



Mohawks of the 5 Nation Confederacy

May 20, 2013

James Anaya, Special Rapporteur on the Rights of Indigenous Peoples
United Nations – Office of the High Commissioner for Human Rights
Palais des Nations 1211 Geneva 10, Switzerland

RE: 20 May 2013 Meeting – United Nations Permanent Forum on Indigenous Issues

Dear Mr. James Anaya,

I am Ohrerekó:wa, known as Edwin (Ted) Squire Hill, Principle Chief for Ka-nyen-geh-ha-kah Wolf Clan (Mohawks) of Grand River. I carry Chief's antlers and a title for my people as set out within the foundation of what is known as the 5 Nation Confederacy or League of Great Peace. I convey kind greetings to you, on the part of my people who are Onkwehon:we.

On September 13, 2007, the UN General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples which followed more than 20 years of discussions within the UN system. At the time, Canada rejected the Declaration. A joint statement from the Canadian ministries of Indian and Foreign Affairs stated: "It also does not recognize Canada's need to balance indigenous rights to lands and resources with the rights of others." It further stated that while the regime supported the spirit of the declaration, it contained elements that were "fundamentally incompatible with Canada's constitutional framework". Minister of Indian Affairs and Northern Development Chuck Strahl, went even further, dismissing the declaration as "unworkable in a Western democracy under a constitutional government."

Nevertheless, on November 12, 2010, the Canadian government finally officially endorsed the United Nations Declaration on the Rights of Indigenous Peoples. Notwithstanding this endorsement, the following pages detail examples of Canada's historic and current gross violations of the Rights of Indigenous Peoples, apartheid and genocide. My hope is that as an institution of peace, the United Nations, and in particular, the Office of the High Commissioner for Human Rights can take immediate, meaningful action in order to provide protection for my people until such time as the Canadian governments is compelled to adhere to the spirit and intent of the Declaration.

While the Declaration's acceptance was celebrated globally as a symbol of "triumph and hope", increased wide-spread poverty, marginalization and victimization of my People here within the Grand River Territory since 2007 reflects the truth that in fact, the situation of my people within our communities continues to deteriorate. Canada's oppressive systems of apartheid constitute genocide as outlined below:

The "Indian Act": An Overview of the History of Apartheid and Genocide in Canada

"The great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit to change." - John A Macdonald, 1887, First Prime Minister of Canada and a Father of 'Confederation'

"Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question, and no Indian department." - Duncan Campbell Scott, 1920, Deputy Superintendent General of Indian Affairs

The "**Indian Act**" ([An Act respecting Indians](#)), R.S., 1951, c. I-5, is Canadian apartheid statute that concerns Onkweho:we (registered "Indians"), "bands", and the system of "Indian Reserves". The "Indian Act" was enacted in 1876 by the Parliament of Canada under the provisions of Section 91(24) of the Constitution Act, 1867, which provides Canada's federal government exclusive authority to legislate in relation to "Crown Land" – or "Indians and Lands Reserved for Indians". The Department of Aboriginal Affairs and Northern Development, which is responsible for the act, is now administered by the Minister of Aboriginal Affairs and Northern Development.

Most "reserves" still operate under the rule of the "Indian Act", first authored in 1876 and "updated" several times since then. This "Indian Act" document was, and remains explicitly oppressive and racist. It reduces Onkweho:we to the status of virtually powerless, landless tenants – essentially 'Wards of the State'. It deprives Onkweho:we of property rights and inheritance rights, as well as other such rights as are applicable to Canadian citizens. It gives the federal government the power to seize "Indian property" virtually at will. Further, it allows for "reserve lands" to be forcibly expropriated. It places limitations on who "Indians" on "reserves" can do business with. It contains clauses that lay out, in excruciating detail, how the government may seize the property of Indians deemed "mentally incompetent." It is a horrific and demeaning example racial oppression constituting apartheid domination.

Evidence of the apartheid nature of the "Indian Act", is perhaps best exemplified in this single line from Clause 20, Section 1: "No Indian is lawfully in possession of land in a reserve unless, with the approval of the Minister, possession of the land has been allotted to him by the council of the band."

The 1895 amendment of the Indian Act (Section 114) criminalized vital traditional Onkwehon:we culture and practices / ceremonies, which resulted in the arrest and conviction of numerous Onkwehon:we for practising our basic traditions. Volumes of evidence attest to the fact that such arrests were based on Onkwehon:we participation in festivals, dances and ceremonies that involved the wounding of animals or humans, or the giving away of money or goods. The Dakota people (Sioux) who settled in Oak River, Manitoba, in 1875 were known to conduct “give-away dances”, also known as the “grass dance”. The dance ceremony involved the giving away and exchange of blankets and horses; thus it breached Section 114 of the Indian Act. As a result, Wanduta, an elder of the Dakota community, was sentenced to four months of hard labour and imprisonment on January 26, 1903 to serve as an oppressive example to others.

According to Canadian historian Constance Backhouse, Onkwehon:we “give-away dances” were ceremonies more commonly known as potlatches that connected entire communities politically, economically and socially. These dances affirmed kinship ties, provided elders with opportunities to pass on insight, legends and history to the next generation, and were a core part of Onkwehon:we resistance to assimilation. It is estimated that between 1900 and 1904, 50 Onkwehon:we were arrested – and 20 convicted for their involvement in such dances.

Letter sent from the Canadian Federal Government to all Indian Agents by Superintendent General of Indian Affairs Duncan Elliott on December 15, 1921:

Sir:

It is observed with alarm that the holding of dances by the Indians on their reserves is in the increase, and that these practices tend to disorganize the efforts which the Department is putting forth to make them self-supporting.

I have, therefore, to direct you to use your utmost endeavours to dissuade the Indians from excessive indulgence in the practice of dancing. You should suppress any dances which cause waste of time, interfere with the occupations of the Indians, unsettle them for serious work, injure their health or encourage them in sloth and idleness.

You should also dissuade, and, if possible, prevent them from leaving their reserves for the purpose of attending fairs, exhibitions, etc., when their absence would result in their own farming and other interests being neglected. It is realized that reasonable amusement and recreation should be enjoyed by Indians, but they should not be allowed to dissipate their energies and abandon themselves to demoralizing amusements. By the use of tact and firmness, you can control and keep it, and this obstacle to continued progress will then disappear. The rooms, halls or other places in which Indians congregate should be under constant inspection. They should be scrubbed, fumigated, cleansed or disinfected to prevent the dissemination of disease. The Indians should be instructed in regard to the matter of proper ventilation and the avoidance of overcrowded rooms where public assemblies are being held, and proper arrangement should be made for the shelter of their horses and ponies. The Agent will avail himself of the services of the medical attendant of his agency in this connection.

Prevention of Trade

120. Every person who buys or otherwise acquires from any Indian, or band or irregular band of Indians, in the province of Manitoba, Saskatchewan, or Alberta, or the Territories, any cattle or other animals or any grain, root crops or other produce or sells to any such Indian any goods or supplies, cattle or other animals contrary to the provisions of this Act, shall on summary conviction, be liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both." (Section 120 remained, in one form or another, part of the Act until 1951.

Prevention of Legal Representation

As our people increasingly complained of oppression and gross administrative abuses on the part of branches of the Crown / Federal Government of Canada, and began to seek redress for the unauthorized corruption and dispossession of our lands, the "Indian Act" was amended to make it an offence for Onkwehon:we to retain lawyers for the purpose of advancing claims. In the early 1920's, as Deskaheh and the Mohawk Workers organized politically and began to actively pursue land claims, and allegations of genocide internationally, the federal government added Section 141 to the Indian Act. Section 141 outlawed the hiring of lawyers and legal counsel by "Indians", effectively barring our people from fighting for their rights through any legal system. Eventually, these oppressive measures expanded to such a point that virtually any political gathering was strictly prohibited and would result in a jail term. These and other oppressive amendments expanded apartheid systems and presented significant barriers to Onkwehon:we political organizing; many organizations were accordingly forced to disband, driving Mohawk Workers, Nisga'a Land Committee, and the Native Brotherhood of British Columbia underground. See the full racist [Indian Act here](#).

Residential Schools: Genocide Concealed & the Quest for Justice

The Honourable Justice Murray Sinclair was appointed the Chair of the Truth and Reconciliation Commission of Canada in June, 2008. Justice Sinclair pointed out that the United Nations' definition of genocide includes forcibly transferring children of a group to another group based on race. He argued that in the past, Canada was careful to exclude its residential school policies from being scrutinized under this definition.

"But the reality is that to take children away from their families and place them in another group in society for the purpose of racial indoctrination was and is an act of genocide, and it occurs all around the world." – Justice Sinclair

The Truth and Reconciliation Commission is the result of a \$60 million deal between the federal government, the Crown, and survivors of the residential school system. One of its aims is to give each survivor of the residential school system a chance to put a statement on record of their experiences. See: [March 1, 2012 Canadian University Press Newswire](#)

Children of the Residential School era had no knowledge of the hidden agenda of the two most powerful organizations in Canada: the Church and Government. Imagine, as a child (as young as 3 years old) taken from your family and forcibly placed into an institution. Or due to circumstances such as poverty, housing, unemployment, illness, etc., children were placed in the institution believing they would be safe and cared for. However, the children are thrown into a hostile and predatory environment and everyday life is under the control of the Government and the Church.

Children already in care have learned survival techniques and some even learned the brutal ways of their teachers and the pedophiles that were part of the staff. Many traumatic events did occur on a regular basis.

For example, see: [Gary Miller](#). The abuses he suffered as a child is something that is unimaginable in any society. Or, refer to Enos (Bud) Whiteye, who wrote a primer on his life at the Mohawk Institute and when you read his book or view Gary Miller's art and his experiences about the "Mush Hole" you will see and even get a glimpse of what these men suffered then and the burden they have carried all their lives.

Many never returned to their families and communities due to their experiences at the Residential School. For many, the systematic goal of assimilation was elective. Survivors no longer "fit in" with their own family and community. The pain of broken relationships, disruption of culture, language and lifestyle was unmanageable for youth. Youth were released from institutional care and "lost" to their cultural world and unable to bridge themselves to a world that rejected their brown skin.

How does the Government and Church in Canada justify their actions toward Indian children in residential care? What justification can there be to wage a battle against First Nations people at the expense of innocent children? When an adult engages in war he knows the enemy; children were totally at the mercy of unseen evil forces who acted as agents of the Canadian Government and Church.

The devastating effects of Residential School continue to impact on the children who lived and died in institutional care. Many continue to struggle and journey to regain some sense of balance and harmony in life, particularly in relationships, parenting and spirituality. Since the Truth and Reconciliation Commission emerged survivors recognize we have a voice. We try to help each other as we begin to journey forward in a good way and with a healthy mind. We cannot undo the horrendous impact of Residential Schools, but we need to be ever vigilant so that history doesn't repeat itself.

In conclusion, my sincere hope is to achieve some peace and to forge a way forward as we come to grips with these abominations. As we reflect on the pain and suffering our children have been forced to endure – and the dismal outlook forward as currently exists, it is difficult to try to understand how successive governments and entities operating within their control could conspire and work together to inflict such violence upon our people – particularly our children and perpetuate blatant genocide from 1831 to 1969 – and beyond without meaningful intervention notwithstanding the overwhelming and immense body of evidence.

Examples of Canada's historic and continuing failure to protect, respect and fulfill indigenous peoples' collective and individual human rights are set out in the attached appendix:

Submitted sincerely and in trust,

[original endorsed]

Per: OHREREKÓ:WA, Principle Chief – Wolf Clan – Ka-nyen-geh-ha-kah of Grand River
RATSÍÁHAWE (Spokesperson for the Mohawk Workers of Grand River)

Attachment: Ka-nyen-geh-ha-kah (Mohawks) of Grand River – Submission of UNDRIP Violations.