.

Allegations of ballot stuffing, voter intimidation and other irregularities by Harrison caused controversy. On Tuesday, Harrison said "these are things that happen in a banana republic, not a mature democracy."

Merasty did not mention the comparison and urged everyone not to dwell on the comments made by Harrison.

"Let's not have these issues divide us," said Merasty.

He said if all avenues of appeal are exhausted and he is still the victor, he will ensure he represents all the people of the riding, regardless of race or point of view.

Merasty answered an allegation that 100 per cent or more voters turned out at some polls.

"I think it's a complete misunderstanding," he said.

First Nations populations on reserves are consistently underestimated by census and enumeration lists, he said, so when large numbers show up to vote it looks like there were more voters than are eligible.

His office has not received any complaints of irregularities, he said.

Merasty received several rounds of applause during his speech from a variety of Metis, First Nation and non-aboriginal supporters at the press conference.

On Monday night, Harrison was leading by more than 200 votes with just the last poll, that of the Ahtahkakoop Cree Nation, to come in.

More than 350 votes for Merasty from Ahtahkakoop swung the victory to the Liberal candidate.

Ahtahkakoop Chief Larry Ahenakew, also at Merasty's press conference, said he thinks Harrison should apologize for the "banana republic" comments and allegations that something underhanded took place.

"I think it really hurt our community," said Ahenakew.

Ahtahkakoop reported at around 11:30 p.m.

Ahenakew said it's ironic aboriginals have been criticized in the past for low voter turnout, and when they do vote in large numbers they are also compared with a "banana republic."

Ahenakew attributed the large turnout, and who they voted for, to many band members being residential school survivors and the belief the Liberals had more to offer.

He said Harrison never made contact with him or stopped by Ahtahkakoop during the campaign.

"He never came to our First Nation, even two years ago when he ran," said Ahenakew.

Alphonse Bird, chief of the Federation of Saskatchewan Indian Nations, issued a release condemning Harrison's "banana republic" comment.

Harrison could not be reached for comment.

Source: Yellowknifer
Date: January 27, 2006
By-line: Wibert Antoine

A cry out of the past

As I read the story by Stacey Campbell - "Street testimony, different brothers" - I am sadly reminded of the past we all remember as surviving members of the residential school system some 50 years ago.

The story hits home bang on, in a lot of instances, like, just about all of it. Stories a lot of us have hidden away from everyone including those who love us all the most. Some of us moved away like myself, for 37 years. This was my escape from the past, I succeeded in a mining career spanning 30 years with one company.

I took a leadership role in labour representation, local labour council, on mine management staff, community minded leadership on the board of directors of the local hospital and the Provincial Hospital Association. I was a leader, I am still a leader. I hid my past very well behind my accomplishments. However, no one knew the demons lurking in my heart, my soul, my mind.

Later on as I returned north, I thought it would be easy to assimilate back into Northern life. As I did, I slid hopelessly into hiding from the awful past by taking the easy way out. Taking the fast lane into a troubled life, where friends are friends as long as you can provide them, brother, they say, can you help me out, I am a few loonies short. This life has provided me nothing but a troubled life style. With the law, with myself. This is not who I am.

As I am exposing myself in this manner I am hoping this will be the beginning of a long and difficult road to recovery. I know as I have hopelessly tried to recover, thinking I was strong enough to do this without outside intervention: family or professional. How wrong that line of thinking was. The ones also suffering are those who you love the most.

Returning home to the North was not as I realized, it was not a mistake, but a challenge to rise up and meet those demons of the past. I have failed so far. This is a chance to come to terms with the awful past and move on and allow myself back into society in a positive and productive role. A role model for the upcoming generation. There are no more residential schools for them, but they are going to need as much and more role models to rely upon.

As I see the people on the street, I get angry - not at them but at myself, for I see myself. The only difference is I am successful and deceitful, but still in the same rut as they are. Therein lies the very crux of my dilemma: although I am successful I am a street person. It is a mindset thing of the awful past. I don't know where they are, but I am living a lie.

I'm ready to make a difference and willing to keep talking about this. Maybe on the strength of more than one we can help each other through trying times. In our quest for success, we can and will succeed.

Source: The StarPhoenix
Date: January 27, 2006
By-line: Delbert P. Wapass

FSIN, AFN speak for Natives

The following is the viewpoint of the writer, Third Vice Chief of the Federation of Saskatchewan **Indian Nations**.

News reports prior to the election that suggested off-reserve Natives would back the Conservatives were based on comments by **Dwight Dorey**, leader of the Congress of **Aboriginal Peoples**, which purports to represent off-reserve **aboriginal** people.

In Saskatchewan, the **chiefs** of the 75 **First Nations** constitute the legitimately elected political structure mandated to represent status and treaty **Indian** people. **First Nations** that are signatory to the FSIN convention have decreed that it is their umbrella organization for Saskatchewan, and has been charged with the responsibility to advocate and lobby with respect to the spirit and intent of treaty rights.

Nationally, the **Assembly of First Nations**, an organization of **aboriginal** government leaders who represent members in their respective regions and are accountable to them, promotes the restoration and enhancement of the special relationship with the Crown and the people of Canada. The AFN is the national representative organization of Canada's **First Nations**, and its job is to facilitate the progress of each of the regional mandates.

The Corbiere decision gave urban members the right to vote in band elections and paved the way to include them in band government through participation in the electoral process. By casting a vote they assist the general band population to select delegates to represent them.

In response to the Corbiere decision, many **First Nations** have appointed urban councillors and set up urban offices in larger cities to accommodate their off-reserve members.

Lastly, unlike CAP, the **First Nations** possess detailed and comprehensive, legally recognized membership requirements for both on- and off-reserve membership, pursuant either to the **Indian Act** or individual **First Nation** membership codes.

The federal government set up CAP in 1961 as the umbrella group to represent non-status **Indians** and **Metis** people. CAP has neither been elected nor endorsed by treaty or status **Indians** to represent their interests. And CAP hasn't historically been part of, or had any adhesion to, any of the numbered **treaties**. Therefore, Dorey has no authority, and he can't presume, to unilaterally claim that he represents all off-reserve **aboriginal** members.

The origin of the perceived lack of representation for off-reserve members on band councils lies in the jurisdictional (and financial) hot-potato that successive federal and provincial governments have played among one another over programs and services for off-reserve **First Nations** people. This political game has failed, and will continue to fail, **First Nations** who reside off-reserve unless and until all levels of government tackle the issues head-on. This was one of the objectives of the Kelowna Accord.

Source: The Toronto Sun
Date: January 27, 2006
By-line: Sharon Lem

CHINESE HEAD TAX PLAINTIFF COUNTED ON CANADA'S MORAL STANDARD TO REDRESS A GRAVE HISTORIC WRONG

You've probably never heard of Shack Jang Mack.

He died on March, 15, 2003, at the age 94. But his life mattered because, even two years after his death, he's still making a difference.

Mack was the chief plaintiff in the head tax redress case for Chinese immigrants. He was a symbol of the discrimination Chinese who emigrated to Canada suffered at the turn of the century.

He was also my grandfather.

Born on Sept. 9, 1909, Mack came to Canada at the age of 13, learned English and apprenticed as a chef.

His introduction to Canada gave him a rude awakening.

After paying his \$500 he was held in the notorious "pig pen" detention centre in Victoria. B.C., waiting processing.

He would later open a string of cafes across the prairies. But it wasn't an ideal life. The government's Exclusion Act would end up creating a bachelor society for the Chinese.

But my grandfather's story is also representative of the way Canadians view and deal with social injustice.

Mack's case against the government sparked a book dedicated to him and edited by U of T law school dean Mayo Moran and professor David Dyzenhaus. It was released last month.

'HOPED FOR MORE'

"Mr. Mack hoped for more from the justice system because he thought that even though he was treated badly, it was inconsistent with the fundamental system and it didn't live up to his expectations," Dyzenhaus said.

The government of Canada implemented a discriminatory head tax on Chinese entering Canada from 1885 to 1923. More than 81,000 Chinese migrants paid \$23 million in head tax, which is equivalent to \$1.2 billion today.

The head tax was implemented to curb migration of Chinese to Canada. When that didn't stop the Chinese from coming, the government imposed the Exclusion Act of 1923 and it remained in effect until 1947.

For the editors of *Calling Power Into Account, Law, Reparations And the Chinese Canadian Head Tax Case* (University of Toronto Press), this was another issue that struck to the core of fundamental human rights and the way governments respond to injustice.

Given that Canada's multiculturalism policy is now seen as a beacon of light to other countries dealing with difficult race issues, the editors think it is even more important to take a hard look at its past.

"There will be many situations, like that of the head tax, where there is an obvious injustice but no political will on the part of the government to provide redress for it, whether redress requires legislation, as in criminal matters, or as in Mack, an apology and restitution," Dyzenhaus wrote in his preface.

"But in civil matters, the government simply has to act, for example, to apologize and give restitution."

Not everyone believes the government should give restitution. And that includes some members of the Chinese community. Given the time that has passed, and the willingness by many Chinese to come to Canada even though they knew about the tax, some argue that no compensation is necessary, that the case will simply open a Pandora's box of lawsuits against the government.

The editors argue that a just society cannot afford not to confront the past.

"The Head Tax Redress case was an attempt to bring the moral standards of an ethical rights-based society to bear on a grave historical wrong, with deep roots in Canada and far-reaching consequences for contemporary Canadian society," co-counsel in the Head Tax Redress case Mary Eberts, wrote in the book.

LEGAL OBLIGATION

"The main argument made by the lawyers for the Chinese Canadians who sought redress -- either individuals who actually paid the tax or their spouses or descendants -- was that the government was under a legal obligation to disgorge the taxes collected because it had been unjustly enriched by the tax," wrote Dyzenhaus. "Both courts (Superior Court of Justice and then the Ontario Court of Appeal) recognized that the head tax was substantively unjust."

Mack paid \$500 in head tax in 1922.

Mack sued the Canadian government, but the Ontario court ruled there was no legal ground for the case to go forward. A Superior Court judge threw out the \$640-million class-action suit filed by Chinese immigrants, saying the court could not support a lawsuit that seeks to apply "modern day constitutional principles to a law that was repealed over 50 years ago." He died one month before the Supreme Court of Canada turned down his appeal.

NO LEGAL GROUND

In a controversial twist, Ottawa agreed to give \$2.5 million to one faction of the Chinese community to set up education and commemorative projects related to head tax; however, the government did not offer an apology or individual compensation.

Source: The Record (Similar articles in the StarPhoenix, the Vancouver Sun and the National Post)

Date: January 27, 2006

By-line: N/A

Harper has promises to keep

Text of prime minister-designate Stephen Harper's statement at a news conference yesterday:

"On Jan. 23, Canadians voted for change and they asked our party to lead that change in the House of Commons. Today, I'd like to provide you with an update on how our plans to deliver that change to Canadians are unfolding.

"As you can imagine, much of my time in the last two days has been spent addressing a number of issues related to the change of government. I've both spoken and met with Her Excellency the Governor General and accepted her offer to form the next government of Canada.

"I've also spoken a number of times with the premiers and reiterated my sincere commitment to working with them to strengthen our federation. I've spoken with a number of leaders, including President Fox and President Bush, Prime Minister Blair and Prime Minister Howard. And I've received a number of briefings from senior public servants including the clerk of the Privy Council and the governor of the Bank of Canada, whom I met today. These briefings will continue this week and next, including the chief of the defence staff and the commissioner of the RCMP.

"Over the days and weeks, the process of change will accelerate. On Monday, Feb. 6, Her Excellency the Governor General will swear in Canada's new government. The new government will reflect the unity and diversity of our country. Our new government will act quickly to get down to work on delivering the change that Canadians voted for on Jan. 23. As you all know, we campaigned on a very clear set of priorities -- priorities that will benefit working people and their families, priorities that will strengthen our country. And we'll use our time in the new Parliament to pursue those priorities.

"Our first priority will be to clean up government, make it more open and more accountable to taxpayers. We will do this by way of the federal accountability act. Given that we expect the release of Judge Gomery's second report and since every party ran on platforms that included accountability measures, I'm confident that we will find broad-based consensus to move forward on these changes and on this legislation.

"Beyond the federal accountability act, we intend to move to implement our GST and other tax reductions, to toughen up our criminal justice system and to implement our child-care program. We'll also commence negotiations with the provinces on the fiscal imbalance and on the introduction of a patient wait-times guarantee so that Canadians get the health care they've paid for.

"During the campaign I found that there was a remarkable amount of multiparty consensus on many of the key priorities I just mentioned. We'll look for shared goals and for common ideas. And, working together, we'll seek to implement ideas that will help ordinary working people and that will strengthen our federation.

"There will be difficult situations; minority governments are never easy. But all parties recognize that Canadians have chosen the second minority Parliament in less than two years. They want us to get to work on delivering change and we will be ready to lead that change.

"Before concluding, I'd also like to just acknowledge briefly that Chinese New Year begins this Sunday, Jan. 29. Chinese Canadians are making an extraordinary impact on the building of our country. They've also made a significant historical contribution despite many obstacles. That's why, as I said during the election campaign, the Chinese Canadian community deserves an apology for the head tax and appropriate acknowledgement and redress. On this occasion, I'd just like to take the opportunity to wish all Canadians of Chinese descent a healthy and prosperous new year. Gung hay fat choy. And thank you. I'll take any questions you have."