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John Reilly: Shut down the native industry and spend the money on natives

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Ted Rhodes/Calgary Herald

Stoney Reserve members gather outside the band offices in Alberta to protest the band council's decision to award itself a new term without an election

“What would I do if I had the power? I would dissolve INAC and repeal the Indian Act“

Writing Bad Medicine: A Judge’s Struggle for Justice in a First Nations Community, my recently published book, has been an amazing experience for me.

When I started the project, I had very modest expectations. I believed the book would be a good read for me when my memory and mental acuity had so deteriorated with age that I no longer had any direct recollection of the subject matter. I thought I might sell a few copies, give a few to my children and close friends, maybe get a little coverage from the local media. I even hoped that at some point an opposition Indian Affairs critic might use the book to ask a few embarrassing questions of the Minister of Indian Affairs & Northern Development during Question Period in the House of Commons. I did not expect the national media coverage that has resulted.

How did all this come about?

In my 30-year judicial career, I have twice been assigned to the Provincial Court at Cochrane, Alberta, where all of the cases arising on the Stoney Indian Reserve at Morley are heard. During my first assignment, from 1981 to 1986, I knew nothing about the Stoney people, and that was how it was

supposed to be, because I was to be “objective.” My second assignment there began in 1994, and my view was beginning to change.

The 1990s were a time of increasing public awareness of aboriginal affairs. Alberta had the Task Force on the Criminal Justice System and Its Impact on the Indian and Métis People of Alberta. The federal government released the Report of the Royal Commission on Aboriginal Peoples in 1996. That same year, changes to the Criminal Code directed sentencing judges to pay particular attention to “the circumstances of aboriginal offenders.”

I began to see it as my duty to get to know the community that was so disproportionately represented in my courtroom. I was appalled by what I learned and what I saw. I saw people living in poverty and terrible social dysfunction. I knew about the alcoholism and the family violence from the cases I heard, but I knew nothing about the causes. I learned about the history, the residential schools, the Indian Act, and I saw the callous disregard some chiefs had for their people.

I was particularly galled by the Reverend Dr. Chief John Snow, the long-serving Stoney chief, who did not appear to be the least bit interested in the well-being of his people. What shocked me the most about the reserve was the fear. People were afraid to talk to me, afraid to say anything because of “repercussions.”

My education in aboriginal matters has changed me. It has given me a new understanding, not just about the aboriginal people of Canada, but about human nature in general. I now have greater compassion for offenders. Instead of seeing them as people deliberately choosing to do wrong, I see most of them as victims of their own circumstances. It has made my work as a judge much more difficult because I am no longer able to just sentence people to the prescribed periods of imprisonment without reflecting on the harm it does.

Obviously, I do not recommend more lenient sentences for all offenders. There are some who are dangerous or incorrigible and who should be locked up for as long as can be justified. These are a very small minority.

What I do recommend is effective rehabilitation of offenders. Most of the people I see in my courts are poor and dysfunctional. If they can be helped, this will be a far more effective way of reducing crime, which, in my view, should be the objective of the criminal justice system.

I wrote *Bad Medicine* to share this new understanding of mine, in the hope that a few of my readers might change their perspective of our aboriginal brothers and sisters and others who come before the courts, that they might see their fellow man with a little more compassion and understanding.

What has been most gratifying, and at the same time most heartbreaking, is the number of people who have said to me: “Thank you for writing this book, and thank you for having the courage to say the things you have said.”

That such words would be gratifying to any first-time author is obvious. But the reason they are also heartbreaking is that it does take courage, and I put myself at risk, to talk about the far too many

aboriginal people in Canada who are still living in poverty, poorly educated and suffering from addictions and disease, while the rest of us are doing very little to change this.

Every non-native in Canada should be humiliated by these facts. Yet, in my beloved Canada, in our so-called democracy, I lie awake at night wondering what the repercussions will be from speaking out about it. My father taught me that one of the precepts for salvation is to be able to say: "I have never been deaf to words of justice and truth." So why do I have to overcome fear in order to speak words of justice and truth?

The federal government extracts \$7-billion annually from the Canadian taxpayer and dumps it into the black hole of INAC (Indian & Northern Affairs Canada), where it gets sucked up by civil servants, consultants, lawyers and Indian chiefs who squander it with impunity, while on-reserve education is usually substandard, medical care and addictions counselling are lacking, child welfare funding is inadequate, and everything is subject to the vagaries of political interference.

Why doesn't someone put an end to it? Because dysfunctional Indians are an industry from which too many people make too much money. Actually healing the native population would be like killing the goose that laid the golden egg for all of those civil servants, consultants, lawyers and Indian chiefs who are filling their pockets with their share of the \$7-billion.

What would I do if I had the power? I would dissolve INAC and repeal the Indian Act. I would terminate funding to the Assembly of First Nations. In my view, the AFN is a chiefs club that looks after chiefs, many of whom just look after themselves and do very little for the poor and the children of their reserves.

Then I would enact a Canadian First Peoples Enhancement Act, to preserve and maintain the cultures of the descendants of Canada's original inhabitants, to ensure their health and well-being and foster the independence and sustainability of their communities. I would create a Department of First Peoples Services. Non-natives and former employees of INAC should be ineligible for employment in this department. INAC was created for the assimilation of Canada's First Peoples and the eventual elimination of their communities. That purpose lives on in the corporate memory of the department and must be changed.

I would spend the \$7-billion on doctors and healthcare workers, addictions counsellors and healing lodges, teachers and improved schools, so that our First Peoples could become a healthy and happy part of Canadian society.

Finally, I would amend federal electoral legislation to provide for 10 "virtual" constituencies for native peoples so that they would have a representation in the Parliament of Canada proportional to their population.

Anything less than such sweeping change would just be more band-aids and further window dressing.

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John Reilly is a retired Alberta Provincial Court judge, and the author of the recently published book *Bad Medicine: A Judge's Struggle for Justice in a First Nations Community*.

