CHILD WELFARE IN GITANMAAX:
A CASE STUDY OF
THE PRACTICE OF SELF-GOVERNMENT

by

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Abstract

The 'inherent right to self-government' of First Nations is a topic of discourse at both political and legal levels in Canada. Self-government and the related issues of land claims and associated First Nations protests are subjects currently debated in Canadian society and are frequently found on the front pages of Canadian newspapers.

That First Nations are significant in Canadian social policy is becoming increasingly clear. From the Royal Proclamation to the current Treaty Negotiations in British Columbia, First Nations have insisted that they be recognized as having unique cultures and unique cultural strengths within Canada. Their insistence has been manifested in a variety of ways, including the protests of symbolic politics, of high politics at national and provincial levels, and the simple assertion of jurisdiction in their communities - 'practicing' self-government.

The thesis examines the implications and potential consequences for aboriginal peoples, and for the federal and provincial States, of self-government by focusing on one substantive area of governance; that of child welfare.

Looking at the self-government policies of the State, the study begins with a question: 'Despite the empowerment rhetoric of self-government, are federal self-government policies a continuation, even an intensification of past policies of cultural assimilation or will self-government as practiced by First Nations reinvigorate and reinforce indigenous customary systems'? The work is grounded in the literature of self-government, sociology, anthropology, political economy, women's studies, history and law, and in a case study of the practice of self-government in the Gitxsan community of Gitanmaax.
The initial chapter explores the key concepts used in the research. The second chapter goes on to examine the Canadian legislative context - which forms a collective history for both the dominant Canadian society and First Nations - and out of which has grown the need for 'self-government'. In the third chapter, diverse understandings of 'family' in Euro-Canadian and Gitxsan societies are contrasted. The contextual underpinnings of Gitxsan society are considered so that the dynamics which the Gitxsan Nation bring to the idea of self-government can be included in the analysis of the practice of child welfare in the fourth chapter.

The case study of the practice of self-government in Gitanmaax is recounted in light of the dialectical and dynamic relations established between two cultures within the Canadian State. The observations of the case study are analysed in terms of its meaning to Canadian social policy, to relations between institutions of both Gitxsan and Euro-Canadian society, and to future relations within the context of a 'new paradigm' in interactions.

**Conclusion**

In Gitanmaax, the case study finds little evidence that the Gitxsan will allow their systems and their language - thus their culture - to be subsumed within the institutions of the dominant society. At the same time, there are indications of a shift in the State agenda to a focus on aboriginal peoples as distinct self-governing societies (Armitage, 1995; Fleras and Elliott, 1992). Recognition within the dominant society of First Nations and of their societal systems is a prerequisite to coexistence within the Canadian State. The case study points toward significant lessons to be learned about culturally competent systems and respectful coexistence across cultures.
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Chapter One

A Case Study of the Practice of Self-Government

Introduction

Human populations construct their cultures in interaction with one another, and not in isolation. Wolf, 1982: ix

Aboriginal peoples have been central to colonial, hence Canadian, interests since first European contact. Initially the inhabitants of the 'new' land greeted the explorers and fur traders with hospitality, later they became military allies. When military actions lessened in the 1700s, settlers arrived in the 'new' lands, and indigenous interests and colonial interests began to diverge (Miller, 1991a).

To ensure that land was available to settlers, legislation was enacted and policies enforced by colonial powers. Indians resisted the oppressive legislation, and have persisted in resisting the loss of their land and of their autonomy (Asche, 1984, Frideres, 1988; Boldt and Long, 1988; Cole and Chaikin, 1990; Dyck, 1991; Tennant, 1992; Boldt, 1993).

In 1990, Indian persistence was evident, as Canada witnessed a dramatic encounter in Oka, Québec; Mohawk Warriors against the police and army. 'Oka' was a protest against government policy, government 'sluggishness' in land claims negotiations, and also an assertion of aboriginal sovereignty (Fleras and Elliott, 1992: 96). The Warriors did not expect to defeat the Canadian state, but they did expect to make a statement. Oka has been described as a "textbook study of symbolic politics" (Fleras and Elliott 1992: 96-98).

Another less-well known act of resistance (and symbolic politics) occurred at Gitwangak, in Gitxsan Territories near Hazelton B.C. in September 1992. Filmed and produced as a two-hour National Film Board documentary by Nettie Wild, 'Blockade' covers the story of the Gitxsan blockade of the CN mainline running through
Gitwangak. During their protest, Gitxsan activists kept Wild, as well as news reporters for Canadian media, informed of their actions. Unlike Oka, Gitwangak was an example of a peaceful protest, 'passive resistance', and while not violent it was used successfully to call the plight of Gitwangak to the attention of politicians and the Canadian public (Interior News, Sept. 23, 1992).

Indians are struggling for their survival as peoples, as Gitxsan and Mohawk, and 'symbolic politics' is one of their strategies (Dyck, 1991; Boldt, 1993). Perhaps the most formidable weapon for the Gitxsan, because it has not been erased by the dominant society, is the knowledge, carried in their oral histories, that Gitxsan systems enabled Gitxsan society to function effectively for thousands of years. As an example, the Gitxsan clan and feast systems are active in Gitxsan social organization today. Gali Skalun (Gary Patsey), of the House of Dawa Muukw, explained:

There are adaawk for Gali skalun and adaawk for brother, sisters and nieces - younger brother - all ancient names. All come from Dawa Muukw - they are part of the adaawk - history. We all have an origin somewhere. That's where T'xemlax'amid [Dimlahamid] comes in. The frogs had a story about it, the story about the mountain goat - that they say is theirs. We have a story about fireweed - Gis'gaast - that's what we are. There was a hiding place - we hid in the fireweed during one of the raids. There was a war and they survived because they hid in the fireweed, it became a symbol, and it became a crest - our crest is a drumming grouse - there is an adaawk about that - Wil Stim Bastail, 'Big Real Grouse' - Vi Smith - that's her name....

Gali skalun in interview with author, Nov 19, 1993

Awareness of the strength and resilience of their culture gives the Gitxsan, as well as many other aboriginal nations, the fortitude to carry on far longer than the State had expected.

The State

In 1969, Prime Minister Trudeau, in a speech in Vancouver explained his position:

But aboriginal rights, this really means saying, 'We were here before you. You came and you took the land from us and perhaps you cheated us by giving us some worthless things in return for vast expanses of land and we want to re-open this question. We want to preserve our aboriginal rights and to restore them to us.' And our answer is... 'no.'

Prime Minister Trudeau's answer to collective rights was no. His government's answer was the White Paper of 1969, illustrating the government's goal - that Indians would become, in his words, 'Canadians as all other Canadians' (Boldt, 1993: 22).

The Government believes that its policies must lead to the full, free and non-discriminatory participation of the Indian people in Canadian society. Such a goal requires a break with the past. It requires that the Indian people's role of dependence be replaced by a role of equal status, opportunity and responsibility, a role they can share with all other Canadians.

Excerpt from the White Paper, 1969; Boldt, 1993: 297

Equal status and equal opportunity for individuals are values within the liberal-democratic framework on which Canada's social system is structured (Marchak, 1988). Indigenous Canadians experience the impact of Canadian society through the Indian Act which defines who is 'Indian' and may receive the 'benefits' of being Indian. It segregates 'Indians,' placing them on 'lands reserved for Indians,' where they live in poverty, unable to participate in the economy and having few social services (Frideres, 1988: 2, 149ff). Equal status and equal opportunity seem unobtainable to First Nations.

You wonder why we have poverty. When you look at the land base, the indigenous people have provided 6,350,000 square miles of land. Excluding the possible land settlements in the Northwest Territories and Yukon, and excluding the James Bay agreements, the reserve base is 10,000 square miles of land. That is what is left.

There is no justice. There is no equality.

George Erasmus, quoted in Cassidy, 1991:25

The White Paper of 1969 was not the first time Canada had miscalculated the determination of First Nations to survive. In 1857 the "Act for the Gradual Civilization of the Indian Tribes" had been passed, followed by the Enfranchisement Act in 1859. The government explicitly stated its ideology in these two Acts; that Indians must be assimilated, or perish (Tennant, 1988: 27). As virtually no Indians opted for 'equality' under the Enfranchisement Act, the government pursued enfranchisement in a more forceful manner in the Indian Act (Frideres, 1988; Boldt, 1993).
The Question

In the 1990s the Canadian government has self-government policy in place. The policy refers to 'new relationships' with 'aboriginal peoples'.

The Government of Canada is committed to developing a new relationship with Canada's aboriginal peoples. Since 1984 the federal government has responded to aboriginal aspirations with a number of initiatives to increase self-reliance and autonomy. One of the most important is the policy on self-government.

Indian Self-government Community Negotiations; Policy 1990

The days of the 1969 White Paper seem remote. There are those who question, however, if the consequences for Indians of the new policy may be little different from those of a more assimilationist era in aboriginal-State relations.

The federal government is currently in the process of phasing out the parallel structures created by Indian and Northern Affairs Canada and thus forcing Indians to become integrated into the dominant society's institution. As a result, the Indian institutions unique to them and facilitating their own cultural system will be phased out.

Frideres, 1990:113

Despite the empowerment rhetoric of self-government, are federal self-government policies a continuation, even an intensification of past policies of cultural assimilation (Weaver, 1981, 1984; Little Bear et al, 1984; Frideres, 1990; Boldt, 1993)? Or, alternatively, can self-government as practiced by First Nations reinvigorate and reinforce indigenous customary systems5 (Cole and Chaikin, 1990; Fleras and Elliott, 1992: 84ff, 118; Boldt, 1993:176-77)? These two questions are at the heart of my research.

These primary questions intersect with questions, both explicit and implicit, in self-government and child welfare literature:

- What actions are First Nations taking to shape their place in Canadian society (Tennant, 1990; Cole and Chaikin, 1990; Fleras and Elliott, 1992)?

- How are First Nations actions mediating the processes of the Canadian State (Wolf, 1982; Tennant, 1990; Fleras & Elliott, 1992; Boldt, 1993)?

- Is a paradigm shift emerging in the way the Canadian State is interacting with First Nations on issues identified by First Nations (Fleras and Elliott, 1992)?
• What are the impacts on First Nations of government's attempts to incorporate them as individual Canadians under provincial legislation (Boldt and Long, 1988; Kline, 1992; Boldt 1993)?

• What will the impact of First Nations 'self-government' be on provincial child welfare policy (Wharf, 1988, 1993; Armitage, 1995)?

• What effect do the dynamics of a matrilineal and collectivist system have on the child welfare system and Gitxsan child care practices (Leacock, 1987; Carasco, 1983; Fiske, 1992a, 1992b)?

The research addresses these questions by focussing on a case study of the practice of self-government in the substantive area of child welfare.

Self-government has received increasing attention since the early 1970s. The actual practice of self-government, the reality of what self-government might look like as a working institution, has received far less examination. The practice of self-government is embedded in processes of land claims and the rhetoric of intergovernmental exchange, the high politics" of federal, provincial, and First Nations negotiations (Cassidy, 1989, Abele and Graham, 1989; Tennant, 1990:13). Unlike the rhetoric, the practice of self-government requires skill development at the community level and is most often practiced by women. The skills they learn support the 'healing' and empowerment of the communities. The practice of self-government enables community initiatives to proceed as the 'high politics' are pursued.

In Gitanmaax, B.C., where this study takes place, the understanding of child welfare has been shaped, historically, by the provincial child welfare system as well as by 'western' systems of education and religion as experienced in residential and day schools. Child welfare in Gitanmaax, however, has been transformed into a comprehensive 'health and child care' system, integrating many aspects of a Gitxsan child's existence.

History shows few, if any, experiences wherein First Nations agree to assimilation (Boldt and Long, 1988; Ponting, 1988; Cole and Chaikin, 1990; Miller, 1991a; Tennant,
1990). Despite their relatively small demographic size, First Nations are a recognizable force in Canada. They continue as 'peoples', despite the State's assimilationist policies entrenched in legislation from the Royal Proclamation to the Indian Act.

Today First Nations leaders, although articulate and well-educated in the 'western' system, maintain ties to their own customs and institutions. They are taking their disputes into new venues at the highest political levels in Canada (Abele and Graham, 1989; Tennant, 1990). Less visibly, but with no less conviction and dedication, people in the communities are working to regain control of services in those communities. It is this latter activity that is central to my interests in this research.

Outline of Chapters

In examining relations between First Nations and the dominant society, this thesis studies the processes of restructuring those relations in a post-colonialist era, and considers some possible ramifications for both the dominant society and First Nations. Chapter One considers the centrality of First Nations to the Canadian experience. It highlights the historical context of the study and explains the concepts used. Gitxsan customary institutions and the contemporary adaptations of customary systems to Euro-Canadian institutions are introduced.

Chapter Two focusses on the issues which have created the need for self-government by looking, initially, at Euro-Canadian legislation and historical developments since first contact, and then by examining the more recent reorganizations and processes within both the State and the Gitxsan Nation. It teases out diverse definitions and interpretations of self-government amongst the players involved.

Chapter Three contrasts and compares two culturally diverse systems of child care - the matrilineal Gitxsan wilp and the Euro-Canadian nuclear family. It considers the values determining the practical work of self-government, then looks at the linkages
between aboriginal 'high politics' (of self-government) and its practice through policy development and service delivery. This chapter lays out the contextual underpinnings of the case study.

Chapter Four examines a specific model of Indian government in the substantive field of child welfare. The Gitxsan do not have (and do not want) delegated authority from the province, however, the village of Gitanmaax is nonetheless 'practicing self-government' in the substantive area of child welfare. They are designing a 'child care' service delivery system, administrating it, developing policy, and providing services to Gitanmaax members. I have conceptualized this implementation of services as the 'practice' of self-government (Abele and Graham, 1989; Cassidy and Bish, 1989).

Chapter Five is the concluding chapter in which the ramifications of self-government for Canadian society and social policy, and for First Nations are considered. I argue that the case study, although carried out in one community in B.C., with its unique circumstances, is carried out under the same federal policies that affect First Nations across Canada. Child welfare laws are provincial, but any application to First Nations is subject to federal agreement. In that sense, many of the processes are shared among First Nations, even though the final outcomes may be unique to the specific situation. The Gitanmaax experience may contribute significantly to the understanding of relations between First Nations and the dominant Canadian society under self-government.

A - Methodology

Groups not only act within the limitations set down by society; they also tend to act upon these limits in reworking the social order around them. Fleras and Elliott, 1992: ix

The research for this thesis is qualitative. Qualitative methods are "essential components" when historical relations and current dynamics in a First Nations community are studied (McKenzie, Seidl, and Bone, 1995). I have attempted to capture
the experiential knowledge of the women of Gitanmaax Health and Child Care Committee (GHCCC) within that context.


I have been a participant-observer in the research for this paper. I live in the community of Hazelton, and work for the Provincial government in child welfare (MSS). During the course of the research I participated in conversations both work-related and in social settings, with community activists in both child welfare (GHCCC and Elders Advisory Committee (EAC)) and self-government (Gitxsan Treaty Office (GTO) and Gitxsan Health Authority (GHA)). I attended feasts and pole raisings. My role in the community has, very naturally, given me the opportunity to participate in and observe the efforts of a group of women and elders in Gitanmaax who made a decision to take more control over child welfare services in their community.

I am a Lixs Giigyet, a non-Gitxsan living in Gitxsan Territories and this thesis is informed by that reality. I do not presume to grasp the Gitxsan world view, nor to fundamentally comprehend the complexities of Gitxsan social structures. My role is to examine the nature of aboriginal-state relations in the macro context that Frideres describes, and to examine some of the micro processes which make up the practice of self-government in this fascinating community.

I have relied on empathic interviewing of 26 key informants, including Gitxsan sim'oogit, elders, spokespersons and women from GHCCC. As well, I have interviewed
staff from the provincial Ministries of Aboriginal Affairs and Social Services as well as the federal Department of Indian Affairs and Northern Development (See Appendix I). I used an interview schedule which consisted of several open-ended questions to guide my work. I soon found that I had too many questions, and they were too complex, so I simplified them, introducing topic areas, and allowing the interviewees to respond, as they wished, to the topic. I was overwhelmed with the energy and the willingness to cooperate that all interviewees brought to the topic, and the richness of their contributions.

Once the individual and group interviews were complete, I began a second phase of feedback on findings and obtained further input and clarification from most of the key informants. The lengthy timeframe over which my data was gathered provided unintended benefits for this thesis.

The evolution of self-government processes during the last five years, at both the political and practice levels, have gone through a series of ups and downs. Each of the 'downs' has been interpreted as a gain by the Gitxsan involved. Subsequently, the decision is to build on that 'gain'. Medig'm Gyamk (Neil Sterritt) speaking at a conference in September 1991 in Vancouver, said "...one trait is universal amongst the elders - those who were born and raised on the land and know the land. That trait is optimism" (Sterritt, 1991:303).

I have seen the court case 'lost', people jailed for peaceful protest, funding for projects refused or cut. The Gitxsan go on. Gitxsan laws and values allow no less. I have seen the Tribal Council restructured to become the Office of the Hereditary Chiefs, the Gitksan Wet'suwet'en Education Society and the Government Commission then to reorganize into the Gitxsan Treaty Office and latterly to the G mistrwhit (See Appendix H). The working-out of self-government will not be given up by the Gitxsan. I have seen the first group of GHCCC women quit, and a second group take over, and I am beginning to understand that the Gitxsan are driven by more than the
institutions of contemporary society. They hold to their values and the younger generation, admittedly less patient, are nonetheless learning about those values.

B - Key Concepts in Relation to the Existing Literature
Literature on self-government by First Nation and Euro-Canadian writers is increasing rapidly and is shared across many fields. Self-government itself is a situational term, so I have outlined the various connotations it carries for the various parties involved. I have chosen three other key concepts from the literature - colonization, decolonization and child welfare which define the scope of this study. Under each of these I have included additional concepts which add to the particular usefulness of the broad concepts in this work.

I - Self-Government
Self-government is a key organizing concept in this research. It is a term widely used by Canadians, yet it resists specific definition, taking on meaning according to the assumptions and intentions of the person or group using the term. The federal government has written 'self-government' policy for First Nations communities and this study begins by questioning the federal government's intentions for First Nations. Therefore I have found the concept of 'self-government' useful in suggesting directions along which to look to explain the restructuring of relations between First Nations and the dominant Canadian society. In this sense, the concept is useful because it tends to illuminate assumptions that are made by those using the term.

Canada. Basic aboriginal rights, "the right to self-government and the right to have aboriginal title recognized" were demanded (Tennant, 1990:12).

Because Indian government has a positive value for Indian people, the federal government is characterizing its proposed revisions or amendments to the Indian Act as 'Indian-government legislation.'

Little Bear, 1984: 183

Little Bear states that the idea of 'self-government' was adopted by the federal government, who realized they must try a new tactic. In the early 1980s a 'special committee' looked into aboriginal self-government. The committee reported back to the government in 1983. It supported 'self-government' for Indian peoples. Public support of the concept was strong, and the 'Penner Report' has "conferred a legitimacy on Indian self-government" in the dominant Canadian society which had previously not existed (Miller, 1991a: 241).

Defined by the government in power, self-government is situated within a context of power imbalance. Domination, Wolf (1982) observes, creates its own resistance. This is the context of 'self-government'.

Self-government holds different connotations for different players in the drama.

The diverse understandings include:

**Self-government: A First Nations (Political) Interpretation**
Indian people consider Indian government to mean greater autonomy and constitutional recognition of their right to self-determination... When Indians speak of Indian government, they talk in terms of the substantive powers they held as first nations, prior to colonization. Little Bear, 1984: 183

**Self-government: A Federal Government Interpretation (Liberal)**
The Government of Canada is committed to developing a new relationship with Canada's aboriginal peoples. Since 1984 the federal government has responded to aboriginal aspirations with a number of initiatives to increase self-reliance and autonomy. One of the most important is the policy on self-government. Indian Self-government Community Negotiations: Policy 1990

**Self-government: A Provincial Government Interpretation (NDP)**
"Let's get the specific initiatives - a thousand different specific initiatives in a hundred communities - going on in a whole range of items like post-secondary education, economic development, sharing of resources, health, alcohol and drug counselling, alternate policing, alternate sentencing (and) child welfare programs. There are a whole series of very practical specific areas that we can do to build up towards self-sufficiency and self-government."

Mike Harcourt, former Premier of BC, quoted in
There are many points of view from aboriginal citizens. Some feel the Band system will allow them latitude (and protection) so that they can govern themselves, some feel a fear of allowing the powers that self-government infer to devolve into community hands, either for fear of incompetence or of abuse of the system or community relationships (Smith, 1994). Others are in favour of self-government as a positive, community-building and healing exercise which will revitalize the culture and empower citizens (McRae, interview with author, Jan. 1994). Whichever way self-government is understood, it illuminates more than it obscures when the assumptions of the person or group using the term are taken into consideration.

I have clustered three closely related concepts under the general topic of self-government. In this paper the interconnections between the land and self-government are as close as those between the high politics and the practice of self-government.

Land Claims

A land base is necessary for self-government to succeed; aboriginal people require a land base to become economically able to sustain their self-government proposals. Indigenous people are usually associated with a particular land base - whose members are bound to one another by networks of kin (and wilp) relationships (Dyck, 1985:7). The federal government writes land claims policies which it expects First Nations to follow prescriptively.... "Land claims tend to be viewed by governments and corporations as issues involving control of access to valuable commodities, whereas for indigenous peoples these claims stand not only for a different set of economic interests but also for the protection of their culture and their community" (Dyck, 1985:7-8). For aboriginal people, land claims are an attempt to have pre-contact aboriginal title to the land recognized and, for most B.C. First
Nations, to recognize that their title has not been extinguished. Secondly, there is a demand for a negotiated 'settlement' (Tennant, 1990:13).

The Practice of Self-Government

Moving below the abstract level of self-government, others focus on the practice of self-government. Here self-government can be seen as the design, implementation and administration of services to meet "educational, health, social, housing, justice, and economic development" needs within a First Nations community (Cassidy and Bish, 1989: xviii). Generally goals of cultural integrity and cultural reinvigoration are central to such programs. In this case study, I focus on a social component of governance - the protection of children under the Family and Child Services Act (BC). The practice of self-government will generally include a formal (e.g. tripartite agreement) or informal (e.g. a 'practice' protocol) transfer of decision-making, with or without delegated authority, from the provincial government mandated to provide those services.

High Politics

High politics, as articulated by Abele and Graham, are the "constitutional and legal issues" dealt with at the national level through "political activism and negotiation" (Abele and Graham, 1989:141-42). In this paper, I refer to high politics as the negotiation and political activism carried on by First Nations at both the federal and provincial levels. 'High politics' can be impacted, for example, by Gitxsan blockades, treaty negotiations and court actions. It is distinct from direct action at the community level involving the implementation and administration of First Nations service delivery within the community. Both high politics and practice are necessary, as Abele and Graham maintain, for self-government to be achieved on First Nations terms. Frideres maintains:

Effective control over resources is a prerequisite to the achievement of meaningful self-determination as well as a beginning to the process of decolonization.

Frideres, 1984:53.
The issue of control over the Territories - land and resources - is fundamental to self-government, as the resources (economic and social) to support self-government must be available. These needs can only be addressed through the processes of high politics.

II - Colonization: Structuring Relations

Frideres uses a specific model of colonization to explain the 'political economy' of First Nations, examined in Chapter Two (Frideres, 1988:366). He uses this model to uncover relations on a structural, or "macro" scale, perceiving the problems of colonialism, not as they pertain to individuals, but as they pertain to systems and structures of societies, allowing analysis on the basis of the institutions of a society. This is particularly helpful in the case study of the child welfare system and Gitxsan child care practices.

It has been argued persuasively that the child welfare system has been part of a "deliberate assault" on First Nations communities (Armitage, 1993:150; Hudson and McKenzie, 1985). This view is compatible with the understanding of the practice of self-government in child welfare as conceived in this paper. It also leads to a view of the practice of self-government as an incremental step in the long process of decolonization begun by First Nations (Ponting, 1985; Fleuras and Elliott, 1992; Armitage, 1993: 165-170).

The National Interest

The Canadian 'national interest' is an artificial construct, a device of the reigning Canadian 'establishment' for asserting its political, economic, and social hegemony over the Canadian nation.

Boldt, 1993:67

Canada is a country founded largely as a result of the mercantile aspirations of the fur trade, and later on, the British capitalist mode of production (Coontz, 1988). Boldt argues that, while the 'national interest' is not well-defined, it denotes "the convergent or mediated interests of the powerful as arbitrated by the federal
cabinet" (Boldt, 1993:67). The 'national interest' seeks to perpetuate Canada as a country which investors will invest in, and in which capital can expand. The 'national interest' is defined by politicians, bureaucrats and corporate executives, generally, Boldt notes, behind closed doors (Ibid). First Nations do not have power and turn to other tactics to promote their interests. The imbalance between government and corporations on one hand, and First Nations on the other has a very large impact on First Nations ability to gain self-government as well as recognition of title to their land.

Institutional Assimilation

Boldt (1993) argues compellingly that the federal government is attempting to integrate Indian peoples (as individuals) into the structures and institutions of Canadian society. This, he maintains, is institutional assimilation - involving both the federal and provincial governments. It consists of three basic activities:

1) destruction of social and cultural structures of First Nations:
   - the displacement of traditional forms of self-government, custom and spirituality by imposing Euro-Western models under the control of DIAND - Band Councils
   - phasing out the DIAND and the Indian Act and progressively incorporating Indians into prevailing federal and provincial institutional structures

2) constitutional normalization - section 91(4) of the BNA Act assigned exclusive jurisdiction over Indians to the federal government, thereby setting Indians apart from other Canadians; institutional assimilation will make this historic anomaly ineffective, as Indians will be under the legislative jurisdiction of provincial governments, as are all other Canadians

3) individualization - "peoples' rights deviate fundamentally from the Western-liberal principle underlying Canadian democracy that there must be no inequalities among citizens based on racial or ethnic status" (Boldt, 1993:84).
There is no mention of culture or cultural diversity in the Charter of Rights and Freedoms. Culture is an issue of the collectivity, rather than of the individual. Aboriginal rights, treaty rights, self-determination, land claims, resource claims, reparation claims, etc are made by First Nations in the name of their historical special status. Transforming First Nations into 'Canadians as all other Canadians,' the governments of Canada can legally void most problematic Indians claims because these rights and claims have no application to Indians as individuals (Boldt, 1993).

III - Decolonization; Restructuring Relationships

Since World War II, governments world-wide have introduced initiatives to 'reduce the anomalies in living standards' between colonized peoples and the colonizer society (Dyck, 1985: 11). Indigenous people fought in the war and won honours and respect from fellow countrymen. After the war the Canadian government came under growing domestic and international pressure to decolonize, or restructure, its relations with the aboriginal peoples within its borders. Decolonization, according to Boldt, can be achieved by either granting 'peoples' rights' to Indians (self-determination), or it can impose 'individual rights' on them (as institutional assimilation) (Boldt, 1993). "The Canadian government, with the support of the provincial governments, has opted to decolonize Indians by imposing individual rights" (Boldt, 1993: 83). Fleras and Elliott, (1992) on the other hand, see the Canadian State moving toward a 'paradigm shift' in relations with First Nations beginning, perhaps, with the 1983 Penner and the 1985 Coolican Reports, issues I pursue in Chapter Two.

Decolonization/self-determination, is collective in nature and it requires:

- recognition of the power of First Nations, and of their 'inherent rights'
- recognition of First Nations historical repression
- cross cultural collaboration - a "prerequisite for meaningful reworking of the relationship between aboriginal and non-aboriginal people"

(Cassidy, 1991: ix)
• power sharing (across cultures)
• ability to define their society
• a broad base of support from Canadian people (Cassidy, 1991).

Agency

In this study, agency refers to collective human actions that 'make a difference in social outcome' (Jary and Jary 1991:9). Decolonization calls for agency - it is an intense reaction against the structures of the dominant society. The actions of people in Gitanmaax have made a difference in the ways child welfare is practiced by the Ministry of Social Services and by GHICCC. While government systems such as the child welfare system encourage a reaction from First Nations, and their actions are structured in ways that are meaningful to the system, First Nations are fighting to maintain their own systems.

Inherent jurisdiction/ Inherent authority

One of the ways collective agency is manifested is in the assertion of inherent jurisdiction. To First Nations inherent jurisdiction means they have been given the authority, by a supernatural being, to make laws and create their own institutions. Jurisdiction is described as inherent because it originated from the creator (Cassidy and Bish, 1989:32). The 'right' to inherent jurisdiction "reflects their role in the natural order of things" (Cassidy and Bish, 1989:33). Like the Mohawk, the Gitxsan assert their jurisdiction (Cassidy and Bish, 1989:36); they do not have to ask for it (Ryan, interview with author, 1994). According to Cassidy and Bish (1989), however:

The jurisdictional power to maintain services such as...child welfare is a matter of principle. It is also a practical question. The functions of child welfare must be maintained.... Accordingly, the jurisdiction of Indian governments often becomes a subject of practical implementation amidst principled dispute" 
Cassidy and Bish, 1989:158-59

Spirituality - is directly involved in Indian government processes; attention must be paid to the formal ceremonies or else there is no "basis on which to conduct government for the welfare of the people" (Lyons, 1984:5). Gitxsan laws (ayook) are
based on natural law\(^6\) (Mas Gak in interview with author, April 1993; Wii Bastail in speech at 'Ksan, Oct, 1993). Spirituality is a 'connectedness' with the natural world, the world where laws are absolute, where consequences are harsh, where all life is equal and must be respected. Human intellect (the ability to make choices) is seen not as an advantage, but as a responsibility. That responsibility is to "look after the welfare of the land and its life" (Lyons, 1984: 6). This connection with the spiritual nature of the world is what give the Gitxsan ayook (laws) their permanency.

IV - Child Welfare

Child welfare programs have been developed over the last 100 years and are now part of social service provision in all 'western' welfare states (B.C., 1979; Armitage, 1995). The policies governing child welfare reflect assumptions about the structure of families, the obligations of parents and the view held by the government of when and how the state should be involved (Macintyre, 1993:13). In Canada, provincial child welfare legislation was not implemented in reserve communities until after the 1951 amendments to the Indian Act, which also made residential schools optional, and encouraged aboriginal children to attend provincial educational institutions. Child welfare is perceived as an instrument of colonization, even genocide by aboriginal peoples (McKenzie and Hudson, 1985; Armstrong, 1991:187-192).

Family/Childhood

In the matrilineal cultures of this area the children belong with the mother, the mother's family, her clan and her Nation.

Northwest Band Social Workers Association, in B.C. 1992a:81

A definition of family is critical to child protection legislation and policy. In Chapter three I examine the family in Euro-Western society, and also the Gitxsan wilp. The differences are striking, although the Wilp does carry out many similar functions to a 'western' family. Different players fulfil key parenting roles. Mother and father never belong to the same Wilp, so the child care duties are shared between two different groups of extended kin. Today, the penetration of the dominant society
means that Gitxsan family often live in 'nuclear style' families, although the child care duties are still to a large degree shared. It is not surprising that child welfare legislation and policy have misunderstood the aboriginal 'family' to the detriment of aboriginal Nations. Aboriginal children make up less than 4% of the population of British Columbia, but 51.6% of the children in care under court orders in 1991 were aboriginal (British Columbia, 1992a: 1).

Childhood is understood differently in Gitxsan and Canadian societies. Gitxsan parents tend to be non-interventionist in their children's lives, believing it is best that they learn from experience - this has often been interpreted as neglect in the eyes of government child protection workers who also have not recognized the role that key relations such as maternal aunts and uncles play in child rearing in First Nations communities. The adaawk have played a key socializing role in the past. Today Gitxsan parents and relatives place a high value on 'telling' children how to behave - and it is usually done in a parable style.

Delegated authority

The Directors of the Child, Family and Community Services Act have the ability to delegate the responsibility to others to act for them. The Nuu Chah Nulth Tribal Council, for example, has delegated authority under provincial legislation, and carry out the mandate of that legislation in their communities (Wharf, 1986). With their assertion of inherent jurisdiction, the Gitxsan wish to have their system recognized; they do not want authority 'delegated' through Provincial legislation (Sebastian, 1988; Daxgyet, 1994a). Under federal self-government policy, First Nations are asked to construct their governments from a "set of approved parts" (Boldt, 1993:91). As Cassidy and Bish note, First Nations governments at times accept delegated authority "to insert themselves in a pragmatic way into governing fields they cannot occupy in any other practical manner" (Cassidy and Bish, 1989: 39-40). Certainly the intent of the Gitxsan is not to accept 'delegation of authority' in place of 'inherent
jurisdiction'. The Gitxsan do utilize 'interim measures' indicating that their goal remains recognition of their inherent jurisdiction⁷ (Mas Gak, in interview with author, July, 1994).

Child care

in Gitanmaax, child care signifies an holistic approach to the 'welfare' of children. It is a non legislative, non coercive approach to working with families and includes aspects of health, education and culture. Gitanmaax uses the provincial government social services to intervene if a situation is an extreme crisis, or if the goals (possibly requiring financial resources) for the family can only be accomplished through legislated authority. This is explained in greater detail in Chapter Four.

Gender

"Gender plays a major role in defining the character and circumstances of daily life" (Creese and Strong-Boag, 1995: 9). It is key when a matrilineal society within Canada is contrasted with the dominant Euro-Canadian society. Bourgeault (1989), Reiter (1975), and Leacock (1979), have all studied gender relations in pre-capitalist matrilineal societies and noted qualitative differences in the constructions of gender. In a matrilineal system, the succession of names, use of territories, crests and regalia pass through structures defined by matrilineal succession. Children belong to their mother's wilp, so only women can populate the wilp, which is the decision-making unit in Gitxsan society. Women, then, play a prominent role in a society where the wilp, rather than being equivalent to the private world of the 'western' family, is closer to a system of decentralized governance (Leacock, 1975; Mardsen, 1987; Harris, 1988, 1989). Euro-Western civilization is patriarchal, with men (traditionally) as the head of the household, and names and property passing through the male line. The assumptions based on these diverse world views result in diverse systems and institutions, and the tensions, contradictions and struggles as outlined in this paper (Wilson, 1986).
Gender structures relations in this paper in complex ways. At the level of Gitxsan 'high politics', played out on a 'western' stage, men predominate. On the other hand, in child welfare, the positions on GHCCC are volunteer, require long hours and dedication, and are filled by women. This was evident in the restructuring of the Gitksan Wet'suwet'en Tribal Council. In 1989, it was divided into three functional offices - The Office of the Hereditary Chiefs (OHC), the Government Commission (distributing DIA funds to the villages) and the Gitksan Wet'suwet'en Education Society (GWES). OHC has been staffed mainly by well-paid men, although the hereditary chiefs include many women (60%, including wing-chiefs - Ga K'aax sim'oogit). At GWES, staffed almost entirely by women, the positions are low paid, and depend on the women gaining contracts which will pay their salaries. At times, when there has been a lack of funding, women have carried on doing their jobs while living on Unemployment Insurance benefits. Tennant (1990), in speaking of the formation of Tribal Councils, notes that they are structured in a 'western-style' representative format; it may not then be surprising they have been staffed by men (Tennant, 1990: 123-4).

This paper explores questions of agency and structure in First Nations child welfare. Child Welfare services in reserve communities have been neglected by federal and provincial governments and a consistent and disproportionate number of First Nations children are in care (Johnson, 1983; British Columbia, 1992a). Gitanmaax is no exception. Child welfare preventive services were non-existent, and many children had been taken from the community to be placed in 'white' foster homes.

C - Contributions of this paper
This study provides a detailed example of the day-to-day workings - the practice - of self-government in a west-central B.C. village. Set in an historical context of colonization, the study highlights commonalities in process and goals (outcomes of the process of colonization) in communities striving for self-determination. It
contributes to an analysis of how aboriginal 'self-government' may work as a set of social practices and social relations within the Canadian State.

The study focusses on child welfare to demonstrate the dynamics and relations of self-government. In doing so, it contributes to a knowledge base in aboriginal child welfare. It documents and analyses successful collaboration between institutions of First Nations and of the dominant society and suggests both strategy and social policy for enhancing cross-cultural relations.

The study adds to the knowledge of Gitxsan child care techniques and to the development of culturally sensitive interventions. It contributes to an understanding of the strength and resiliency of Gitxsan matrilineal institutions, the roles of Gitxsan women, and may (implicitly) illuminate some reasons feminist theory does not speak directly to women who are actively involved in strengthening matrilineal systems.

Cross-cultural reciprocity and issues of self-determination are examined as they relate to British Columbian society. Misunderstandings and diverse interpretations of the concept of self-government have repercussions for public policy development, and the course of Canadian society. All British Columbians play an integral role in the unfolding of self-government.

Summary
First Nations are striving for decolonization. To pressure governments and make their issues known to the Canadian public they use tactics such as 'symbolic politics'. Self-government and child welfare are both significant concepts in First Nations resistance to the State. They juxtapose the public world of politics and the private world of family and child. This paper examines, through a case study, the actions Gitanmaax citizens have taken to ensure that Gitxsan culture remains viable within the Canadian Constitution. Whether such actions will enable First Nations to
maintain their cultures in the light of State policies is the subject of the thesis. The field of child welfare illustrates many of the challenges which the practice of self-government raises for First Nations communities, for Canadian society and for Canadian social policy.

The next chapter provides a context for the study by examining legislative processes and ideologies which have driven the formulation of Canadian (federal and provincial) Indian policy today. It also considers the actions of First Nations in response to Canadian Indian policy.
Chapter Two

An Historical Context for Self-Government

Introduction

This Chapter examines processes of colonialism in Canada, using Frideres (1988) model. It documents the history of colonial and Canadian legislative actions taken to control those populations eventually defined as 'Indian' in the Indian Act. The dichotomy between protection and segregation historically entrenched in legislation has ghettoized and marginalized Indians, but has also given them 'special status'. The claim to special status has opened the door to many forms of resistance which First Nations employ in their struggle for decolonization and self-determination.

After WWII, post-war ideologies of the welfare state and social justice were embraced by the Canadian public (Jordan, 1986; 264-265). Federal aims remained assimilationist however, although integration rather than segregation became the method of achieving 'social justice'. Such methods were a precursor to the White Paper of 1969 (Armitage, 1995: 79).

The chapter examines the continued assertions of First Nations, particularly in British Columbia, that they have 'inherent jurisdiction' over their citizens and their Territories. This is related directly to the situation of the Gitxsan in west central BC, in preparation for the case study to follow.

A - Colonialism: An Historical and Theoretical Context

Before European contact, there were civilizations "of high attainment" in British Columbia (Tennant 199: 27). However, the imposition of external political control and economic dependence brought about by colonization radically altered the independence these civilizations had enjoyed. Early in the colonialist period, aboriginal people asserted their rights to the land and to their systems of governance (Ibid:32). Their assertions were either ignored or denied by the governments and
officials who took the position that the indigenous people were 'uncivilized', and therefore unable to conceive of self-government. In frustration, aboriginal peoples began to organize, first inter-tribally, then provincially (Tennant, 1990: 84ff).

Colonialism and its dynamics can be examined on a macro, or institutional scale (Frideres, 1988:294). The advantage of using a macro scale is that structural processes can be made central. This allows relations between groups to be studied. Frideres has articulated a theoretical model of colonialism which addresses the incursion of western systems and ideologies into aboriginal territories (Frideres,1983, Ponting,1986: 85 ff). Building on Blauner's theory of colonization, Frideres outlines the process as follows (Frideres,1983: 295):

1) Incursion of colonizing group into a geographical area
2) Destruction of social and cultural structures of the indigenous group
3) External political control indirectly, through elected chiefs
4) Aboriginal economic dependence through wage labour
5) Provision of low-quality social services
6) Institutionalized racism (Miles, 1989)
7) Establishment of a colour line (colour-based barriers to social mobility)

Frideres' model of colonialism articulates how colonization impacts indigenous peoples, but it ignores any reciprocity in the relations between colonizer and colonized. Wolf points out that relations between the colonizers and the colonized were always dynamic and reciprocal; interactions and relationships modify both cultures (1982: 3).

Indigenous peoples have never been passive in their relations with the colonizers. They have resisted 'assimilation', often maintaining their cultural values (Klein, 1980; Tennant, 1990; Cole and Chaikin, 1990; Fiske 1992b). The resistance of the Gitxsan, and how it mediates the actions of the dominant society are a focus of this thesis.

Colonialism and the Gitxsan Territories
The west coast of Canada was opened up for exploitation by mercantilists in the early 1800s and the encroachment of civilization was relatively late and gradual (Wolf, 1982: 182). Trade was mutually beneficial, bringing new wealth to both Natives and to the traders (Wolf, 1982; Fisher, 1987). The Haida, Tlingit and Tsimshian men and women were skilled traders and used traditional routes to trade with the Nisga’a, Gitxsan and Tahlitan further inland. Indigenous peoples controlled both their trade and their culture (Fisher, 1987: 24).

Colonialism became more invasive as trading posts were established. The first one near to Gitxsan Territories was established at Babine Lake in 1822 (Supreme Court of B.C., 1991) and the second post, Hazelton, was established in 1866, on the Skeena River at the village of Gitanmaax. These posts were set along a major indigenous trading route, "the grease trail", to the Pacific. Gitxsan resistance to the intrusive behaviours of the newcomers was not long in coming. Along with local protests, the Gitxsan protested to the governments, provincial and federal, whenever they were aggrieved by the intrusive actions of Euro-Canadians on their land.

In 1884, with the Omineca gold rush in full swing, miners found gold on Lorne Creek near Gitwangak (Supreme Court of BC, 1991). In their frenzied search, the miners respected neither the land nor the Gitxsan (Fisher, 1987:98). the Gitxsan protested to the provincial government that the miners who came to their area to pan for gold were usurping their territory.

From time immemorial the limits of the district in which our hunting grounds are have been well defined..... and as all our hunting, fruit gathering and fishing operations are carried on in this district, we can truly say we are occupying it.... We have carefully abstained from molesting the white men during the past summer. We felt that though we were being wronged and robbed as we had not given you the time nor opportunity to help us, it would not be right for us to take the matter into our own hands. Now we bring the matter before you, and respectfully call upon you to prevent the inroads of any white men upon the land within the fore-named district.

Excerpt from submission by Gitwangak chiefs to the provincial government; Gisday Wa and Delgam Uukw, 1989: 11
Gitanmaax is a unique community. The Gitxsan have lived on site - at the confluence of the Bulkley and Skeena Rivers - for thousands of years. In the late 1800s the Hudson's Bay Company purchased 13 acres of land in Gitanmaax from Gitxsan chiefs. The Village of 'Hazelton', founded in 1871 on this land became the terminus for paddle-wheelers coming from the coast (Northwest Planning Group, 1995: 4). 'Ksan, a reconstructed Gitxsan Village and Museum on Gitanmaax reserve land and a prominent tourist destination in the summer months, dominates Gitanmaax/Hazelton.

*map by Don Monet reproduced from 'Colonialism on Trial, Don Monet and Skanu'u, 1991 with permission of Don Monet
Maps Showing Location of Gitanmaax/Hazelton
Map of Gitxsan House Territories

* showing territory claimed by Gitxsan Houses as named
In 1889 Chief Gyetm Galdo protested white settlement at the trading post of Hazelton, where the Village of Hazelton now stands, although later some land was sold to the traders. In 1908 Gitxsan chiefs travelled to Ottawa to present a petition to the federal government to "stop the wrongful appropriation of their territory" (Gisday Wa and Delgam Uukw, 1989:14). In 1910 they travelled to Prince Rupert with other north west tribal groups and met with Prime Minister Sir Wilfred Laurier, who told them:

"The only way to settle this question [the Indian land question] that you have agitated for years is by a decision of the Judicial Committee, and I will take steps to help you".

Gisday Wa and Delgam Uukw, 1989:14

Premier McBride of British Columbia refused the court process, and instead a Royal Commission was established with a new government in Ottawa, headed by Prime Minister R. Borden. In 1915 in west-central B.C., House Chiefs from the Gitxsan village of Kuldo'o and Kisgegas met with the McKenna-McBride Commission to assert their ownership of the land.

Who gave us this land - it was God. We heard it and all we know is that you people are taking away our land. This is our land - our own. No one [from] one house [can] serve as boss in the other house.

William Jackson, Kisgegas chief, 1915, quoted in Tennant 1990:97

The Commission's curt response to the Gitxsan chiefs, eighty years ago, was that the world was 'moving along', and that they must move with it or be 'wiped out' (Tennant, 1990:97). In 1927 the Indian Act was amended, making it an offence, punishable by imprisonment, to raise money to press for land claims.

Colonial actions were grounded in western-liberal doctrines which understand the state as emanating from individual will and collective agreement (Hobbs, [1991]; Boldt and Long 1988:165-68; Marchak 1988). Aboriginal Houses and clans, while they performed similar government functions, had experienced neither the separation of church and state, nor of public and private spheres. Rather, "social order was based on spiritual solidarity derived from the moral integration that came from acquiescence to tribal customs" (Boldt and Long, eds.,1988: 168). Customary authority,
in the Gitxsan world view, was seen as coming from the creator; it was manifested in respect for the land and natural law (Mas Gak, 1993 interview).

The disjuncture of these two world views creates what Lévi-Strauss termed "significant discontinuities" (Atleo, 1991: 105). Cross-cultural communication where 'significant discontinuities' exist, - that of individually oriented Euro-Canadian and collectively oriented Gitxsan, often manifest in mistaken understandings (misunderstandings). The dominant Canadian ideology, or 'conventional wisdom' assumes the value of individualism and personal freedom (Marchak, 1988: 2ff). This contrasts with aboriginal ideology, which assumes the value of cooperation, generosity, and harmony within the collective (Horejsi, 1987). Frideres observes that these latter traits demonstrated passivity and dullness through the eyes (and assumptions) of the colonizers (Frideres, 1988).

Matrilineal Gitxsan institutions of governance such as the wilp and the feast were totally misunderstood by traders, settlers, and politicians who believed that men named the world. As an example, Bodribb cites Kinietz, 1977, who notes that "early writers were convinced that matrilineal descent and inheritance were practised because a man could be sure that his sister's son was related to him by blood, whereas he was not certain about his wife's children" (Bodribb, 1984: 87).

The Gitxsan Wilp

The Gitxsan were a highly structured society and the certainty of continuous leadership was clearly evident in the names of the sim'oogit, passed on for generations. Matrilineal succession contributed to the strength of the Nation as clan networks spread across villages creating a cohesive society (Tennant, 1990: 7). The feast (banned by the Indian Act as a 'potlatch' until 1951) validated and legitimized rank and authority and decisions of the wilp, and contained elements of Gitxsan governance and societal control (Daly, 1988; Harris, 1988).
There are four Gitxsan clans; the Frog (Lax Se'el), Fireweed (Gisg'aast), Wolf (Lax Gibuu), and Eagle (Lax Skiik). Marriage is exogamous. Marriage into another clan means the resources (territories) of both clans are available to the couple and their children. Each clan is divided into a number of matrilineal wilp (or Houses) which are the basic and decentralized units of Gitxsan society. A decision-making and land-holding institution, the wilp includes elements of governance and economy, and is responsible for education, socialization, and also the spiritual relationship of the wilp to the land (this spirit power is known as daxgyet). Belonging to a wilp or House, so called because in the past, all members lived under one roof (Gisday Wa and Delgam Uukw, 1989: 25), signifies Gitxsan citizenship. The wilp is headed by a sim'oogit (hereditary chief) who, with the Ga k'aax sim'oogit (wing chiefs) uses a consensus model of decision-making. House members are usually, but not necessarily, related by blood. They are responsible and accountable to the sim'oogit and other House members, and have formal social responsibilities to each other (Harris, 1988a, 1989; interviews with author - Vern Joseph, Mas Gak, and Gyoluugyat, 1993 - 1994).

Each House is identified by its crests (ayuuks), "images that encapsulate and provide a visual record of the major events experienced by the ancestors of this group" (Gisday Wa and Delgam Uukw, 1989: 26). Crests are recorded in the adaawk and displayed on regalia and House poles.

The formal telling of the oral histories in the Feast, together with the display of crests and the performance of the songs, witnessed and confirmed by the Chiefs of other Houses, constitute not only the official history of the House, but also the evidence of its title to its territory and the legitimacy of its authority over it.

Gisday Wa and Delgam Uukw, 1989:26

The feast is an institution at the heart of Gitxsan life. It manifests the reciprocal and interdependent relations of the clan and wilp in "structured and observable social interactions" (Daly, 1988:546). It is an affirmation of social relations, kinship positions, political processes and the demonstration of House and clan honour (Daly, 1988). At feasts, House decisions are ratified and witnessed. Today, most feasts are
'transition' feasts, given when a House is 'in transition' from one chief to another. Business such as the giving of names and the payment of debts is taken care of at contemporary feasts. In the past, feasts were given on occasions such as:
- a child's first name, piercing of ears
- puberty - second name
- adult name, adoption,
- marriage, divorce,
- shame - Gil k'al gimks - to 'wash off'...
- hurt - Sa gimk ihlee'e
- coming back in
- pole raising or head stone, transfer of the name
drying of the pole - Gwalgwa
death, burial
first salmon, peace.

The Indian Act, passed in 1876, threatened the autonomy of native systems. In 1885 a revision to the Act banned the 'potlatch'; a heavy blow to Gitxsan autonomy (Cole and Chaikin, 1990). The feast system, however, continued amongst the Gitxsan in spite of the prohibition (Cole and Chaikin, 1990: 174-5).

Marie Wilson, a Gitxsan elder, explained that as winter slowed work on the land down, it was the traditional time of Gitxsan feasts. After the prohibition, the Gitxsan continued the duties of their system during festive 'pot luck' dinners, under the camouflage of Christmas and New Year, when 'gift-giving' was not questioned by government officials! By using the Gitxsan language and Christian festivals, the Gitxsan system was able to survive into the present "much as it did 100 years ago" (Sterritt, 1992: 304). The Gitxsan were not alone, and Cole and Chaikin write of the "incorrigible Kwakiutl" who continued the potlatch "despite all the pressures brought to bear on them" (Cole and Chaikin, 1990:180). Others, like the Nisga'a also camouflaged the business of the feast, but carried on (Tennant, 1990).

The Gitxsan were aided by the erratic enforcement of the potlatch law - by 1938 Cole and Chaikin attest that there were regular feasts held in Gitsegukla and Gitwangak, with guests from all the Gitxsan villages invited. An adaptation had been added; a

Today, Feasts are regular and well-attended, names are passed down, and the business of the Wilps is ratified. The feast, in Mauss's words, is "a total social phenomenon" (Boelscher, 1988:3). Wilson's story of keeping the feast alive through the church is corroborated in the neighbouring Nisga'a Nation, by Tennant. He notes that revival meetings held in "immense wooden churches"... "were simply potlatches in a new setting" and were a means of keeping the Nisga'a public informed about land issues (Tennant 1990: 85).

Despite the retention of their institution of the feast, Gitxsan society has been transformed by colonization. In Gitxsan territories, wage labour in lumbering, mining and fishing has had an impact on the stability of the matrilineal and matrilocal systems (Bourgeault, 1983). Men and women began to follow jobs to communities away from their wilp and their seats in the feast. When women moved there were serious repercussions for the culture.

Women populate the wilp. Job mobility, required by capitalist enterprises, meant the Gitxsan family (newly visible as a nuclear family) had no bonds in their new community, no House responsibilities, and little or no way of accessing support from their 'village of origin' (Harris, 1988). Their children would not be brought up with the elder's teachings of adaawk, the crests, or even the names of their House. They would become 'strangers' to their Gitxsan heritage, thus the power of the wilp was weakened, its size diminished. These are some of the dynamics to which Frideres (1990) refers.

Gitxsan supports are built into wilp, wilksi witxw, and clan, so the diminution of such supports, and the concurrent advent of the isolation of Gitxsan as individuals,
encouraged 'modern' social problems to develop: depression, alcoholism, family violence, child abuse and neglect (McRae, interview with author, 1993; Harris, 1988).

Social breakdown was magnified further as English became the first language of the younger generations, in large measure due to residential schooling where the use of English was mandatory; aboriginal languages prohibited (Haig-Brown, 1988:31).

Many aboriginal people desired that their children be educated, recognizing that to acquire the knowledge was essential to their survival in the Euro-Canadian society (Miller, 1991a:102).

Gyoluugyat explained that her father had told her it was important that she be educated so that she would be "able to take the best from both worlds" and blend the best of her Gitxsan culture and the dominant culture to fashion a better world for Gitxsan people (Gyoluugyat, interview with author, 1993). While 'western' knowledge may be necessary, the use of the English language is a double-edged sword; it obscures Gitxsan concepts and values which, while clearly expressed in Gitxsanimx, have no words in English to express equivalent concepts.

We're running into a lot of problems too, because with the loss of the language, when the elders speak to us and we translate it into English it looses all of its meaning, it does not have the impact of what it really means when we use our own language, Gitxsanimx.... Using our own language they [the youth] realize the impact just by the tones that elders use and the words...the elders know which words are most effective to use at the time. How do you put that on a piece of paper?

Nagun, interview with author, April 15, 1993

Frideres, listing ways that colonialist policies penetrated indigenous societies, destroying the social and cultural structures of indigenous groups, captures a backdrop for the frustration expressed in the above quote (Frideres, 1988).

Penetration occurred through:

- 'conversion' into western religions - marriages, 'Christian' names, women taking their husband's names, burning of sacred regalia and ayuusks
- system of European patrilineal 'naming' which obscures matrilineal House relationships
- recognition of men as heads of households by the State, church and economy (Bourgeault, 1989)
- wage labour - men leaving community for employment, women moving with them (dependency on husbands taking priority over interdependence on the wilp)
- socialization and education in residential schools - loss of language (Haig-Brown, 1989; Jordan, 1986; Armitage, 1993)
- the child welfare system, and placements of First Nations children outside of their communities and in non-First Nations homes

External political and institutional control:
- Indian Act (recognized men as Indians, and women as Indians if they were married to 'status' Indian men)
- ban on potlatch - the Gitxsan feast (Cole & Chaikin, 1992)
- separation of children from wilp and community by the State through child apprehension and adoption into middle class nuclear families

Colonial actions in the Gitxsan Territories had their beginnings in the European Fur Trade, in legislation enacted in Central Canada and in the political denial, provincially that Indians had entitlement to their Territories. The next section will trace some of the steps in the creation of Canadian Indian Policy.

B - Pre-Confederation Relations

The Gus Wen Tah

In the early 1700s the Haudenosaunee expressed their understanding of the relationship they envisioned between themselves and the Europeans in the Gus-Wen-Tah, or two-row wampum. Two rows of purple beads symbolizing two different peoples each with their own path are separated by three rows of white beads symbolizing peace, friendship and respect. The Gus-Wen-Tah provided guidelines of peace, friendship and respect between the two groups. It also signified that the two groups would travel parallel paths, not interfering with each other's 'vessels of state' (Canada, 1983; Tizya, 1990). This vision has remained remarkably stable across First Nations and through time into the self-government debates of the current era.

This principle of 'non-interference' while compatible with indigenous ideologies, was not compatible with either the world-wide colonial expansion of mercantilist trade, or with the later capitalist mode of production. These latter were the basis of
colonial aspirations in the 'new land' and of the ideology which shaped policy-making (Wolf, 1982: 296).

The Royal Proclamation

In contrast to the message of non-interference in the Gus-Wen-Tah, the Royal Proclamation of 1763 was an attempt by the British Crown to structure and control relations between British subjects and First Nations. Indians, in the 1700s were powerful military allies, and skilful partners in trade for the colonial Europeans creating relations of interdependence (Miller, 1991a). As more settlers arrived, the usefulness of military alliance with aboriginal peoples declined. The 'national interest' was paramount in legislation from the earliest days of the new Colonies, and the national interest began to focus on economic issues. That economic interest was seen to be best served by 'protecting' and isolating Indians on reserves (Boldt, 1993:67).

And whereas it is just and reasonable, and essential to our Interests, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of our Dominions and Territories as not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds.

Excerpt from the Royal Proclamation of 1763

While the Royal Proclamation may have been written with the 'national interest' at its centre, it also respected and confirmed aboriginal rights (Cassidy, 1989: 4; Tizya, 1990; Fleras and Elliott, 1992:31). It offered protection for Indians and as Indians relied on it, it became formally binding on Britain. As a basis for the Treaty process, the Proclamation established the legal Trust obligations of Britain to the Indian Nations (Tizya, 1990:7). The Royal Proclamation, as the Coolican Report later recognized, constitutes "the basis for meaningful political dialogue" between First Nations and the State (Fleras and Elliott, 1992:31). This duality in the Proclamation - protection and isolation - was carried forward into the Act for Gradual Civilization, 1857, (assimilation) and into the Indian Act, 1876, (assimilation and protection).
The Royal Commission on Aboriginal Peoples has acknowledged that the Royal Proclamation recognized that aboriginal peoples were "Nations" connected with the Crown by way of treaty and alliance (Canada, 1992:11). Further, the Commission interpreted the Proclamation to acknowledge the retained sovereignty of aboriginal peoples under the Crown's protection. This is the historical basis of the enduring relationship between aboriginal nations and the Crown, and provides the source of the Crown's fiduciary duties to those nations (Canada 1992: 11). The Royal Proclamation is still very much alive to aboriginal Canadians in their struggle for recognition.

The Bagot Commission

After the war of 1812, the importance of military alliances with aboriginal warriors lessened, more settlers arrived in search of land and the usefulness of a military alliances with aboriginal peoples declined. The original inhabitants came to be seen as 'irrelevant' to the health and wealth of the colonists, and were concentrated in settled areas, later known as 'reserves' (Miller, 1991a). By 1842 the Bagot Commission set forth the "key elements of colonial policy" (Miller, 1991a: 104). Missionaries were to assimilate the Indians through education and by giving them the means to adopt an agricultural lifestyle. Plots of land were to be given to individual Indians. Indian leaders opposed 'private' land, but were more amenable to the idea of education (Ibid).

Residential schools were recommended by the Bagot Commission, and supported in the findings of the Davin Report of 1879 (Armitage, 1995: 102). The 'optimistic' belief was that the Indian would be assimilated in a generation with the use of residential schools.

In 1857 the Gradual Civilization Act was passed, allowing for enfranchisement. Indians refused to comply. Miller (1991a) notes, "only one Indian was enfranchised
between 1857 and 1876", when the more coercive Indian Act was passed. In 1867 the British North America Act had been passed as Canada's constitution. It stated that 'Indians and lands reserved for Indians' were the responsibility of the federal government. Each new level of authority was protested by Indians (Miller, 1991a). All of these 'civilizing' policies were about to be brought together in omnibus legislation: The Indian Act.

C - Canadian Policy in the Assimilationist Phase, 1867 - 1951

The Indian Act

Aboriginal societies customarily required few of the social control "tools" necessary in the British hierarchical system, therefore their governing policies were invisible to the colonizers, to whom they appeared 'uncivilized' (Ponting, 1986; Dyck, 1985; Frideres, 1988; Tennant, 1990). The Indian Act made explicit the paternalistic and ethnocentric belief that Indians do not have the ability to govern themselves and structured asymmetrical power relations with aboriginal peoples. The Indian Act forms the backdrop and ideological context for all policy initiatives regarding Indians since 1876. In keeping with Goffman's "total institution", the Indian Act "touches deeply virtually every aspect of Indian life" (Gibbins and Ponting, 1980: 23). Indian resistance continued, despite the Act and so increasingly severe proscriptions were included as amendments to the Indian Act.

The Indian Act defines 'Indian' and also when that status no longer applies. Enfranchisement (having the same rights as all other Canadians) was automatic when an Indian went to University, joined the army, or opted to drink alcohol off-reserve. His wife and their children would also lose their status (and benefits) as Indians under the Indian Act.

The Ban on the Potlatch

The Potlatch, or Feast, was the institution of governance which allowed the Northwest Coast chiefs to continue their authority, and resist the "control of church
and government" (Tennant, 1990: 51; Cole and Chaikin, 1990). The missionaries and Indian agents in British Columbia recognizing the strength of the feast, appealed to the federal government to enact legislation to deal with this 'problem' (Ibid). Accordingly, in 1884 the MacDonald government revised the Indian Act to ban the Potlatch.

Enfranchisement was made compulsory in many situations in 1920. In 1927 hereditary governments and organizing around the land question was disallowed. Each of these explicit proscriptions was resisted by aboriginal peoples (see Gitxsan resistance to ban of feasts, for example). The Indian Act was amended in 1951, repealing sections outlawing 'religious ceremonies'. This made little difference to the Gitxsan who had been holding feasts all along.

Residential Schools

Residential schools continued to be a major factor in assimilationist policy. In 1904, Clifford Sifton, Minister of Indian Affairs, declared:

I have no hesitation in saying - we may as well be frank - that the Indian cannot go out from school, making his own way and competing with the white man... He has not the physical, mental or moral get-up to enable him to compete. He cannot do it.

Armitage, 1995:104

As with other Indian Policy, views of isolation and protection alternated with views of assimilation as the solution to the 'Indian problem' continued to be sought.

Education was provided through government funding to the churches; this supported a large church authority (Armitage, 1995:105). Armitage notes that in B.C., "the church and state attempted to destroy the marriage system and the potlatch" while trying to build an idealist society removed from the Canadian mainstream (Ibid).

The Gitxsan communities were 'converted' to the Anglican and United Church faiths, and so attended protestant residential schools, as well as Salvation Army Day Schools on reserve from the early 1900s onward. The Catholic Church's influence extended as far as the Wet'suwet'en in Hagwilget, but not to the Gitxsan in Gitxsan Territory (see
map p. 28). The suppression under the residential schools continued until the post WW II amendments of the Indian Act. Nagun stated that many Gitxsan children have bad memories of the Day Schools, but according to Gyoluugyat and Wii Bastail, residential school was a positive in their lives (interviews with author, 1993-4). Others, like Gali Skalun, former elected chief councillor in Gitanmaax and currently a Treaty Negotiator, feel their true learning began when they returned home to Gitanmaax (interview with author, April, 1993 ). Others experienced mistreatment, and/or witnessed mistreatment of others, and have sought support. The Gitanmaax Health and Child Care Committee, in the 1990s held healing circles for those who attended Residential Schools. These were well-attended (Nagun, interview with author, June, 1993).

D - Canadian Policy in the Post-War Integrationist Phase

The Federal Government formed a Special Joint Committee in 1946 to hear submissions into changes to the Indian Act. Resulting from the recommendations, provincial laws were recognised as having application to Indians, Sec. 87 (Mawhiney, 1994:31). Indian children were encouraged to attend provincial schools, and provincial child welfare policies became applicable to children in reserve communities (Mawhiney, 1994: 31). The Canadian Association of Social Workers and the Canadian Welfare Council (CASW & CWC) had recommended that Provincial child welfare legislation apply on reserves - the intent was equitable service delivery to First Nations communities (Armitage, 1993:144). This revision to the Indian Act, however, brought a new level of authority into the lives of Indians.

Provincial child welfare authorities, basing decisions on the dominant assumptions of what a family is, and how children ought to be cared for, brought children "into care17," in some cases decimating reserve communities, often placing the children for adoption in Euro-Canadian families. This was an ultimate act of assimilation, for the children lost their communities, their language, their cultural ties to their
history, their wilp and clan and the families and communities lost their hope for the future (Johnson, 1983: 23-24).

While the 1951 revisions to the Act were touted as 'humanitarian' and boasted that post-war ideology, actions towards Indians were not carried out in that spirit. Indian children met with racism and rejection in the public school system. The school system kept child welfare authorities alerted when they felt an Indian child had a problem. Finally, actions taken by child welfare authorities proved to be blind to the realities of other cultures (Johnson, 1983, Cross, 1989, 1992). The Child Welfare System is examined in greater detail later in this chapter, and also in Chapter Four.

During the latter half of the 1960s, with the 'sixties scoop bringing large numbers of aboriginal children into the care of provincial child welfare authorities (Johnson, 1983), the federal government decided new policy was needed, which would do away with the Indian Act, and with Indian policy.

The White Paper

The Statement of the Government of Canada on Indian Policy, 1969, the White Paper constitutes a watershed in aboriginal-government relations. It provided a new visibility for First Nations aspirations, and a new wave of resistance and activism. A document of the Liberal Party, the White Paper was framed as party policy. Although the government had consulted with Indians, it was interested in Indians as individual Canadians, and ignored the concerns that Indian peoples had expressed (Weaver, 1981; Miller, 1991a: 224; Boldt, 1993). The White Paper proposed to:

1. amend the BNA Act to change Reserve lands to 'fee simple title' lands
2. repeal the Indian Act in total

The White Paper focussed an outraged Indian populace on one issue: Indian rights as Indians under the Indian Act (Boldt and Long, 1988, Boldt, 1993). As draft legislation, the White Paper proposed that special rights and legal status for Indians be removed.
While the Indian Act was despised as a colonialist and oppressive piece of legislation by those it defined as 'Indian,' it also afforded protection for the collective rights of Indians. Legal equality for Indians as individuals would not translate into socio-economic equality for First Nations. The Hawthorne Report (1967) had cautioned the government against confusing the two (Weaver, 1993:79). The response of Indian peoples was direct and emphatic: they would not be individual citizens, as Trudeau wished, but a "distinct category of people within Canada who had special rights" (Miller, 1991a: 230). The anger/energy which the White Paper engendered was used as Indians sought support and understanding of the Canadian population and then turned to the courts. The federal government would be forced, one way or another, to rethink their policy.

The Changing Views of the Courts

After the White Paper, during the years 1973 - 1979, there were numerous First Nations court challenges which altered the conceptions of the State both toward First Nations, and toward their Indian Policy.

a) The Calder Case, 1973

The Nisga'a went to court to have evidence heard regarding ownership of Nisga'a land. Calder v. the Attorney General of B.C. is an historical case, as the decision specified, for the first time, that Indians had aboriginal rights (Frideres, 1990, Tennant, 1990). Six judges ruled unanimously that aboriginal title in B.C. existed, and three of seven judges ruled that the Royal Proclamation extended to the Pacific, and affirmed "pre-existing aboriginal title as a legal right" (Tennant, 1990:220). The federal government was forced to announce a Land Claims Policy in 1973 to settle the claims of Indians who had no treaty, and therefore no explicit extinguishment.

b) The Guerin Case, 1975

The Musqueam Band sued the federal government for breach of trust and the Supreme Court of Canada awarded the band $10 million in damages. The award was
based on aboriginal title. Revisiting the Nisga'a decision, it revitalized land claims activity in B.C, as it recognized 'pre-existing aboriginal title as a legal right' (Tennant, 1990: 222).

c) The Sparrow Case, 1989

Ronald Sparrow, of the Musqueam reserve took his case (he was charged with fishing with an oversized drift net) to the Court of Appeal, which "ruled unanimously that section 35 (1) meant that an aboriginal right to fish for food continued to exist in non-treaty areas of the province" (Tennant, 1990: 225 - 226). The courts had ruled that Indians did have title to their lands before colonial government was established, and aboriginal title is a pre-existing legal right.

First Nations are quick to turn adversity into advantage. They have used court decisions as political leverage. Blockade actions heated up after the Guerin case (Meares Island, Lyall Island). The media were enlisted to explain issues to the public (Tennant:209). The federal government has been forced to modify their approach to First Nations issues.

The Constitution Act, 1982

The Constitution Act in the early 1980s again precipitated organization amongst aboriginal groups. In BC the "British Columbia Aboriginal Peoples' Constitutional Conference" brought five hundred aboriginal people together, their decision was that "aboriginal title must be immediately entrenched in the Constitution and protected with a consent clause" (Tennant, 1990: 203). The Provinces agreed to a more restrictive clause - 'existing aboriginal and treaty rights'. Canada is the only country in the world which has entrenched aboriginal and treaty rights in its constitution (Fleras and Elliott, 1992:8). The federal government could not ignore the Calder decision of 1973 or the lobbying of aboriginal groups. The Constitution Act recognizes "Aboriginal and treaty rights that had not been extinguished prior to 1982" (Canada, 1992:14).
E - Canadian Policy in the 'Self-Government' Phase

The Penner Report, 1983

Indian peoples in Canada must control their own affairs. A new relationship is urgently needed that respects the diversity, the rights and the traditions of Indian First Nations

The Penner Report, 1983:41

Before the 1970s, Indian policy was "determined solely by the federal government" (Tennant, 1985:323). During the 1960s a policy change in the federal government included the decision to consult Indians on matters affecting them. After the White Paper, Indians organized at provincial and federal levels, and began research on Indian self-government (Tennant, 1995). By the late 1970s terms such as self-government and autonomy were used frequently. The demand for aboriginal rights converged with Prime Minister Trudeau's proposals for a new constitution; a Parliamentary Task Force on Indian Self-Government was formed by the federal cabinet (Tennant, 1995:325-327; Weaver, 1984:54; Mawhiney, 1994:62).

The Special Committee on Indian Self-Government (the Penner Commission) was appointed in the early 1982, with representatives from each of the main political parties and from national Indian organizations as well (Tennant, 1985, Mawhiney, 1994). It presented a comprehensive analysis coupled with recommendations for Indian self-government. The committee held public meetings around the country, often on reserves, strongly supported self-government, suggested methods and even a model for achieving the same. Although it referred to the Gus-Wen-Tah the Penner Report, ironically, did not mention customary aboriginal institutions of governance, such as the Gitxsan feast and the wilp, but generally equated self-
government with band government (Tennant, 1990, Weaver, 1984, Cassidy and Bish, 1989).

The State accepted the rhetoric of Indian self-government from the Penner Report and the call for a 'new relationship.' It was, however, to be a 'new relationship' and 'self-government' but still within parameters controlled by the federal government.

Self-Government Policy

The Government of Canada is committed to developing a new relationship with Canada's aboriginal peoples. Since 1984 the federal government has responded to aboriginal aspirations with a number of initiatives to increase self-reliance and autonomy. One of the most important is the policy on self-government.


The federal government had a claims policy that they brought into place after the Calder case, and that claims policy was hollow. It was empty. It meant nothing. Still, the Gitksan and Wet'suwet'en entered into one of their phases of trying to resolve the land question in the mid-70s, and in 1977 qualified for federal funding to prepare for negotiations.

Medig'm G Yamk (Neil Sterritt) 1990:303.

The stated premise of the Indian Programs Division is that Indians are in the best position to 'determine and pace' their own programs (Policy on Indian Self-Government in Canada, 1989). However, under the rubric of self-government, Boldt asserts, the government is speaking of devolving authority to Indian Bands in the form of 'municipal powers' (Boldt, 1993).

First Nations, nonetheless, have used this federal perspective to begin negotiations, as well as to take over the operation of existing 'service programs' at the reserve level. Alternate Funding Arrangements (AFA) were made available to bands if they were able to successfully negotiate them. The Gitxsan Wet'suwet'en Government Commission secured a five year block funding agreement in 1990\(^{18}\) enabling them to distribute federal funds to the respective bands\(^{19}\).

Block funding has the decided disadvantage of creating a zero-sum game within the community, with programs like child welfare receiving little funding since the critical demand for housing, fire protection, water and sewage services, as well as
education and other social services are more immediate. On the other hand, alternate funding, where the Bands supply the staff and planning time is attractive to the federal government, a saving in dollars and staff time, for the Bands, it increases the skills they will use to run their own programs. It is a direction Bands want to take.

From the mid-seventies onward, major changes within Indian and Northern Affairs reflected both First Nations desire to deliver their own community programs, and the congruent desire of the Department for devolution of responsibility to the communities. By 1991, DIAND was stating that "Service delivery is now a First Nations responsibility" (Canada, 1991). Self-government was to be achieved within the constitutional framework as well as within budgetary frameworks of DIAND (Frideres, 1990:104). At the same time, the Province recognized the Federal self-government policies, and also realized that greater autonomy for First Nations would require changes to Provincial policy and legislation. Social Services were one of the areas in which major changes in autonomy were expected.

**Community-Based Self-Government**

The Penner Report (1983) suggested a position for the Federal Government on self-government. The federal interpretation of self-government, as articulated in the 1986 policy statement on Indian Self-Government in Canada, was implemented by David Crombie, Minister of Indian Affairs. The rhetoric of self-government was meant to pacify the demands of First Nations, and reassure Euro-Canadians that the government was behaving honourably in the area of just policies for Indians. At the same time, if self-government can be given to First Nations, there will be no need for the Indian Act, and Indians will be 'Canadians as all other Canadians.'

The Gitxsan together with the Wet'suwet'en, involved in the appeal of the land claims court case (1992-93), signed an Agreement-in-Principle (AIP) in June of 1993 under the Community-Based Self-Government policy. It was seen by the workers at Office
of the Hereditary Chiefs (OHC) as complementary to their case for judicial recognition of title to their traditional territories. As well as the standard self-government aspects such as citizenship, taxation, legal status, resources, etc. the AIP left open arrangements to deal with the practical aspects of service delivery in health, education and social services. The AIP, however, was not ratified by the communities. The fear of self-government at the grass roots level and at the band council level in some villages, would confound the vision of the Gitxsan 'high politics.' Some chiefs complained that others were unfairly claiming territory that wasn't theirs, or that their land had been claimed by another chief - 'false adaawk' (Martha Ridsdale, interview with author, Feb. 9, 1996). At a grass roots level, there was concern that some of the chiefs who would have decision-making power were abusers (Joint interview with author, Jun 2, 1993). The Gitxsan and Wet'suwet'en later split to pursue their own treaty negotiations. The AIP contained the Gitxsan assumptions which they would take to the treaty talks.

The women of GHCCC were not involved in the self-government negotiations. They were working at their jobs as CHR, Group Home supervision, and GWES coordinator, but the big negotiations did not include them. They felt a bit anxious about the outcome of self-government negotiations, and were concerned that their voices were not heard in the debates.

The Coolican Report: Living Treaties; Lasting Agreements

Land Claims are, for some First Nations, necessary so that they can again be autonomous, although within the Canadian State. The Report of the Task Force to Review Comprehensive Land Claims Policy, chaired by Murray Coolican, recommended that the government "devote greater effort to claims negotiation", and also negotiate more than one claim at a time (Tennant, 1990: 209). However, the Minister of Indian Affairs, David Crombie left federal politics, and the Coolican Report was forgotten (Tennant, 1990: 209; Fleras and Elliott, 1992: 230). But the
Coolican Report is seen as a step in an 'emergent paradigm shift' in aboriginal-state relations (Fleras and Elliott, 1992:230). It articulated aboriginal voices and supported their positions.

McKnight's new policy on Land Claims reflected little of the 'vision' of the Coolican Report (Angus, 1991: 49). What it did do was to open a door to joint decision-making over lands and resources, and resource revenue sharing (Angus, 1991: 49). The Gitxsan, along with their neighbours, the Wet'suwet'en, have made use of this policy to create the Gitxsan and Wet'suwet'en Rangers, and their fisheries program.

But while the affairs of state and the high politics of self-government were asserting their agendas, the women of GHCCC had begun 'practicing self-government'. At the Tribal Council (later divided into a 'political' arm, the Office of the Hereditary Chiefs), speakers and activists (mostly men) were concentrating on the land claims Court Case (Delgam Uukw v. the Attorney General of Canada). In Hazelton, the course toward self-government was being solidified, regardless of the actions and policies of the federal government.

When a change in government policy or attitude might provide an impetus for movement in their struggle for autonomy, the Gitxsan utilize their negotiating skills to advance the Gitxsan system of self-government. The Gitxsan began negotiations with the federal government in 1989. In 1992 they signed an agreement-in principle, which covered all the areas that the Division was willing to negotiate, with the provisions that some, including citizenship would be negotiated further in the future.

Indian Child and Family Service (ICFS) Programs

ICFS Programs are separate from the self-government Division of DIAND. Officials deal directly with Tribal Councils. However, the federal government takes the position that the province is mandated to provide child protection under Provincial
Legislation. Since B.C.'s child protection legislation, the Family and Child Services Act (F&CS Act), is a law of general applicability under Sec 88 of the Indian Act, the federal government will not transfer budget dollars to a specific program unless the Province has delegated responsibility from the F&CS Act to the First Nations group. Delegated authority means that Indians will accept the provincial legislation and policies, and will effectively be 'assimilated' into the provincial child welfare institutions. Since they would be delegated authority from the Superintendent of Family and Children's Services, they would be accountable to the Superintendent for their actions. Boldt describes this as 'institutional assimilation'.

The federal government is reticent on the amounts of money that will be available for ICFS programs, saying it will be negotiated. One of the criteria considered in financial, and since the federal government already pays a certain amount to the province for each status Indian child in care, that figure is used as a rough guideline in terms of expenditure. This would leave insufficient funding for support and preventive programs, and would mean that First Nations would either have to search for funding from other sources, or again run short in addressing their goals for preventive and healing resources.

F - International Relations, Law and Self-Government

First Nations are mindful of their embeddedness in global relations and in the global economy. Conferences are held to explore title, aboriginal rights, and inter-indigenous trade relations, most recently in Hazelton Nov 1 - 3, 1995 (Daxgyet 2 #10:3). Networking visits between indigenous peoples are frequent. This reality is rarely reflected in sociology, which has focussed on evolutionary and development theory, itself adapted from traditions of Western society (Smelser, 1994:230).

Implicit in evolutionary theory - and carrying on to the present in various disguises - was the frankly ethnocentric notion that the West was the mirror in which all nations would recognize themselves sooner or later.

Smelser, 1994: 223
The networks established by indigenous peoples are a base of support they can, and often do, draw on. In terms of forcing Canada's hand, international pressure is not an insignificant force. First Nations, and the Gitxsan in particular have utilized international opinion, and international law to support their demands for recognition (Delgamuukw v. the A.G.). Canada has supported 'International Rights', and has signed both the UN Convention on the Rights of the Child, and the Declaration on the Rights of Indigenous Peoples.

1990 UN Convention on the Rights of the Child

In December of 1991, Brian Mulroney announced that Canada had ratified the Convention of the Rights of the Child. Provinces, First Nations (Assembly of First Nations, Native Council of Canada, Native Women's Association of Canada, the Métis National Council) and various agencies concerned with the care of children were consulted. The Aboriginal agencies suggested that Canada's response include a reservation on Article 20, and an interpretation which stated that the Convention "should not mean a end to customary forms of care (such as custom adoptions) among Aboriginals". Article 30 ensures that an indigenous child is "not denied the right, in community with other members of his or her group, to enjoy his to her own culture, religion and language" (Press Release, Office of the Prime Minister, December 11, 1991). In 1992, aboriginal people in B.C. forced the provincial government to place a moratorium on 'native adoption' by non-aboriginal people.

United Nations Declaration on the Rights of Indigenous Peoples


Indigenous peoples have the right to self-determination, in accordance with international law. By virtue of this right, they freely determine their relationship with the States in which they live, in a spirit of coexistence with other citizens, and freely pursue their economic, social, cultural and spiritual development in conditions of freedom and dignity.

Canada, 1992:15
Aboriginal people see self-government as a collective right embedded in the right to self-determination in international law (Gibbins and Ponting, 1984).

The aboriginal attachment to the land is part of a spiritual relationship with the universe, its elements, its creatures. This is why self-government for the Gitxsan involves Gitxsan chiefs, who are intimately connected to the land base of the Gitxsan peoples.

G - The Gitxsan and High Politics

We are asking to get back the land of our grandfathers - we want our places, and we want our places to be free as they were before: as our fathers had a free living in their own land, we want to be the same way. God gave us this land where we were brought up, and it was free.


The Gitxsan government is "based on a matrilineal system of heritage and tradition which is fundamentally and conceptually different from other forms of government. After legislation, the Gitxsan band governance will be phased out, and the Houses will be vested with the authority to determine governance" in areas of law, government, land title, citizenship, etc.

Implementation Plan for the AIP between the Gitxsan and Wet'suwet'en and the Government of Canada, Jan 27, 1993

In 1968 The Gitksan and the Carrier Nations formed the Gitksan Carrier Tribal Council, and by the mid-seventies, they were ready to negotiate Land Claims. The Federal government, however, was not ready to negotiate a comprehensive claim particularly since the province refused to recognize aboriginal rights. The Gitksan and Wet'suwet'en were thus forced into court to establish their claim.

In late 1981, work on the land claims court case, 'Delgam Uukw vs. the AG of Canada' was heightening appreciation for Gitxsan systems that had begun to be either been taken for granted, or ignored. Analysis and criticism within the community began to replace acceptance of imposed 'western' systems and a new discourse began. This discourse included forceful critiques of the systems of the dominant society. More significantly, however, discussion focussed on Gitxsan institutions, on the ancient laws, and on healing the community's wounds. The appropriateness and feasibility of
revitalizing Gitxsan time-tested systems of decision-making was debated (Sebastian, 1981). Child Welfare interventions were critiqued in the light of the renewed focus on the Gitxsan system. In Gitanmaax residents began to consider what actions they could take to intervene in the child welfare field to keep Gitanmaax children from coming into the care of the provincial Superintendent of Family and Child Services (Nagun, interview with author, April 1993).

In 1986-87 the focus of the Office of the Hereditary Chiefs was 'the court case'\(^{24}\). To explain the Gitxsan system to the courts meant the translation of the Gitxsan language and culture into a foreign language. Gyoluugyat, a well respected Sim'oogit and elder, and her daughter worked long hours explaining Gitxsan concepts to non-Gitxsan lawyers, "so that they could ask us the right questions in court". "We spent four months with them, often working seven days a week" (Gyoluugyat, Hazelton, May 5, 1993). Like the work done by the elders at Carleton University, the work on translating ideas and concepts to the lawyers proved to be a rich resource for those developing ideas of what self-government could be and reinterpreting ancient laws into contemporary terms. Testimony given by the hereditary chiefs moved into the realm of everyday discourse in the community and into the work of land claims, self-government, and later treaty negotiations.

The negotiators for the Gitxsan and the Wet'suwet'en signed an 'Agreement-in-Principle on Governance' between the two Nations and the Government of Canada (AIP). "Gitxsan government is based on a matrilineal system of heritage and tradition which is fundamentally and conceptually different from other forms of government" (AIP, 1993:06).

The agreement is a compromise on our part, because the only thing that the European system knows in parliament is legislation, and legislation only makes you known as an individual.... The legislation is to take the things that we're doing, and reflect it in that legislation so that you can understand it. But it's a compromise, because the 'high politics' of it is still that we have to go to the crown to get it passed...

Mas Gak, interview with author, April 30, 1993: 3
The work of uncovering the 'fundamental and conceptual differences' and transposing them into legislation in the Canadian parliamentary system is both work for elders in the community, articulating the differences, and also part of the high politics of negotiations. The aim is to have the traditional form of Gitxsan government recognized in Canadian legislation. Recognition of customary Gitxsan systems would be a radical departure for the federal government as it prefers that Indian governments be modelled after a Band or municipal system.

Under the Indian Act, the Band Council has legal status and capacity. The Gitxsan want the House system recognized as holding legal status. The Sim'oogit, or Hereditary Chief, has the responsibility to see that the social, political, economic and spiritual needs of the wilp citizens can be met. The Gitxsan determine citizenship through House membership and the Gitxsan idea of citizenship stands in opposition to the Indian Act's definition of who is an Indian. Having House membership synonymous with citizenship is the ultimate goal of negotiated Gitxsan government, and like most of the goals of the movement toward self-government, the Gitxsan have devised an incremental approach to achieving their goal.

All present institutionalized structures, the band offices, the GTO, GWES, Government Commission, and the Gitxsan Health Authority, are seen as temporary compromises, and as interim measures. They are considered to be steps toward "Gitxsan jurisdiction over all aspects of Gitxsan life" (Mas Gak, interview with author, April 1993). Structures set up under the framework agreement and Treaty Negotiations are likewise interim. The Gitxsan know well how to test the limits of Canadian government systems.

The penetration of wage labour, individualist and economic values are creating new tensions - between traditional land-based values and Western material values, between dependency on the Indian Act and the risk of self-rule, between supporters of the matrilineal system and the elected system, and factional divisions between
supporters of traditional chiefs and elected tribal leaders, have begun to appear (Gali Skalun, interview with author, 1993; Fleras and Elliott, 1992:96; Miller 1995). This split appears to be gender driven with women filling lower-paid positions in the Tribal Council structure (GWES). In the GTO, based on the matrilineal system, women fill higher paid positions more often, and the functions are not split so clearly as they were in the more Westernized Tribal Council. In the Gimlitxwhit, House representatives - unpaid political representation - for the Gyeets (downriver) number 12 women and 20 men, and for the Giigeenix (upriver), 26 women and 36 men (Daxgyet 1996,V 3 #1: 7). Whether the use of a matrilineal framework for governance will lead to recognition of women as legitimate political powers in contemporary Gitxsan society and whether social matrilineal frameworks can exist within legal frameworks of the dominant society are questions for future research (see Fiske, 1992, 1995).

Inherent Jurisdiction

Cassidy asserts that there is a "remarkable consistency among First Nations concerning the origin, constitutional status, extent, and applicability of the inherent jurisdiction of their governments" (Cassidy and Bish, 1989:32). Inherent jurisdiction refers to the power of a nation to make its own laws and create its own institutions. Jurisdiction is seen as inherent because it is understood to have originated from the creator and it is therefore intrinsic to both the social and natural worlds the Gitxsan inhabit.

"If you think you have the jurisdiction, go ahead and do it!" These are the words of Mas Gak. In a way, this motto is the key to the practice of self-government in Gitxsan Territory. These are the words which have guided the actions of the women in Gitanmaax.

Jurisdiction: Where Politics meets Practice

Self-government is a practice, as well as a condition.
Aboriginal government has assumed and is further evolving a meaning in practice that provides a clear and compelling indication of what it is and how it might affect the Canadian political fabric.

Mas Gak, chief negotiator for the Gitxsan, is a major force in the political drive toward self-government. He articulates the link between high politics, and the practice of self-government, emphasizing Gitxsan jurisdiction:

We do not need the consent of the crown to exercise the jurisdiction that we have because we've never given anything up to the crown. We don't have a treaty; we have nothing that says that we surrender our jurisdiction to the Crown. That applies to child welfare, to protection, and it applies to all of the legislation; provincial and federal.

Mas Gak, Hazelton, April 1993

The above claim is similar to that made in 1915 by Gitxsan chiefs to the McKenna-McBride Commission. Words like jurisdiction are chosen with thought and care by Gitxsan speakers to stress their importance in English to English-speaking Canadians. An atmosphere where cross-cultural cooperation is possible must be created; therefore, 'jurisdiction' is preferred over the more contentious 'sovereignty' Armitage, 1993:).

Cooperation and cultural understanding from the dominant society are vital so that the Gitxsan can continue their autonomy at a community level.

Summary

This chapter has looked chronologically at the Canadian history of legislative and political control of First Nations. Legislation and policy have not made life easier for Canadian Indians. Isolation on reserves and from the mainstream economy has led to ghettoization and poverty (Frideres, 1988). Jurisdictional disputes between the federal and provincial governments have meant that few social services have been provided on reserve (Cassidy and Bish, 1989). Lack of First Nations input into services that have been provided on reserve, such as provincial child protective services, has meant that services are neither appropriate nor culturally relevant (Johnson, 1983; McKenzie and Hudson, 1985; Culhane Speck 1987; Cross et al, 1989; Armitage, 1995).
The relations fostered by legislative controls and restrictive policies placed on First Nations determine how Gitxsan resistance is structured. The rhetoric of high politics connects with the practice of self-government at the juncture of 'inherent jurisdiction' which translates, in practice, to 'doing it'!

If you think you have the jurisdiction, just go ahead and do it.
Mas Gak, interview with author, April 30, 1993

Both high politics and practice are necessary for change to occur for First Nations in Canadian society.

Fleras and Elliott see a shift in the state agenda from a focus on "the 'Indian problem' to the current focus on aboriginal peoples as distinct self-governing societies...." (Fleras and Elliott:1992:9). Is this a 'window of opportunity' for First Nations whereby they can assert their systems and values and create a place in Canadian society where they are respected as self-governing peoples?

The next chapter outlines briefly the context of the customary Gitxsan wilp, the rise of the Euro-Canadian nuclear family, and finally the role the child welfare system plays in contemporary Canadian society.
**Chapter Three**

**Cultural Values and the Practice of Child Welfare**

It is perhaps in the area of the assumptions of culture rooted in the distant past that the Indian of today may differ even if other cultural differences seem to be blurring into "insignificant continuities" as opposed to "significant discontinuities."

Atleo, 1991:106

**Introduction**

Chapter three argues that Gitxsan systems and customs, based on Gitxsan principles and values, have reformulated the ways in which 'child welfare' is implemented and practiced in Gitanmaax. At the same time, the systems and customs of the dominant society, based on Euro-Canadian values and principles, mediate child welfare practices in Gitanmaax. The interplay between these diverse sets of values and social systems is central to this work and some of the tensions apparent herein are introduced in this chapter.

Cross declares that "providing protection to children" has been, and remains, necessary to cultures across time (Cross, 1986: 284). Traditional European constructions of the family differ profoundly from the Gitxsan constructions of the wilp, wilksi witxw and wil naa t'ahl, yet these are the systems which carry out primary child care functions in Gitxsan and Euro-Canadian cultures. Both the Euro-Canadian family and the wilp institutionalize and legitimize socially sanctioned relationships among various members of the group. (Coontz, 1988: 11; Harris, 1988a, 1989). The wilp, being a unit of autonomous, decentralized governance and decision-making adds other dimensions to this definition, but it carries (along with the wilksi witxw and wil naa t'ahl) the basic responsibilities of 'family'. In Gitxsan society, some of the functions of 'family', are shared between Houses - the father's wilp has different responsibilities towards his children than does the mother's wilp (Harris, 1988a, 1989).

**The Ideological Contexts of 'Family' and 'Wilp'**
European social organization was based on the private ownership of land and resources (Coontz, 1988:43). Families organized in individualized, bounded units, which were suited to survival in a context of private ownership. When they arrived in the new world, Europeans brought with them:

- ideas of private property inherited through families,
- state institutions, which related to families as units of taxation and social control to the new land, and
- a mercantilist mode of production.

In short, Europeans brought an individualist "mode of production, exchange and social reproduction" which was incompatible with that of collectivist aboriginal societies (Coontz, 1988: 61).

In North American indigenous societies, 'ownership rights' in land manifested as "rights of stewardship" (Coontz, 1988: 43). The right to manage and use the territory was "held by the group" (Coontz, 1988: 43; Harris, 1988a, 1988b). Marie Wilson, a Gitxsan elder and researcher, explained that when Gitxsan researchers attempted to translate the concept of 'resource exploitation', the closest they came was a Gitxsan concept which, in English translated as 'to reach in and grasp the handle of life'. The land was given to all and was life itself, so careful management of the land, sharing and reciprocity were necessary and of the highest value.

Hospitality was of the greatest value to the system (Coontz, 1988: 44). The Gitxsan feast is premised on reciprocity and hospitality (Daly, 1988). When the principles of production and distribution are reciprocity and sharing, the open and inclusive Wilp is more functional than the 'bounded' and insular nuclear family (Coontz, 1988: 45).

A - Customary Values and Contemporary Considerations

In Gitxsan Territories, 'First Contact' is recent, and Gitxsan laws and practices continue today. Although Gitxsan culture has been transformed through interactions with Euro-Canadian society, Gitxsan values persist, as do the Gitxsan, on their territories. The knowledge of place and their values are expressed in the
adaawk, in the ayook nii yee'y\textsuperscript{28}, in the ancient names passed from generation to
generation, in the crests and the poles, and in the rituals and regalia of the feast hall
(Daly, 1988, 1990; Cole and Chaikin, 1990). In the feast hall (wilp li'l'git) elders speak
Using words which speak of concepts, values, and understandings 'from time
immemorial' (hla o'y\textsuperscript{29}) the elders bring these concepts into contemporary
awareness.

The basis of Gitxsan claims to the land and to self-government depend on the
existence of their communities from time immemorial (Tennant, 1995: 324). However,
Gitxsan citizens today must balance values of the dominant society and ancient
Gitxsan values in their lives.

The Gitxsan were colonized after the Indian Act was in existence and the reserve
system was one of the early colonial encroachments in Gitxsan life. The ideology of
personal, individual property owned by the family, rather than communal resources,
was fostered by DIAND and 'Certificates of Possession' substituted for private property
(Boldt, 1993:123).

The matrilineal organization of the Wilp was fractured by the reserve system
(Leacock, 1978; Klein, 1980). Men were identified by the church and the state as the
heads of households rather than as a wilp members and women were identified as
being dependent on their husbands rather than interdependent within their wilp.
Additionally, wage labour placed men in positions of control over economic resources
for individual families, rather than to be shared through wilp and feast hall
(Bourgeault, 1983, 1989). These changes meant that women's access to resources was
lessened, and some of the resources were used by the 'nuclear' family and not
available to the wilp.
The Indian Act enfranchised women who married non-Indian men, reducing the female membership in the wilp system and thereby the means of reproduction for the wilp. Christian religions introduced marriage systems and women took the surnames of their spouses, further obscuring matrilineal relations. The 1951 Indian Act Amendments replaced the decentralized, autonomous wilp system of decision-making with the election of a centralized, community chief and councillors (Boldt, 1993:121).

While matrilinearity is obscured in the larger society, it is continually reinforced and validated in the feast hall. This continued validation of their system has given strength to the Gitxsan, enabling them to generate a consensus that Gitxsan jurisdiction over Gitxsan children is imperative if they are to survive as Gitxsan30. "Our children are our future" (Harris, 1989).

The First Principle

What is spirituality? ...It could be many things to different people. For me, and for the Gitxsan people, spirituality is that vital animating force in our lives. It is our intelligence, our personality, our self-consciousness, and our will. It is that universal aspect of reality; it is our emotional faculty, it is our soul, our heart. It is our energy. That's what I'm talking about when I'm talking about spirituality.

Vi Smith, 'Ksan, October 10, 1993

In a Gitxsan world view all aspects of life form a 'unity' and life is interrelated. This reflects the processes of the natural world. As Vi Smith affirms in the above quote, spirituality is a way of interacting with the world. Spirituality is the give and take, the reciprocity of Gitxsan institutions, and is expressed in the nax nôx31. Nax nôx expresses the essence of what one is as a Gitxsan (Ah'ya wa shu, in interview with author, February 9,1996). Gitxsan social organization is founded on the principle that everything in the natural world, animate and inanimate and is imbued with a sacred life breathed into each by the creator (Harris, 1988b; McRae, 1993 interview with author). This spiritual starting point provides the foundation of Gitxsan laws and the
organization of social life around principles such as respect, balance, harmony and reciprocity.

The ancient Gitxsan laws that flow from this principle respect all aspects of the natural world. The goal of Gitxsan laws (ayook) is to achieve the balance of a world in harmony; in a state of reciprocity. In Gitxsan society, if the 'laws of nature', were not followed, the consequences were severe (Barbeau, 1928).

The adaawk of the city of Dimlahamid warn of consequences when these laws are broken. Dimlahamid was a large and ancient Gitksan city, not far from present-day Hazelton. The city rose and fell many times in the adaawk, always because the people ceased to obey one of their ayook (laws). The adaawk are still used today as a warning to children and a moral parable for adults (Harris, 1974). "Young people rebel... but also they’re being counselled. They know where they sit - where they belong." (Gali Skalun, interview with author Nov 1993). At feasts the enduring nature of Gitxsan laws is expressed: "The laws of our forefathers guide us today" (Ah'ya wa shu, Martha Ridsdale in interview with author Feb.9, 1996).

Even today the Gitxsan depend on the abundance of the land - fishing, berry-picking, hunting, and more recently, logging and mushroom picking. The sim'oogit (hereditary chief) must understand the rhythms of the land and its inhabitants to actualize chiefly authority. In 'western' terms, the chief must 'effectively manage' the territories, and once the needs of the wilp are met, support and respect will be given to the sim'oogit. Chiefly strength and authority which comes from the territories (dax'gyet), is validated through the respect and (today) financial support of the wilp members in the feast hall.

John Red Horse of the University of Minneapolis provides a vignette which describes the primacy of spirituality in aboriginal thought. When he asked a group of elders to critique the writings of Freud, Rogers, Skinner, Jung and Maslow, the elders told him
that Freud, Rogers and Skinner carried little meaning for their cultures, Jung was intriguing because of his insights into dreaming. However, Maslow, the elders said, could be meaningful to aboriginal peoples if his 'Hierarchy of Needs' was turned upside down so that spirituality, rather than physiological needs (food, clothing and shelter) became the primary need (Red Horse, 1992). Other needs can be met only when the primary need for a spiritual connection with the land, is satisfied.

Gitxsan spirituality offers a similarly fundamental and profound difference between 'western' and Gitxsan ways of understanding and acting in the world. For Maslow, spirituality is the apex of the pyramid; not everyone is expected to reach spiritual fulfilment. The turned-over pyramid illuminates the primary nature of a spiritual society and the 'holistic' and collectivist institutions that have been effective in organizing Gitxsan social life.

The Gitxsan approach values harmony, balance and reciprocity which support the interconnectedness and interdependence of life on the land. These values are manifested in the interconnectedness and interdependence of the clan and wilp.

**Gitxsan Child Care: What is Your Grandmother's Name?**

"In our ways, whatever clan is our mother's clan, so till our death we stay in our mother's clan. We cannot break the clan that the child is in, otherwise she has no place to go". Gyoluugyat, interview with author, Hazelton, May, 1993

**The Wilp**

Gitxsan children are born into their mother's wilp and are members for life, as expressed by Gyoluugyat in the above quote. A wilp consists of from twenty-five to three hundred matrilineally related kin (Harris, 1989). There may be several biologic lines in one House and the exact relational connections may or may not be remembered. If they are not remembered, the relationship is expressed as 'maybe our grandmothers were sisters" (Harris, 1989). House membership can also be acquired through formal adoption into the House. If someone wants to the identity of
a Gitxsan person, they will ask "Who is your grandmother"? The answer will give them all the information they need to know where you fit in the community, and your relationship to the questioner.

In customary Gitxsan society, the wilp:

- makes all decisions regarding the wilp and wilp members: it was its own authority, and had ultimate control over its affairs. Decisions at the wilp level were witnessed and ratified by other sim'oogit of their own and other clans in the feast hall.
- teaches the oral histories of the wilp to young members of the wilp, and so ensures its history is carried forward
- is responsible and cares for its own lands within the clan's territory, which the wilp has the right to use for hunting, berry picking, fishing, trapping
- controls citizenship - all children born to a women who belong to the house become house members; members may also be adopted into the house
- ensures that the names belonging to the wilp are not lost, even if they are not all in use at all times
- ensures that children are cared for, and have not only a wilp but as wilksi witxw as well
- carries the spiritual foundation of the wilp in the adaawk, crests, regalia and poles; in that sense, it is the spiritual unit of the Gitxsan (Richard Daly, 1988, 1990, Heather Harris, 1988, 1989, Susan Marsden, 1987)

The wilp in pre-contact times, functioned as church, government, economy, education system. Today, in the plan for self-government, the wilp would carry out similar functions but in different ways. Headed by a sim'oogit who carries the most responsibility of any name in the house, the wilp is usually called by that name (Daly, 1988). Gyoluugyat (Mary McKenzie) carries the highest and most responsible name in the House of Gyoluugyat.

In the 1990s the wilp system is being reinvigorated by a number of circumstances including the court case, the work done by the Office of the Hereditary Chiefs later the Gitxsan Treaty Office, and more recently, the reorganization of that office into the Gimlitxwhit. In less high profile ways, yet at times more visible in the
The wip is a natural child protection system. "We have a structure in terms of our society. Everyone belongs to a House.... according to Gitxsan ayook (laws), a child does not need protection because of that fact" Mas Gak explained in an interview with the author on April 30, 1993. Failure of the biological parents to protect a child means that another relative will have a responsibility for the care of the child. The wipps are "autonomous, inter-related, and inter-dependant" (Gitxsan Treaty Office, 1994: 10). Therefore, if one wip is unable to care for the child another, ideally, will take on the responsibility - most often the wilksi witxw (the father's wip). "There is always a father's side" (Mas Gak, interview with author, April, 1993). Cross (1989) explains child protection this way "...child rearing was shared among several persons. This provided a natural means of protecting children" (Cross, 1989: 284).

The wip, by custom, has responsibilities for education (transferring the knowledge of the adaawk, territories, songs, and dances), socialization, and training children in the intricacies of the Gitxsan system. Elders had particular responsibilities for training and educating the young. Gyoluugyat spoke of the responsibilities of the wip and the importance of oral histories to a child.

The relatives in the House teach the names of mountains, creeks, knolls, rivers, hills, valleys. Kids learn all this from their relatives in the House. Each House has a name, and each House has a crest. They have their own songs, as does the clan. All these things have to be taught to the children. Children are involved in the adaawk. If something unique comes up, these children have experienced it, been involved, and seen it themselves. You (as a child) can be involved in the adaawk by hearing it, and placing yourself within that history. That is the nature of oral histories.

Gyoluugyat, interview with author, May 1993

The oral culture predisposed people not only to listen, but also to hear one another (Cross 1986). The prescribed duties of the aunties and uncles ensured there were always caring and watchful eyes on the children and support for the parents as well. These values are active today. While the training is not so formalized as it was in the past, the children learn when they accompany their parents to fishing camps of
their wilp. The elders and aunts and uncles are present and spend time telling them antimahlasxw (Gitxsan stories) and the adaawk of their wilp, while the parents process and prepare the fish. Time is always taken to listen and to talk to the children. One has only to visit a smoke-house when the salmon are running to observe this interaction between elders and young children.

From the men going out fishing in May and June, and us women at the smoke house cleaning fish, canning fish, drying fish, and the kids - they don't just go in there and take fish - they ask permission from granny Jesse before they go and enter a smoke house. She's the one who oversees it. She checks all our work - they have certain standards and she just loves the interaction with the children and the great grand-children. She talks to them - about their behaviour if they're in trouble, and tells them the stories....

Nagun, interview with author, April 15, 1993

These dynamics are born out in studies by Red Horse who noted "there were many relationships 'tying' the child to members who would care for the youngsters". Generations were integrated; elders were not isolated from children, (Red Horse, 1980: 493). As with the elders in the United States Red Horse worked with, there was and is an affinity between Gitxsan grandparents and children, most noticeably between the grandmothers and the grandchildren in their wilp. If you are Gitxsan, your grandmother defines your identity; you belong in her wilp.

Children, ideally, learn to value life as part of a collectivity, and to value the support and assistance of mutual interdependence and to value the security of belonging. The real learning continues at the fishing spots, in the homes and in the Gitxsan schools today. The values are carried into the Gitxsan world and become issues which the youth, also enmeshed in the dominant society, must sort out for themselves.

Like the matrilineal system itself, the wilp has been unrecognized and misunderstood by the child protection systems of the dominant society. This fact is painfully obvious when the statistics of child apprehension in the 1960s are considered.

The Wilksi witwx
Ties to the father'swilp, the wilksi witxw, were also strong. "My father's House provides protection for us although it is through my mother's House that I get all my adaawk, and we have our spiritual link" (Vernon Joseph, interview with author, April, 1993). The father's wilp takes the child, symbolically, from the cradle to the grave - by carving (or providing) both the cradle, and the coffin.

Father's sisters are responsible for 'grooming' his daughters, and his brothers are responsible for his sons. Gitxsan children have access to the Territories of both their mother and their father. When they form their own marriage alliance, they will have access to the territories of their spouse's wilp. It is important that the wilps share Territory in this manner as it ensures no Territory is overused or depleted. Marriages, for this reason must take place between clans as it provides each citizen with access to two clan territories, thereby maximizing the ability of the family to provide, as well as to manage the territories effectively.

Mas Gak speaks of the Law of Agyiin'ye, which means "there is always a father's side"; there is always a wilp that will take on the role of the child's wilksi witxw. If a child does not have a known father, Gitxsan law goes back one generation so that the maternal grandmother's father's House takes responsibility. The 'father's side' provides the security of a second clan ready to protect, to support, and to aid the child for life (Mas Gak, in interview with author April 1993).

The Wil naa t'ahl
The third level of protection for children is the Wil naa t'ahl. The meaning of Wil naa t'ahl is situational, but it always refers to a supportive group of Houses. At times, Wil naa t'ahl may refer to Houses that are related historically and have connections known through the adaawk (Harris, 1989). At other times wil naa t'ahl can refer to all the relatives on the mother's side. The wil naa t'ahl, as Marsden suggests, is often translated as "family". The wil naa t'ahl may be the immediate extended family within the House group, the wilp in its entirety, or all the wilp in the clan in one's
village. As Gary Patsey explained: "For me it really doesn't matter how you cut it up, there are provisions to bring other families in, and then they become part of the Wil naa t'ahl. All my mom's sisters and all their kids - we're all from the same family; I think of them as my brothers and sisters." The flexibility built into the system with the concept of Wil naa t'ahl provides yet another assurance of security for the individual.

A wilp is an enduring social phenomenon. Each wilp has the right to exist, even if it has non members (Mas Gak, in interview with author April 30, 1993: 5). If a Wilp has been unable to adopt women into it to keep the population going, there is a 'caretaking' system for the names, adaawk, crests, regalia and so forth. Another sim'oogit can 'take care' of the Wilp's identity until the time is right to again populate that House.

Rather than recognize Gitxsan customary systems of care, child welfare authorities, historically, have considered only biological parents as the responsible caregivers, reflecting the 'Western' model of the nuclear family. Cross, in his analysis of Child Welfare services for Native peoples observes simply: "services ... have ignored the strengths of the natural network" (Cross, 1986:287).

Family Constructions
Statistics Canada (1994) notes that definitions of 'family' (from the Latin root "familia" meaning household) include its composition, structure and functions (Canada, 1994: 8). The nuclear family, consisting of father, mother and their offspring, has been assumed to be the basic unit of society as well as a universal institution fulfilling the 'universal functional prerequisites for the survival of human societies' (Cheal, 1991). The idea of the universality of this pattern of 'family' is challenged by the complexity and diversity of social arrangements which fulfil the functions of a family (Coontz, 1988).
Kingsley Davis, in the 1940s argued that the four main social functions of the family are the "reproduction, maintenance, social placement and socialization of the young" (Cheal, 1991:4). The family was considered to be a universal institution because it fulfilled "universal prerequisites for the survival of human societies" (Cheal, 1991). Coontz defines the family as "both socially sanctioned and biologically explained" (Coontz, 1988:9). In feminist theory, the family is understood as a social construction rather than a biological necessity. It is structured so as to be congruent within its time and place as well as the economy it functions within (Wilson, 1986:39). Customary constructions of the wilp and the nuclear family, although widely different in structure, are congruent with this broad definition.

Socialization is a process within which individuals in society "acquire the knowledge, values and behaviour patterns of their society and learn behaviour appropriate to their social status" (Armitage, 1988:65). Each culture socializes its offspring into its society by way of its cultural institutions - such as the wilp or the family (Coontz, 1992, Callahan, 1985, Cross, 1989). Children's needs are relatively unchanging, yet "attempts to meet them differ substantially between cultures, nations, and generations" (Callahan, 1985:1).

Capitalist based societies construct family systems which follow patrilineal descent, believe in private property, interact with a centralized state, and with the marketplace. Matrilineal kinship societies construct 'family' systems which follow matrilineal descent, are collectivist in nature, and decision-making is decentralized within the 'family' unit. Private property rights, capitalism, free enterprise, equality of opportunity, and the sanctity of the nuclear family (Marchak, 1988) stand in contrast to communal values, the desire for equality of outcome, and the matrilineal kinship of the wilp.
In Western society, although the socialization of children into acceptable roles and behaviours is understood as the responsibility of biological parents, other institutions such as churches and schools play significant roles (Armitage, 1988). In increasingly complex society, socialization into (for example) a 'teen' culture is reinforced by commercial interests through advertising and sales. Youth can also be socialized into 'delinquent' groups. An array of social welfare programs in such areas as family life education, sex education, and drug information programs, respond to this extrafamilial socialization (Armitage, 1988).

Today the Gitxsan wilp, the contemporary Gitxsan family, and the Euro-Canadian family, with their diverse cultural assumptions, are situated within this larger social context of Canadian society. The institutions of this society place expectations and constraints on all families.

**The Traditional Family and its Evolution in Euro-Western Society**

Until the industrial revolution, production was organized through the household and women and men were integrated into the system of productive work necessary for a family's survival (Jaggar, 1988:3). Under feudalism, evidence suggests that children, if orphaned or illegitimate, had been cared for as part of the "manorial group (Frost and Stein, 1989:20). In early industrial Europe, the ownership of private property and the ideology of individualism supported the organization of 'stem' families, one of three 'typical 'family types in pre-1850s Europe (Shorter, 1977).

The stem family included two or three generations (the elder parents owning the property, but renting it to the younger in return for a place to live out their old age). A second family 'type' was the extended family; a large multiple family household which extended to brothers and sisters of either husband or wife and spouses, as well as grandparents. The extended family, generally rural, became common in the American colonies (Shorter, 1977). The third type was the nuclear family which
made worker mobility easier as capital extended its influence. This aspect meant support networks outside the family were necessary.

The industrial revolution and the creation of classes shattered the world of the past. Families were displaced, kinship ties broken, and a new 'poor' class created. Many young people were displaced and on the streets when their labouring parents could not support them (Belknap, 1979). In the words of Marx and Engles in The Communist Manifesto of 1848:

The bourgeoisie, wherever it has got the upper hand, has put an end to all feudal, patriarchal, idyllic relations. It has pitilessly torn asunder the motley feudal ties that bound man to his 'natural superiors', and has left remaining no other nexus between man and man than naked self-interest...

Marx and Engels, quoted in Casey, 1989:140

Statistics bear out the grim descriptions of life in eighteenth century Europe. One in every three children perished in the first year of life and only one in two reached the age of 21. Life expectancy was short for adults as well and second marriages for a widow or widower meant that there were commonly children from multiple unions in the home. Life expectancy ranged, in England in the latter 1700s, from 28 years for labourers, to 52 years for the gentry. Shorter focused on the lives of workers and peasants, rather than on the lives of the upper classes, which were not as bleak. They were able to hire nanny's who doted on their children, and although early infant death was a worry, it was not accepted as a 'normal' part of motherhood (Airés, 1982:37ff). It was the lives of the children of workers and peasants that resulted in the infamous Poor Laws.

The fate of children of the lower classes, who often became street urchins assured the movement toward State legislated and institutionalized 'child welfare'. The Poor Relief Act of 1722 granted church wardens employ the poor in their respective parishes, thus beginning the infamous workhouses (Belknap, 1979:10). The death rate of parish infants in the workhouses was between 60 and 70 per cent before the passing of Hanway's Act in 1767 (Casey, 1989:22). Parishes were then obliged to send
all pauper children under six within two weeks to a home outside of a city. However, these children were often the victims of assault and rape or even murder (Frost and Stein, 1989: 23).

Industrialization broke the "mutual relationships of the extended family" (Titmuss, 1975:110). The poor laws struggled to maintain those relations. The tension has created an uneasy balance between the needs of humans for social support networks, and the economy's need for profit (Heilbroner, 1989). After the industrial revolution children became preferred workers; they were cheap and could be fired when they became old enough to demand an adult wage (Belknap, 1979).

As industrialization continued and family members increasingly moved into urban settings to work for wages, the nuclear family became more prevalent, being seen by social scientists, particularly in North America, as the basic unit of society, performing the economic, sexual, reproductive and socializing functions of society (Skolnick, 1976).

C - Child Welfare: a Residual Approach

Child welfare policy represents a reflection of the consequences of a society that has consistently shrunk from the task of distributing power and income between men and women, between races, and between classes in a fair and equitable fashion.

Brian Wharf, 1993:211

In industrial societies, economic growth typically takes precedent over welfare (Armitage, 1988:30, 1993b; Boldt, 1993). The 'normal' channels of the family, the marketplace and supply are expected to ensure a healthy economy. Healthy (nuclear) families, it is assumed, are the 'natural' outcome of a healthy economy. The welfare system comes into effect only in crisis situations when the family structure has broken down or poverty is too overwhelming to allow adequate child care (Armitage 1988). In other words, it is only in unusual and critical situations where individual needs will be unmet, then the state is mandated to step in with services to
protect children. This is the 'residual' approach to child welfare, and the approach historically entrenched in the legislation and policies of B.C.'s Ministry of Social Services (Armitage, 1988: 30-31). This view has been challenged by the institutional approach to welfare which views the family as a private institution requiring the state to ensure an appropriate environment for its effective functioning, including "income security, employment, daycare, counselling" (Armitage, 1993:43).

The residual approach to child welfare is entrenched in Ministry practice at the front-line level. Social workers are trained, primarily with a focus on the investigation of complaints of child abuse and neglect and subsequent crisis interventions. Interventions are planned with "the best interest of the child" in mind.

Since crisis situations arise 'unexpectedly', Ministry responses must be short-term, quick, and limited to the specific situation. Techniques such as Behaviour Modification are utilized since they are 'efficient'. Thoughtful analysis of the origin of a problem, because analysis is time consuming, is ineffective in solving a 'crisis' situation. Risk assessments are another tool, useful in times of increased demands on the system (more complaints), and dwindling resources, which focus services toward children who are at high-risk rather than at the lower risk - cases where preventive services may be more beneficial (Armitage, 1988, Callahan, 1982).

The State intervenes in cases where family functioning has broken, the family deemed to be 'lacking' in parenting skills, or otherwise impaired. Child care (the norm in 'good' families) is separated from child abuse in 'malfuctioning' families where the State steps in, stigmatizing the family, and beginning a court process.

A child's apprehension coerces the child's parent to enter an adversarial court process. It is a disabling process for the parent at a precise time when parental disability must not be shown if the parent wishes for the child's return. It is also counter productive for positively co-ordinating a child's reunion with family and supporting the family in preparation for resuming adequate care of their child.

The Squamish Nation, quoted in British Columbia, 1992a: 37
Child Welfare and Colonization in Canada

Subject to the terms of any treaty and any other Act of Parliament, all laws of general application from time to time in force in any province, except to the extent that those laws are inconsistent with this Act or any order, rule, regulation or by-law made thereunder, and except to the extent that those laws make provision for any matter for which provision is made by or under this Act.

Sec. 88, The Indian Act

Child welfare institutions in Canada have been participants in the colonization of aboriginal peoples since the post-war Indian Act amendments (Johnson, 1983; McKenzie and Hudson, 1985; Smith, 1993). The changes to the Indian Act in 1951 were a result of the recommendations of the Special Joint Committee of the Senate and the House of Commons (SJC), whose stated goal was the "economic assimilation of Indians into the body politic". The post-war electorate was committed to development of a "comprehensive social security network" (Ursel, 1992: 266) and the inclusion of Indians in provincial programs was one manifestation of this humanitarian goal. Assimilation was seen in terms of 'granting' Indians rights, such as the 'right' to child welfare services equal to those of other Canadians (Kline, 1992; Boldt, 1993). The policy may have been well-intended, but as it misunderstood its' target population, it was "fundamentally flawed" (Armitage, 1993:147). The impact of child welfare services on First Nations was not equivalent to the impact on Euro-Canadian families (Johnson, 1983; Armitage, 1995).

Child protection services came into effect as the residential schools were phasing out during the 1960s (Armitage, 1993:143-44). Aboriginal people make up 4% of the population of British Columbia. In 1954, there were an insignificant number of aboriginal children in care, but once the provincial and federal governments had signed a Memorandum of Understanding with the Federal government in 1962, the number of aboriginal children in care went up to approximately 33% (Johnson, 1983, British Columbia, 1992a). This has remained remarkably stable ever since, despite numerous policy changes.
First Nations are generally in agreement on a solution to this problem, and they articulated it to B.C's Aboriginal Committee of the Legislative Review Panel, 1992.

If we are to see a reduction in the number of Native children in care in British Columbia, then the responsibility for the welfare of our children must be turned back over to Native communities. In addition to giving recognition to this reality we cannot emphasize enough the need for government to also recognize that there are real and substantial costs involved.

Ktunaxa/Kinbasket Tribal Council, B.C. 1992a:41

In fact, the placement and adoption of First Nations children into Euro-Canadian homes, defined as 'genocide' in the 1948 UN Convention of the Prevention and Punishment of the Crime of Genocide, is understood as cultural genocide by First Nations leaders (McKenzie and Hudson, 1985; British Columbia, 1992a: 18). Kline (1992) argues that the best interests ideology portrays the removal of aboriginal children from extended families and communities as "natural, necessary, and legitimate rather than coercive and destructive" (Kline, 1992:376).

The Child Welfare system of the province of B.C. has been constructed on 'western' assumptions of what constitutes a family, what the functions of a family are, and how the family interacts with society. Western assumptions of the rights of a child, as understood in the "best interests of the child," are also implicit in the legislation which mandates the government to intervene in families for the protection of children (Kline, 1992).

Child Welfare in B.C.

Providing protection to children is "as old as culture itself"
Terry Cross, 1986:284

Ultimately, the dominant society has no less an investment in caring for children than does Gitxsan society. Capitalist and patriarchal societies, however, construct systems based on values of individualism, of the economy, and of centralized decision-making as opposed to matrilineal and kinship societies which base their systems on collectivism and decentralized decision-making. Private property rights, capitalism, free enterprise, equality of opportunity, and the sanctity of the nuclear
family (Marchak, 1987) stand in contrast to values based on community, the desire for equality of outcome, and the matrilineal kinship of the wilp (Horejsi, 1987).

In British Columbia the English Law Act was proclaimed in 1858, stating 'the laws of England applied so far as was reasonable', within the Province of B.C. Children were then protected by a law imported from England (Belknap, 1979). In 1901, British Columbia passed its own 'Act for the Protection and Reformation of Neglected and Dependent Children'. The Act contained many of the assumptions passed down from the British Poor Laws. The assumptions have been examined little since that time (Berger, 1985: vii). New legislation, proclaimed in 1996, reflects the values of the current government as well as changes in provincial demographics; 'best interests' of the child include "the child's cultural, racial, linguistic and religious heritage" Sec 4 (1[e]). More specifically, Sec 4(2) states: "If the child is an aboriginal child, the importance of preserving the child's cultural identity must be considered in determining the child's best interests". For the first time, aboriginal peoples are recognized in the child welfare legislation of the province.

However, the new Act remains grounded on assumptions of the Euro-Canadian society, "the protection of the child must be everyone's paramount concern" and will be implemented by social workers who have been trained with those assumptions (British Columbia, 1988:5). The Child Abuse Handbook, 1988, includes only Provincial Ministries in its protocol for child abuse interventions as outlined in the Handbook, although when amended it will likely reflect the 'case management' approach to planning, which would include all parties who have an interest in planning for the child. Fundamental policy problems, as Armitage points out, still exist. Individual as opposed to collective rights need yet to be clearly articulated in policy. Jurisdiction has not been addressed, and services provided by First Nations "remain dependent on funding from the mainstream Canadian community" (Armitage, 1995:135).
British Columbia's new Child Family and Community Services Act, has broadened the definition of "in the best interests of the child" to include the child's right to remain in his/her own culture. The consultative process by which the Act was formulated suggests a more pluralist view of BC's population. Although the Ministry maintains an individualist focus, the new legislation suggests new interpretations will have to be sought by staff at all levels of the bureaucracy.

Services will continue to be delivered to First Nations under the legislative mandate. However, interim agreements have been signed with First Nations groups; Sechelt, Lake Babine Band, the Cariboo Tribal Council, Central Island Child and Family Services, and the Ktunaka-Kinbasket Tribal Council (Press Release Nov. 22, 1995). These agreements, in the words of the Joy McPhail, Minister of Social Services, "promote the well-being of children and families, within their extended families, community, traditions and cultures" (Ibid). The First Nations who signed the agreements will be working to ensure they will give appropriate direction to the province on the services their communities need.

The Political Nature of Child Welfare Today

Child welfare is "profoundly political in its nature" (Frost and Stein, 1989:48). The media has become interested in child welfare through the 1980s and 1990s. The children of Davis Inlet were front-page news across the country.

In British Columbia, the Ministry of Social Services in describing 'emerging issues' for Ministry planning states: "children, youth and families have attained a higher profile as a result of increasing public scrutiny, higher expectations of accountability and more advocacy in the system. (British Columbia, 1995: 19). B.C.'s highly publicized Gove Commission, 1993 - 1994, into the death of a five year old child, illustrates the point Frost and Stein make. Public policy, the actions of individual social workers, even legislation is publicly scrutinized and challenged
when the media become involved in a 'high profile' case. The recommendations arising out of the Inquiry into Child Protection (Gove, 1995) will effect the future direction of services to families and children. Structural changes within government will result, however, the larger context of the State and its relation to poverty; adequate housing, income and day care remain unexplored. The children of Davis Inlet remain, their stories shared amongst First Nations children across the country.

Conclusion: Assimilation or Recognition?

Provincial child welfare agencies hold a consensus view of society which, according to McKenzie and Hudson (1985) ignores the different historical realities of aboriginal children and families, the reality of prejudice and discrimination in the dominant society against aboriginal people, and the lack of critical evaluation of the services provided to aboriginal consumers (McKenzie and Hudson, 1985: 128-129). They contend that attention must be paid to the struggle between an "intruding society with its own culture and an indigenous society with different values and objectives. On the other hand, Cross et al (1989) in their exploration of the 'dynamics of difference' have proposed a model they describe as 'cultural competence'. A major component of cultural competence is an assessment of congruency between the structures, policies, practices and attitudes of the organization and the effectiveness of services provided to members of minority cultures.

If the paradigm shift that Fleras and Elliott describe is at hand, it may be glimpsed in the consultative approach the British Columbia government has taken with aboriginal peoples in the construction of the CF&CS Act, 1994. The constraints, economic and bureaucratic, that stalled the proclamation of the Act for a year and a half mediate against a paradigm shift. Recognition of the importance of aboriginal cultures is evident in the moratorium on adoption of aboriginal children out side of their cultures, and in the drafting of legislation and policy which addresses
aboriginal concerns, such as inclusion in the planning process, and notification of court processes.

There is much more work, for both government and First Nations, before there is formal recognition for community processes like those we will examine in the next chapter. Its focus rests on the Gitxsan approach to the concept of 'child welfare'.
Chapter Four

Self-Determination and the Delivery of Social Services

We must take the best from both cultures and blend the best into a new system; one that will be appropriate for us as Gitxsan in modern times.50

Gyoluugyat, interview with author, Hazelton, 1993

Introduction

The Gitxsan, as Gyoluugyat states, live in 'modern times'. Their society has been penetrated by Euro-Canadian values and practices, and generations of Gitxsan children have become acculturated to the dominant society. The Gitxsan have, nonetheless, maintained many of their social arrangements and kept their values, which mark them as Gitxsan, alive. The dominant theme of this chapter is the revitalization of Gitxsan systems and values, within the context of Gitanmaax-based social services. Such actions are amongst the forces which mitigate somewhat the arguments of Frideres and Boldt.

Several sub-themes emerge which are common to communities 'practicing' self-government. These sub-themes include:

a) the significance of customary values and systems and the importance of the participation of elder's in transmitting those values (refer to footnote #6, chapter one for a distinction between customary and traditional);

b) the development of relations with the dominant society and the value of coexistence;

c) the dynamics of Gitanmaax responses to both DIAND policies, and to First Nations customary practices and principles;

d) the connections existing between the 'high politics' and the 'practice' of self-government; and

e) the financial arrangements for self-government.

Most of the material discussed in this chapter comes from my extensive involvement with the Gitanmaax people, especially as it relates to their attempts to take control of child welfare. My observations are based on participation in the community and
interviews and conversations with many key players in the Gitxsan child care movement.

**Revitalizing Gitxsan Systems**

The work that Gitanmaax [GHCCC] is doing is really important because it's carrying out Gitxsan duties, and it's a requirement of our law to do that.

Mas Gak, interview with author, April 30, 1993, Hazelton

By the 1980s, the domination of mainstream systems over First Nations was challenged, the practical work of gaining control over the delivery of community services was being debated by First Nations, and the Parliamentary Task Force on Indian Self-Government was meeting with aboriginal groups across the country (Tennant, 1995: 326ff). The Royal Commission on Family and Child Welfare Law (1976) recommended that bands be notified of all protection and adoption hearings which affected their families (Armitage, 1995: 122).

It was a time of action as well as dialogue. A well-publicized 'Indian Child Caravan' marched from Spallumcheen to Vancouver in 1980 after passing a by-law giving itself authority to operate its own child welfare program (Armitage, 1995: 122). The Minister for the (then) Human Resources Ministry signed an agreement with the Spallumcheen Band "to respect the authority of the Spallumcheen Band Council to assume responsibility and control over their own children" (Johnson, 1983:107; MacDonald, 1985). First Nations had the ability to embarrass governments into action (Fleras and Elliott, 1992: 3). In 1983 a tripartite agreement between the Nuu Chah Nulth Tribal Council and the federal and provincial governments delegated authority for provincial child welfare legislation to the Tribal Council. Other B.C. communities began to form 'child welfare committees' (Wharf, 1989:19ff).

High politics also came into prominence in the 1980s both federally, with the First Ministers Conferences and new land claims policy, and provincially when B.C. refused to negotiate land claims. The Gitksan-Carrier Tribal Council prepared to take
their land claim to court; the only avenue through which they felt there was a chance of gaining recognition for Gitxsan and Carrier systems.

In the Hazelton area in 1981, as work on the Land Claims Court case focussed Gitxsan attention on customary laws (ayook) and institutions (such as the wilp), a child welfare workshop debated First Nations control of child welfare for their citizens (Sebastian, 1981). The workshop suggested alternatives to MSS and DIAND control. One such alternative was "to document and legalize the traditional Gitksan and Carrier systems and involve the family and the hereditary chiefs" (Sebastian, 1981). Customary practices, the workshop suggested, would provide guidelines which could be adapted to reflect the needs of changing social realities. In Hazelton, this workshop provided a template which was to guide discussion and planning for child welfare in the 1980s, particularly amongst Band Social Workers (Sebastian, interview with author, 1993).

The Gitanmaax Focus

... my mother's interest was that children be safe, and that children belong somewhere, and we all had the same goals, and now she has passed on, and I have assumed her name, and so that same work is going to continue, with her in our memory, and her goals in our memory. We... keep our actions focussed on Wii Goobl's concerns.

Wii Goobl, February 15, 1995

In Gitanmaax, a village of the Gitxsan Nation of Northwestern BC, a group of women began, in 1985, to deliver child welfare services in their community. Refusing to accept the right of the Ministry of Social Services to remove children from Gitanmaax, they asserted jurisdiction in protecting their community from that unwanted interference. They faced a choice in the method they would use to assert their jurisdiction: they could utilize the adversarial relationship often used in the past, or they could, while seeking the knowledge and experience that reside in the government child welfare system, begin to adapt that knowledge to inform Gitxsan structures and institutions (joint interview with author, April, 1993).
On the advice of elders of the three Gitanmaax clans and despite an inclination to the contrary, the group of Gitanmaax women decided to seek out the knowledge and experience of MSS, take from it expertise relevant to their system and needs in contemporary society. Then they would integrate, or 'balance,' it with Gitxsan values to construct a new Gitxsan system, congruent with, and effective in the contemporary world (joint interview with author, April, 1993).

The Committee: Goals, Direction and Community Support

In 1985 Bill C-31, an amendment to the Indian Act, was passed in an effort to ameliorate its entrenched gender discrimination. Gitanmaax was expecting a significant increase in the village population as women and their families moved back to the community to result in increased demand for social services such as education, housing and health. These families would have to be re-introduced to life on the reserve and to the Gitxsan system. Band Office programs, already struggling with inadequate funding, would bear the brunt of growing demand.

In response to three goals; coping with increased need (and static budgets); integrating new residents into the culture of the community, and; keeping the provincial government child welfare interventions at a minimum, a core group of women from the Social Services committee discussed community control over services to families and children. They envisioned an approach to child welfare that would include all child and youth care services currently delivered by the province - health, education and social services, including child protection. A prime motivating fact was the desire to empower and revitalize community and wilp processes by basing actions on Gitxsan principles and customary practices. The Gitanmaax women felt that to address these goals without interference from the provincial child welfare establishment, they would have to establish legitimacy for their actions with the provincial government (GHCCC joint interview with author, 1993).
The women discussed their ideas with the elected Chief Counsellor, a respected elder, who encouraged their efforts. An active 'Child Welfare Committee' would fill a gap in Band social services since Band Social Workers, involved primarily in providing financial assistance to Band members, had little time to deal with the demanding, chronic nature of child protection issues (joint interview with author, April, 1993). The Gitanmaax women planned to include the Band Social Worker, the Education Coordinator, and the Community Health Representative (CHR) in their group. The Chief Councillor was supportive of the time commitment of the Band workers, and agreed that the work would be done, at least partially, during their regular work hours (joint interview with author, April 29, 1993). The work of the group lay in undefined territory - they were Band employees, but the child welfare work was outside of the Band's jurisdiction from Indian Affairs. Their work was synchronous with the needs of the community, but there was no vehicle in customary Gitxsan society to deal with the contemporary needs.

The group chose the name 'Gitanmaax Health and Child Care Committee' (GHCCC).

What we were saying is that we were worried about the Health and the care of the children, without any other stigma...

Nagun, joint interview with author, June 2 1993

The name was intended to signify both GHCCC's separation from the Provincial Child Welfare system and the multifaceted nature of the difficulties which Gitanmaax children, youth and families face. The group, however, still inspired fear in many residents - 'you just want to take our kids away' (Ibid).

Miller, in his 1995 study of 'folk law' amongst the Coast Salish, notes that community activists must "create legitimacy in the minds of community members" (Miller, 1995: 141). This was exactly what GHCCC workers had to do. Once again, on the advice of the chief counsellor, GHCCC made a crucial decision - they must involve the Elders. The Elders would create a bridge between the community's natural networks of child care and a new system of care, which would be based partly on the Gitxsan systems, and
partly on a child welfare model. The wilp is the natural helping system of the Gitxsan Nation, a natural system which Cross sees as fundamental to child welfare in aboriginal communities (Cross, 1986: 287). Mas Gak observes:

We already have a structure in terms of out society - everyone belongs to a House. According to Gitxsan law, a child does not need protection [by MSS child protection workers] because of that fact.... If you understand the system, how Gitxsan society works, then you start to identify who the people are who are responsible for that child - the immediate family, the uncles and aunts from that House, then the father's side plays a large role....

Mas Gak, interview with author, April, 1993

The elders, speaking with intrinsic authority, would encourage key players within the wilp system to support the new child care initiatives (joint interview with author, April 29, 1993). The project would be legitimized by the support of the elders (Wii Goobl, interview with author, June 1994). GHCCC was doing what Miller observed as necessary in the Coast Salish Nations: "building the values and ethos of earlier periods" into their work in child welfare57 (Miller, 1995: 141).

The Advice of the Elders

An elder is someone who has gained trust and respect from people in the community and is sought after to give advice and direction.

GHCCC member, Nagun (Audrey Woods), interview with author, April 15, 1993

Elders are the cultural link between the ancient laws and the contemporary community (Boldt, 1993:184). The 'inherent authority' of the elders is respected in Gitxsan communities, a cultural value that remains strong even in the contemporary world. Through the adaawk, remembered with their hearts58, the elders keep Gitxsan history and culture alive. They bring ancient values into the community, sharing them with younger generations formally during pole and headstone raisings59, and informally in their daily actions in the community. The elders 'live the culture in their everyday lives', and recreate it for younger generations (Wii Goobl, joint interview60, June 2, 1993).
The 'loss of identity' amongst Gitanmaax youth, who didn't understand their wilp/ wilnaa t'ahl connections, was a focus of concern for GHCCC and one that required the intervention/education of the elders.

We knew that to get anywhere [with the youth] we needed the support of the House Groups and the Chiefs. That's what we would get from the elders.

Wii Goobl, joint Interview with author, June 2, 1993

Gitanmaax elders had formed an Elders Association early in the 1980s. The GHCCC presented their plans, as well as their request for support from the elders, to the Elders Association in the winter of 1985 - 86. After much deliberation, elders who represented each of the three clans in Gitanmaax decided to form an Elders Advisory Board (EAC) to the Health and Child Care Committee (Martha Ridsdale, interview with author, 1994). This was a turning point in the credibility and leadership of the GHCCC (joint interview with author, April, 1993). The Gitxsan and to a letter extent the dominant society, recognize that elders exert "a profound political, social and moral influence in their communities" (Boldt, 1993:119).

B - Collaboration - A Balance To Be Found

In 1986 the Hagwilget Band hosted a conference on child welfare for the seven bands in the Hazelton area. MSS was invited to participate in a panel discussion on child welfare services in Gitxsan and Wet'suwet'en Territories. Local Ministry staff took the opportunity to present a flow chart which outlined the processes the Ministry followed, within the framework of statute law, in protecting children.

GHCCC members, on first seeing the flow chart, rejected the 'bureaucratic and impersonal' MSS procedures, which would only alienate Gitanmaax members (Nagun, interview with author April 1993). However, in order to create a child care system meaningful within the Gitxsan Nation yet able to interface with Provincial child welfare, the group reasoned that it would be necessary to access the skills and knowledge vested in the provincial government. Although they wanted to say "we
won't negotiate with you" (Nagun, interview April 1993), they also wanted to take the "best of both worlds," as their elders had advised (interviews: Wii Goobl, June 1993 and Gyoluugyat, 1994). They decided to meet with the MSS District Office. At that meeting MSS and GHCCC agreed to discuss joint cases, particularly Gitanmaax children in the care of the superintendent, as well as complaints MSS received concerning Gitanmaax families.

A second meeting, which was significant in the process of community relations, was called by the Community Awareness and Prevention Services (CAPS) in October of 1986. The work of self-government is intimately embedded in community relations and of the GHCCC members, a full-time drug and alcohol counsellor with CAPS, was preparing to present the CARE kit to pre-teen children in both Band and provincial schools. Coordination of services, in a community where 75% of the high school students are First Nations, needs to include First Nations resource people, a practice not often followed. The agencies of the dominant society; RCMP, social services, probation, have intervened in Gitxsan families, on the strength of legislated authority alone. This practice increased tensions and alienated the Gitxsan from the institutions of the dominant society.

A protocol for investigating anticipated disclosures needed to be developed to reflect inclusion of First Nations, and it would be the First Nations community who insisted on that inclusion. CAPS concerns were that if only MSS and the RCMP took the disclosures, the dominant system would be perpetuated, and children would continue to be removed from their community. CAPS feared that:

- a child who was intimidated by 'outside' authority figures, would not volunteer information about abuse to either the MSS or the RCMP,

- MSS and the RCMP would interpret the disclosures without adequate understanding of the language that Gitxsan children use and without knowledge of the family dynamics, and/or

- MSS and the RCMP might remove children from their homes if there were a clear disclosure, without reference to the Gitxsan natural and customary
This meeting involving CAPS, the local school district, Social Services, the Bands, RCMP and Crown Council set a precedent for protocol development and integration of services between aboriginal and dominant society agencies in the Hazeltons.

The Gitanmaax committee, through its connections with CAPS, had successfully established a role for itself in child welfare investigations. This relationship transferred into GHCCC's work with MSS, and GHCCC began to do joint interviews with MSS staff. These joint interviews on subsequent child welfare cases were successful from the points of view of CAPS, the RCMP, and MSS. The CAPS worker played a lead role, relating to the children and asking the questions. Disclosures led to the involvement of extended families, House groups, and Bands, in line with the recommendation of the CAPS worker.

MSS and the RCMP found they were able to maintain their legislative mandates while including new players. They also found that kin and clan relations were spread across communities and their interventions often took them to communities which might bring resources to the case that could otherwise have been missed (joint interview with author, 1993). This positive experience in cooperation and cooperative planning furthered relations between the Gitanmaax Committee and MSS. Confidence in the skills, integrity and reliability of each other became the basis for further collaboration.

Community Dynamics and Relations

Close connections with MSS had a downside for GHCCC. Some community members saw GHCCC as allied with MSS and were fearful that GHCCC would simply follow the policies of MSS. Parents reacted defensively in fear that their children would be taken away (Joint interview with author, June 2, 1993). Some band workers were fearful GHCCC was taking power for themselves. Two of the GHCCC women belonged to
the same wilp - this appeared as a power imbalance to other Gitxsan. In the Gitxsan system, one chief or one wilp must not be given either status or advantage over another (Gali Skalun, interview with author, November 1993). Some Simgigyet worried that there was a lack of respect from the young, élite group for the wisdom of the elders, and others thought that the women were getting paid, but expecting the Sim'oogit to do the work 'for nothing'. In the words of one GHCCC member, "we have our very own critics who downgrade what we're doing....if we don't unite on small items, how can we survive 'self-government" (Marj McRae, interview with author, January, 1994).


Right now an élite group of people [GHCCC] have implemented the practice of self-government. But they will not be around forever. The House groups will.

Marj McRae, interview with author, April 8, 1993

The GHCCC core members have served as part of the elected élite, as part of the 'bureaucratic' working élite, and as part of the activist élite. By virtue of their salaries and their education they are set apart from Gitxsan citizens who do not have the same 'advantages'. Class-based 'western' evaluations of status have penetrated the Gitxsan system and interact with Gitxsan evaluations of rank to produce a complex system of rank and status. In the Gitxsan system two of the GHCCC women have high rank: one of them is a Sim'oogit, another a G'a k'aax sim'oogit (wing chief), and the third, a Tsimshian married to a Gitxsan, has not yet been adopted into Gitxsan society. Their Gitxsan rankings made the community relations more complex. Both women with Gitxsan names belong to the same Wilp, giving that House at least the appearance of having an imbalance of 'authority'. The ancient rivalries between House groups which the adaawk keep alive construct rivalries between House groups (Gali Skalun, interview with author, Nov. 1993). These rivalries are exacerbated by the creation of contemporary élites in the community.
Building on relations with significant players in the dominant society, the GHCCC constructed an active role for themselves in child welfare over a number of years. Identifying community issues, such as child sexual abuse, the women on the Gitanmaax committee began, in 1985, to articulate them. Eventually, through protocols with mainstream agencies, a recognizable set of procedures, practices and working relationships began to form. Wilp and kin relations as well as the fundamental expertise of Gitxsan people was increasingly recognized by mainstream agencies as necessary in interventions with Gitxsan families.

Muddling Through' and Other Community Initiatives 1986 - 1989

Over the years, a lot of people in Gitanmaax have been involved in what is now our mission statement, as well as our goals. "When we started we borrowed from work that other committees in Gitanmaax had done. We amalgamated their ideas into our goals in an attempt to reflect community concerns."

GHCCC member, joint interview with author April, 1993

The Gitanmaax Health and Child Care Committee, in the late 1980s, was one of several Gitxsan groups moving toward governance over child welfare in Gitxsan Territories. INAC's Indian Child and Family Services (ICFS) policy and the Province's Family and Children's Services (F&CS) program brought Gitxsan responses. None of the responses were developed in isolation from the others; there was cross-fertilization of ideas, suggestions and approaches.

1) The Gitxsan and Wet'suwet'en Band Social Workers, from nine Bands, were meeting regularly to plan strategy for taking over child welfare. They were tied to the DIAND self-government structures as Band employees, and to MSS for legislated authority. This initiative was large, involving a Gitxsan and Wet'suwet'en population of over 1000 children.

2) GWES was considering child welfare in the context of Gitxsan Wet'suwet'en government, DIAND policies, and delegated authority from the province. GWES developed a training program in sexual abuse for house members, and a proposal for Child Welfare which was sent to MSS and DIAND (Proposal to MSS, 1989). The federal and provincial governments were, through these initiatives and proposals, made aware of the Gitxsan approach to Child Welfare and of the importance of Gitxsan matrilineal structures to child welfare.
3) Mas Gak, political activist, previously a social worker for the Provincial Government, had a vision of 'child welfare' as incorporated into the Gitxsan House System. In the framework agreement for Gitxsan Wet'suwet'en Government that Mas Gak negotiated with the federal government, child welfare is included in the section on Health. He also encouraged GWES in their endeavours, and was supportive of the Gitanmaax community action in child welfare. This model has been pursued through the Gitxsan Health Authority (GHA) and Treaty Negotiations, and is theoretically similar to that of GHCCC.

While each initiative was conceived independently and from within a 'western-style' institution - either DIAND or the Tribal Council - each group worked with the basic idea and framework of the customary matrilineal system. Even if Gitxsan citizens were not directly involved in the initiatives, they were exposed to the issues through the local media (Gitanmaax Radio, local newsletters, the newspaper) and public meetings.

On the other hand, the Gitanmaax HCCC did not write proposals, nor worry about government criteria or policies or budgets. They simply began to intervene on behalf of Gitanmaax families with local MSS authorities. As well as encouraging House groups (through the elders) to take on customary wilp responsibilities for children, they took on 'family support services' to Gitanmaax families.

There's nobody who can say 'if you don't do it like this, then you are not getting the money. We know our responsibilities by tradition, by the direction the elders give us. Joint interview with author, June, 1993

In 1988 GHCCC/MSS child welfare case conferences between MSS and GHCCC were becoming increasingly useful to both parties. With the elders involved in an advisory capacity, planning for Gitanmaax children increasingly relied on GHCCC's access to and knowledge of Gitxsan systems, processes and community dynamics. Families involved with the child welfare system could no longer "play MSS and the Band Office against each other" (Joint Interview with author, June 2, 1993). The resulting child welfare practice was, both theoretically (Cross et al, 1989) and ,from the perspective of GHCCC members and MSS staff, more congruent with Gitxsan systems and more effective in the following ways.

- more congruent with Gitxsan systems:
The elders decided on a plan of action. They often contacted the Sim'oogit of the affected House to request help with a House member. When suggested by the elders, the plans were respected and House meetings were more likely to be called by the Sim'oogit. GHCCC members could not make suggestions to the chiefs - this would have been considered an insult to the chief thereby bringing shame to the GHCCC worker.

- more culturally effective:
The system utilized the natural helping and support networks within the culture. When those networks were weak, the House might withdraw from the process, but more and more often the House would try to involve members in their traditional responsibilities. Perhaps families would be found to care for children, perhaps the simoogit or Ka Ga'ak Sim'oogit become involved with the children to teach them of their House, heritage, and even adaawk.

Joint Interview with author, June 2, 1993

Gitanmaax was preparing the ground-work with the Ministry of Social Services, which would make it easier for subsequent Gitxsan initiatives in child welfare to be understood and accepted by the Ministry. Gitanmaax was also gaining important experience in child welfare, and learning the pitfalls of implementation by trial and error, a process exemplifying Wharf's 'muddling through' approach (Wharf, 1988).

In the 'muddling through' approach First Nations communities exert more control in their relations with MSS, making "negotiation between the local provincial ministry child welfare office and the Indian band" a recognized process (Armitage, 1993: 160).

GHCCC has carried this approach through to high degrees of sophistication. Their approach was informed by their community work, their education, and more importantly, by Gitxsan systems and values. It is characterized by:

- a service delivery approach based on customary Gitxsan principles and the customary Gitxsan 'support network' of the wilp and wil naa d'ahl
- being (initially) independent of and financial influence of DIAND and MSS
- having a goal of a 'new' system - formed by 'balancing' Gitxsan child care systems with the Euro-Canadian child welfare system
- acceptance in the community 'cemented' by use of the advice and support of Gitxsan elders and sim'oogit
- investment of time educating local MSS workers on the complexities of the Gitxsan system
- working collaboratively as colleagues with MSS social workers, taking MSS 'training for social workers', and understanding MSS legislation and policy
GHCCC's 'muddling through' approach, however, is unique because of its clear focus on, and congruence with, Gitanmaax customary systems and values and its encouragement of these systems as a basis of empowerment for the community.

**Cultural Sensitization for MSS Social Workers**

GHCCC's utilization of a collaborative approach meant that significant efforts went into explaining Gitxsan values and systems to MSS social workers. Use of the wilp as a child care option, meant that MSS workers had to be somewhat knowledgeable of the complexities of the House system and Gitxsan culture. This was accomplished first, through case discussions, secondly, by demonstrating to the workers, experientially, the responsibilities House members take for each other, and, thirdly, through invitations to training and regular feasts (joint interview with author, 1993). This information was integrated into regular meetings and case conferences, joint 'home visits', discussions of appropriate foster home 'standards', and joint home studies.

One of the most powerful learning tools was attending a feast. In the feast hall the strength of the culture is felt (Daly, 1988), MSS workers were amazed by the amount and complexity of work that was completed in a feast. The large sums of money that a feast circulated was a lesson in the power of the Gitxsan 'alternative economy' (Mas Gak, interview with author, July 1994). Respect for Gitxsan society grew and confidence in each other's reliability and integrity resulted in a trust relationship where each party was confident of reciprocal support.

**Cross-Cultural Communication and Values**

...And that's how it changed...and developed for our office - doing one case, and taking a risk, and it turned out alright. That made it possible next time to take a bigger risk, and the next... and we [GHCCC & MSS] come up with a plan which supports the family and protects the child.... we've taken what we thought were risks, and they turned out not to be risks - and the work got done!

MSS worker; joint interview with author, April 29, 1993
GHCCC's approach toward child welfare was more inclusive than that of MSS and was focussed on prevention as the best means of protection. Common aspects of aboriginal child welfare, listed below, are not dissimilar to those of the Gitxsan, (Cox 1988:14).

**Aboriginal**

1. **Child Welfare Focus:**
   Prevention as the best means of protection, with non-interventionist methods such as telling stories which clearly pointed out the problems with an approach - without pointing fingers at the client.

2. **Planning Emphasis:**
   What plan is "least detrimental to the child's needs for family and culture?" (community focus)

3. **Ownership Rights:**
   Child belongs to the community (wilp, wilksi witxw, wil naa t'ahl)

4. **Confidentiality:**
   Community should know who the child is, as the community is part of the solution to the event (Reconnections)

5. **Shame/Guilt**
   Abuser to feel shame and work toward forgiveness from the community (UAJ)

**Dominant Society**

1. **Protection of the child**

2. **What is in the best interest of the child?** (individual focus)

3. **Child is parental property** (nuclear family)

4. **Protect identity of child** (rules of confidentiality were interpreted so that significant players in the wilp and wilksi witxw could be involved)

5. **Abuser is guilty and should be locked away**

Cross, 1989, and others articulated a model for cross-cultural work which focussed on understanding the differences in assumptions between mainstream and minority cultures (Cross, 1986; Lewis, 1988; Horejsi, 1987). This model challenges mainstream cultures to understand their cultural perspectives so that their assumptions become visible to them. Workers exposed to cross-cultural practice with Gitanmaax, after being 'trained' by GHCCC, accepted the model with little difficulty. The protocol symbolized the joint desire to learn and collaborate, as well as appreciate the reciprocal nature of agreement.
Building on Similarity and Diversity

GHCCC and MSS began by recognizing the similarities in the goals of their respective systems, and clarifying points of difference (joint interviews with author, April and June, 1993). As Cross asserts, the need and desire to protect, nurture and care for children is common across cultures (Cross, 1986:284). The methods of ensuring protection, however, vary (Callahan, 1989: 1). Respect for each other's methodology is fundamental to developing protocol for 'practice.' As discussed earlier, these relations were built via the micro-processes of individual relationships between members of the two groups.

Gitanmaax and MSS held a series of four meetings during the summer and fall of 1989 to work on a protocol which would reflect the practice that they had developed since 1986. A flow chart, similar to the one which had presented such a bleak picture to GHCCC in 1986, of the mandated duties of MSS was the starting point. By 1989 GHCCC had been involved with MSS social workers through each of MSS' steps; it was familiar ground. GHCCC and MSS both saw GHCCC's work as parallel although separate from the work of MSS. The two parties agreed that a logical step would be to write the protocol in a visually parallel format, having a second flow chart reflect GHCCC's role in child welfare as of 1989. This format had the advantage of being acceptable to MSS, because it included the legislated mandate of MSS. It gave GHCCC, while following the legislated format of MSS, the ability to adapt each step in the process, potentially, to be congruent with the Gitxsan matrilineal system of the wilp. That meant that as the Gitxsan system developed its own practices of child welfare and child care, the protocol could reflect that new practice. It visually presented parallel paths which the two agencies followed, with 'meeting places' where the practice, at that point in time, was joint.

C - 'Recognition' through a Protocol; Its Limits and Possibilities
...self-determination is a right inherent to all people. It cannot be achieved by means of concessions, legislative emanations, or electoral promises. It is something that first of all indigenous people must exercise and that the nation states must recognize.

Rojas, 1992:290

First Nations in Canada have been struggling for recognition of their inherent rights since colonial times and make the most of every opportunity to further their struggle. At a practice level, jurisdiction is often asserted by a community - at times it is recognized in a written protocol, more often, it is tacitly understood or tolerated by local authorities (Armitage, 1993: 161). This entire process is tacitly accepted (unquestioned) at the provincial level.

To GHCCC, a protocol is a first step toward recognition of their 'jurisdiction' in child welfare. To MSS, it is an articulation of an innovative working relationship with a First Nations community; it reflects the practice of child welfare in Gitanmaax. The GHCCC/MSS protocol achieves several goals for Gitanmaax. It:

- involves citizens to participate in the initial steps toward local autonomy
- allows for increased community competency in child welfare through skills development, experiential learning, and an expanded knowledge base
- serves as an 'information resource' for future steps in autonomy of child welfare - e.g. treaty negotiations (Daxgyet, Nov. 1994)
- controls MSS interventions until policy reflects the reality of First Nations child welfare (Armitage, 1995)
- recognizes and gives the Gitxsan House groups 'space' to experience the demands of child welfare practices and to revive and actively utilize the wilp system to provide appropriate services for wilp members

For MSS the protocol:

- involves the development of effective and culturally competent social work skills and offers an effective approach to child welfare in a reserve community (Armitage, 1993: 160)
- assures that a model for communication and practice exists between MSS and Gitanmaax, even through a change of staff (either MSS or GHCCC)
- recognizes that First Nations are asserting jurisdiction, and builds on the skills, cultural knowledge, and natural helping systems available in the community (Armitage, 1995)
The 'protocol' between GHCCC and the District Office of MSS is a blueprint guiding the relationships, actions, and interconnected processes useful in delivering more effective child welfare services in Gitanmaax.

Recognizing that the Gitanmaax Health and Child Care Committee (GHCCC) has taken the initiative to develop a comprehensive strategy for coping with child welfare issues in their village, and recognizing the legal mandate of the Ministry of Social Services (MSS) for child protection in the Province of B.C., the Hazelton D.O. and the GHCCC have developed a protocol agreeable to both parties which will improve the delivery of services to the people of Gitanmaax.

Preamble to Protocol of 1989 between GHCCC and MSS

The flow chart format used in the development of the protocol was a description of MSS legislated practice and conformed to child protection legislation. It was up to GHCCC to expand their side of the protocol with their own processes/systems. This step is what keeps the protocol from being an integrationist tool of the Ministry66. GHCCC worked closely with MSS; their practices closely paralleled those of provincial policies. GHCCC's 1989 'comprehensive strategy', however, was distinct. It included:

1) **intervention** in families to avoid crisis situations leading to an apprehension. Intervention is not an intrinsic Gitxsan method of dealing with emergent situations. Prevention is the preferred method, but with MSS waiting to intervene, prevention was often a secondary rather than primary route. Under the new format, after MSS had received a complaint and assessed the situation with GHCCC, a plan was struck. If MSS, with the mandate for child protection, found the children 'at risk', it is up to GHCCC to suggest/provide alternate resources - if a reasonable plan emerges, an apprehension is averted.

In a community where close and ancient kin relations are interwoven by wilp and wilksiwitxw, social problems are not easily hidden, although today's nuclear family structure does tend, initially at least, to obscure problems. GHCCC members are part of this network of relations, so they are often aware of family issues before they are called in. Then the elders are asked how best to intervene, where might a child be safely placed; their advice is respected.

2) **supportive services** to assist families with alcohol and drug abuse, child abuse, sexual abuse, family violence, vandalism, delinquency, and related issues in contemporary society.
This support comes in the form of home visits from a GHCCC member who brings with her knowledge of counselling resources - substance abuse, physical and sexual abuse, family violence - and is able to make referrals to 'outside' treatment facilities. Her understanding of the 'natural' help available through wilp and feast systems are crucial to the revitalization of the wilp system. Support is often offered 'preventively' to avoid a crisis. Elders or sim'oogit visit families in their support capacity in the Gitxsan system. There are no written guidelines on this process, it is up to the elders with their knowledge of the community and the culture to decide on appropriate action.

3) coordination of services to families, providing information workshops, and counselling.

This coordination often involved outside services, such as MSS, or the Hazelton Community Counselling Services, or other professionals, brought in, at times by Medical Services from other parts of the province. Part of the coordination took the form of monthly inter-agency planning meetings with the larger community.

4) placements for children are sought within the wilp system, and extended family members; sim'oogit call a House meeting, and the group would determine how they can best help the child and family, or what other resources may be appropriate if their wilp lacks resources to meet the need.

The Elders are the primary source for information, although the Reconnections Program is also used, particularly when some of the relations are Gitxsan, but live outside of Gitanmaax.

Consistent with Gitxsan ideology in which respect is of fundamental importance GHCCC wanted to avoid 'labelling' families by adopting a non-judgemental approach (joint interview with author, 1994). Families are not understood as 'dysfunctional' systems; individual strengths are counted and specific problems are considered in the context of their family and clan history over generations. For example, did parents/children attend residential school, were children apprehended by child welfare authorities and placed in foster homes, do the family speak Gitxsanimx, and
do they attend feasts? In other words, how much support does this family receive from the customary system, and how can that support be accessed or enhanced?

The Group Home and Institutional Assimilation

After the protocol was in place, the next step for GHCCC involved their first foray into the competition for government funding. The community needed a 'safe home', a temporary place where youth who are unable to reside with their parents or relatives could stay while remaining in touch with their Gitxsan culture, their wilp and their family (Cox, 1988: 23). Wilp and Wil naa d'ahl support requires the participation of wilp members, thereby facilitating the revitalization of Gitxsan systems - the 'healing' of community. The group home, it was planned, would take referrals from the GHCCC, MSS and Gitxsan and Wet'suwet'en Bands.

The project was conceived as a 'healing' centre (treatment resource) for youth. Of forty-three children in care in Hazelton in 1989, thirty-eight of them belonged to the Gitxsan or Wet'suwet'en Nations. Although the home would be a Gitanmaax resource, it would not be limited to Gitanmaax citizens, nor to Gitxsan youth. GHCCC proposed a resource that would have three main components (Sterritt, 1993: 5):

1. youth survival treatment component
2. group home (safe home) component
3. counselling component

The Elders vision, discussed in July of 1989 by the GHCCC and MSS, would include ultimately; three long-houses, one for each Gitanmaax clan, the Wolf (Lax Gibuu), the Fireweed (Gis Gaast), and the Frog (Lax See'l). Simigiyet and Elders of the clan would educate the youth in each Longhouse. Culture would be synonymous with treatment. If the youth were not Gitxsan wilp members, they would be 'adopted' by a House for the duration of their stay. The Longhouses would be situated on the respective clan Territories. GHCCC saw this as the long-term goal and the longhouses were the 'ideal'. In the interim, they would begin with the treatment resource situated on reserve land, and in one building. They went to the Gitanmaax Band Council for support. A
Band Council Resolution (BCR) endorsing full support for the proposal, including a designated house for the Group Home, was signed on June 29, 1989 (Appendix D).

The proposal for a treatment resource was submitted by the Elders Advisory through the GHCCC. It was turned down. The proposed programs, based on Gitxsan values and clan structures, were seen by the Ministry as 'preventive and educational', Ministry guidelines as allowed only protective services for children on reserve. GHCCC was asked to review their proposal, and break it into a Group Home component, with the 'healing' aspect separate. The proposal would then be reconsidered.

GHCCC felt disheartened. In the words of one member, "We didn't want just a dormitory for these kids. The healing component was an integral part of a "secure family environment" (Marj McRae, interview February, 1995). The idea of a Gitxsan-driven program for youth was translated into a program dictated (imposed, one GHCCC member felt) by the dominant society. A 'western-style' Group Home would have little, if any, relation to the Gitxsan wilp and clan systems. GHCCC had worked cooperatively with MSS for four years, first on planning for children, then becoming involved in investigations, and then on the protocol. In the words of one committee member: "the government has a real fear of letting go of the control that they have over us" (Interview with GHCCC in Hazelton, June 1994).

GHCCC had exchanged the security of controlling their actions internally, for the insecurity of having to fit criteria not of their own choosing. They had to play by someone else's rules in order to secure funding. On the advice of the elders, they decided to seek a balance through compromise. In April of 1990, a new proposal from the elders went in to MSS, this time with a letter of support from the Government Commission, signed on behalf of eight Gitxsan and Wet'suwet'en Bands. The Bands had endorsed the Gitanmaax plan at a Government Commission meeting.
This time the revised proposal was partially accepted. GHCCC was learning that the rationale developed to secure funding is most successful if framed in a language and context congruent with that of the funding agency. MSS would fund a 'western-style' Group Home, but not the ten week treatment/healing program. Group Homes are routinely funded by MSS. The Group Home incorporated Gitanmaax into a provincial policy framework, and under provincial control (Frideres, 1990: 115; Boldt, 1993: 80).

The Group Home, however, would be on reserve in the house earmarked by the Band for that purpose. This was a new foray for the Province, one other Group Home on reserve was planned for Massett on the Queen Charlotte Island's. The Province was setting a precedent and providing services 'on reserve'.

Next a year of negotiating began as the elders led by Wii Goobl, then in her nineties, worked to convince the province to sign with the unincorporated group of elders - government policy was to sign only with registered societies. The direct negotiations were carried out by GHCCC on the elder's instructions. Wii Goobl insisted "We are a society, a Gitxsan society, we don't need any paper, or any white people to tell us that we are a society. We ARE a society" (Interview with Marj McRae, February 22, 1995). The contract was finally signed with the Elders Advisory Committee. There would be a Group Home on Gitanmaax Reserve, and the group of elders from Gitanmaax were recognized in taking responsibility for it.

The Community Care Facilities Licensing Act (CCFLA) is a provincial Act having no regulatory authority on reserve. However, as a condition of funding, the Ministry required that Gitanmaax obtain approval under the Provincial Act. The CCFL Act had the effect of bringing the standards of the dominant society directly into the Gitxsan community. This was a second compromise that GHCCC and the EAC accepted to secure funding for a downscaled 'safe home' in their community.
The Group Home, originally approved to care for a maximum of six youth at one time, was reduced to five beds through the province's Community Care Licensing Branch, who felt the home would be too crowded with six youth. Two of the five beds are reserved for First Nations placements. The funding for the First Nations beds comes through each Band's 'Guardian Financial Assistance' (GFA) Program, an income support program funded through DIA and separate from child welfare. No funding for child welfare services goes from DIAND to the Bands. The GFA rate for one month for a youth is between three and four hundred dollars. It is pro-rated for the period of time the youth spends in the resource, and is not an amount the home can rely on to help pay fixed expenses. Covering salaries with income so variable is a challenge.

The Group Home provided a safe place for Gitanmaax children and it decreased the need for MSS to remove children to protect them. In an emergency, Gitanmaax could place a child in the Home and avoid an MSS apprehension (see table re resource beds in Gitanmaax).

D - How GHCCC Works in Theory and in Practice

I believe we can have aboriginal control over child welfare, education and justice, but I also think that in order for that to be effective and efficient we have to have bridging and partnerships with the non-native agencies and non-native people.

Marj McRae, interview with author, July 13, 1994

... the Indian Bands and Tribal Councils are de facto in control of child welfare on most provincial reserves. [emphasis in original]

Armitage, 1993:161

While Bands and Tribal Councils may actually control child welfare without government sanction on most provincial reserves, Gitanmaax controls child welfare and is given recognition through their actions in collaboration with provincial child welfare authorities, and their determination to provide services to all wilp members.

Currently GHCCC workers have pagers and are on a 'call-out' duty schedule, which means they are always available for crises or emergencies. They receive recompense from the Band for their time. Many of their calls are Gitanmaax calls,
but some are from the Ministry of Social Services, either the local office or the Provincial Helpline for Children (Z1234) in Vancouver. This model is patterned after the MSS 'after hours' service and allows GHCCC rather than MSS to be 'front line' intervention in Gitanmaax. In cases where MSS has a 'protection' concern, GHCCC attends as well, as it is often GHCCC who does a primary investigation to determine whether a child is 'at risk' of harm.

GHCCC's workload is determined by how they define the scope of their jurisdiction.

Jurisdiction and Citizenship

In the Gitxsan system a Gitanmaax citizen is anyone who belongs to a wilp with Gitanmaax as its 'village of origin'. Asserting jurisdiction over Gitanmaax citizens was implemented with little ado. GHCCC explained the matrilineal kin system, already demonstrated in several joint cases, and informed MSS that they would become involved in any MSS cases that included Gitanmaax children. This was in concert with the intent of the Ministry to encourage Band participation, and is entrenched in the protocol; "Is the child registered, entitled to be registered, or affiliated with the Gitanmaax Band and/or House Territories"? (See Appendix C)

Band membership, under the DIA system, is not congruent with Gitxsan matrilineal 'citizenship'. Children are registered as members of their father's Band which may or may not be the village of the child's wilp. To determine whether the child is a Gitanmaax citizen, the critical question is "Who is the child's grandmother"? This question is at times opaque because the patrilineal custom of naming children after the father makes the maternal grandmother difficult to trace after a few generations particularly if family members have moved away and lost touch with their House. With support from GHCCC and GWES's genealogy research program, "Reconnections", GHCCC could find House relationships. For GHCCC it was important that were recognized as having the skills, knowledge and authority to plan for Gitanmaax children.
Gitanmaax children who have 'Indian Status' are at times apprehended in communities far away from Gitxsan Territories. According to MSS policy, notification is given to the Band social worker (F&CS Policy V. II: 2.6). She involves other GHCCC members and the Elders Advisory in researching a plan for the child within her/his Wilp. This is positive for the Ministry and MSS social workers are more than happy to have cooperation and assistance in cases which involve intricate cross-cultural family dynamics and unfamiliar systems.

While the Band must be notified when a child is apprehended, but there is no policy for a family when pre-protective services would be more effective. This is a gap in policy which a local protocol cannot fill - knowledge of a local protocol is just that - local. Another problem is that of 'citizenship'. If a child is non-status but belongs to a Gitanmaax House, this is not addressed in policy.

Recognition by the Courts

Once MSS legislation required that Bands be notified, the courts began to request that the Bands appear in court if a child belonging to the Band had been apprehended. Initially, this was pro forma, however, as Bands became more confident, they also became more sophisticated in their presentations to court. GHCCC was not a band, although it did have the tacit support of the Gitanmaax Band Council when it appeared on behalf of Gitanmaax House members. GHCCC had children returned to the community by the courts by three methods:

- GHCCC would support a wilp member in taking custody under the Family Relations Act, and MSS would withdraw its application for an order taking the child into the care of the superintendent of F&CS later the director of CF&CS,
- GHCCC, the family and MSS agreed on a written service plan for the family, and presented the written and signed plan to the judge,
- GHCCC agreed to have the child taken into the care of MSS for a period of time during which they would work intensively with the family to have the family meet agreed-upon goals for the return of their children.
This court-room strategy, along with the protocol, stopped unplanned interventions by MSS into Gitanmaax wilp families, at least in the Hazelton district. The responsibility for initiating court action and maintaining formal guardianship, if that was the plan, remained with MSS.

Apprehensions fell dramatically (see table). This was not incompatible with the rest of the province, as provincial workers became reluctant to intervene on reserves (Armitage, 1993: 161). However, unlike some other situations, because the consultation process was open, there was a greatly reduced likelihood that children would remain 'at risk' because of a lack of communication between GHCCC and MSS.

**Funding**

Funding is an ongoing problem for GHCCC. The Group Home opened its doors with funding provided by the Gitanmaax Band Council, MSS, as well as local fund-raising. MSS contributes an annual operating budget, which in 1991 was $90,000.00 for three beds in the facility. In order to run the five-bed group home effectively, GHCCC had to embark on the task of finding alternative funding. They received donations from the United Native Nations, various Gitanmaax House groups, the Gitanmaax Band and the Elders Smoke Shop. Smoke Shop sales have financed patio blinds, a stereo, training and travel expenses for staff and have offset the costs of needed staple items for the Group Home (Sterritt 1993:19). GHCCC also earned money from raffles and were given donations from Bingo Organizations. Fund raising demanded cooperation and support from the community, and demanded time and energy of GHCCC (GHCCC interview with author, Feb 1, 1994).

GWES, with one of the GHCCC women as coordinate, began a residential summer program on the Territories, the Youth Survival Cultural Camp. It's program is close to that originally proposed for the healing centre. It has connections to GHCCC workers at the Group Home, and often includes group home residents in its program. Two sessions are run each summer, with approximately fifteen youth referred to
the program from the Bands, Probation, and MSS. Each of these contribute money to the program, with the bulk of the funding coming from the Attorney General. Follow-up programs such as Healing Circles are also run through GWES with GWES absorbing the costs. By this time, Marj McRae of GHCCC was employed as the coordinator of GWES, so GHCCC programs were often dovetailed with those of GWES (McRae, interview with author, 1994).

GHCCC was incorporated into the wider community through its ties to MSS, its protocol with the RCMP, to the Tribal Council structures through GWES and the Government Commission and to the A.G. through the Unlocking Aboriginal Justice (UAJ) program, which also referred youth to the Cultural Survival Camp, and to the Gitxsan wilps through its work with youth and its collaboration with the Elders Advisory.

The reality for the women of GHCCC is that their work in family support, community development, child protection, proposal writing and fund raising combined with Group Home work was consuming. They were also parents and House members with wilp responsibilities to attend to. They had full-time careers in the community. GHCCC members explained: "We want a safe and healthy community, we want the Gitxsan system recognized, and we are willing to work seven days a week, twenty-four hours a day.... This is not a job to us, it's our calling, and whether we work for GHCCC or not, we will always be doing this work....It's our responsibility as Gitxsan women" (McRae, interview with author, February 1995).

... my mother's interest was that children be safe, and that children belong somewhere, and we all had the same goals, and now she has passed on, and I have assumed her name, and so that same work is going to continue, with her in our memory, and her goals in our memory. We... keep our actions focussed on Wii Goobl's cyncens [Jesse Sterritt].

Wii Goobl (Charlotte Sullivan) interview with author, February 15, 1995

Unlike MSS social workers who, although they may have ethical commitments to their profession, are hired to fulfil certain duties for the government, the GHCCC workers, as House members, make up the fabric of the community of Gitanmaax. They are connected to their House and adaawk, they are aware of the social pathology
caused by colonization in their community, they are a irrevocably a part of the community networks.

When the first group of GHCCC women quit in fall of 1994, a new group of women took their place. Most had been involved previously with the program. The first group have moved into new positions in the Gitxsan community, one has become a high chief. Although the transition was complicated by the group home evaluation, these women act as mentors to the 'newer' women taking over. Wii Goobl is sought after for advice in the Gitxsan community; one of the indications that she will be recognized as an elder.

Summary
The functioning of GHCCC made life for Ministry social workers easier and appropriateness in planning for families and children increased because of the advice of the elders and active interventions of GHCCC. The involvement of the House groups add the dimension of 'natural community support' (Cross, 1986) and additionally, their involvement revitalizes House responsibilities to members. The actions of GHCCC and the EAC actively demonstrate a community where the effectiveness of Gitxsan culture is being enhanced as aspects of that culture (the wilp, the feast) are being used to adapt the society for survival in contemporary Canada (Boldt, 1993:177). The Gitxsan are refusing to accept 'institutional assimilation'.

The Gitanmaax experience may contribute significantly to the understanding of relations between First Nations and the dominant Canadian society under self-government.
Chapter Five

The Relations of Restructuring

Introduction

The challenge of living and surviving as is to reformulate the ancient customs and traditions without compromising the enduring truths (i.e. the traditional philosophies and principles) that these customs and traditions were designed...to express. [emphasis in original]

Boldt, 1993: 198

The 'practice of self-government' in the substantive area of child welfare has been developed over the past ten years in Gitanmaax. GHCCC and the EAC now run a well-established child care program. The questions, however, remain; will Gitxsan practices continue to be reformulated and strengthened in alignment with Gitxsan principles or will the considerable forces of institutional assimilation effectively eradicate Gitxsan systems thereby bringing institutional assimilation of the Gitxsan people ever closer, in spite of Gitxsan resistance? Does the Gitanmaax experience point in directions which will lead to a greater understanding of First Nations self-determination in a more general way?

As a resident of Hazelton, I have explored these questions with interest. My work in child welfare with the provincial government made it natural for me to form close working relationships with, and to learn from, the women in GHCCC. As well, I learned about the community, its dynamics, and its culture as I attended meetings, social events, pole raisings and feasts. I am aware that I do not have the 'distance' or objectivity that a researcher from outside the community would have. On the other hand, the length of time I have spent in the community and the number and quality of activities I have been a part of have given me a deeper understanding of the dynamics in the community and the opportunity to offer richer, thicker description.

Frideres (1990) has argued that federal government policy is focussing on the "elimination of administrative, political, legal, and economic arrangements that set Indians apart from other Canadians" (Frideres, 1990: 115) The goal of cultural
assimilation through enfranchisement, as proposed by the Indian Act, is being replaced by the goal of institutional assimilation through provincial government policies, Boldt and Long (1988) argue.

The federal government, in its self-government negotiations policy "accepts the premise that Indians are in the best position to determine the direction and pace of their progress towards self-government" (Canada, 1986). 'Progress' however, must take place within the bounds of the Canadian Constitution - which recognizes individual rather than collective rights (Boldt, 1993: 22).

Under the Indian Act, 'Indians' were initially segregated and subjected to imposed 'government' - Band Councils - which displaced customary governing systems. Under this system, Boldt states, Indians learned how to "function within Canadian models of institutional structures" (Boldt, 1993: 80). Currently the government is "progressively incorporating Indians into prevailing federal and provincial institutional structures" (Boldt, 1993: 81). Frideres (1990) argues that once Indians became integrated into provincial institutions, such as education, a 'rational ideology' will guide their actions:

> When Indians are provided an education similar to that of the dominant society, local ties are eroded, kinship becomes devalued, and secular views predominate; a rational ideology becomes the basis for action. Government apparently hopes that incorporation into the larger economic system, acceptance of the rules of the political structure, and control over their land will make Indians like other citizens of Canada.

Frideres, 1990: 115

Kinship ties have been eroded. This became evident in chapter two. Kinship ties are manifested in the Gitxsan feast and Gyoluugyat remembers the 1950s when money began to replace the bounty of the Territories as exchange in the feast hall (Gyoluugyat, interview with author, Jan. 14, 1994). Money has transformed the nature of the work that must be done. Today it takes large sums of money to secure the honour of a high name, so those with access to money (usually men) are, in effect, able to buy' high names in the feast hall. This differs from custom, where
future sim'oogit, chosen by the wilp, were painstakingly 'groomed' by wilp members until they were ready to accept the responsibilities of a high name. Some of the community angst inherent in differing interpretations is apparent in this 'Letter to the Editor' of Daxgyet:

Take time to listen and follow the "true" Indian ways. We will never get anywhere because of the bickering of who is the Head chief. Head chief has a lot of responsibilities and it's like he has no say any more because everybody wants to be Head chief. Head chief earns respect by spending money to show his appreciation and respect to people by having headstone and fence feasts. He is responsible for past and present. There is a lot to take into consideration. You don't just become head chief. You are chosen. The Indian names are like life. It comes in levels. Just because you have an Indian name it does not mean you are chief. So much of that is misinterpreted nowadays.

Daxgyet, June 1995: 9

The feast hall reflects transformations in community economic and social relations:

...[in the past] it was how hard you worked to put on a feast... so if it was a shame feast, then well, he must really be repentant, he's worked so hard. But today... the dollar comes so easily....

Wii Goobl (Charlotte Sullivan), joint interview with author, June 29, 1993

Gitanmaax citizens live with these realities; these disjunctures. Penetration of the Canadian economic system and the Canadian social welfare net, of Christian religions and 'western' education, of Canadian systems of governance (DIA) and the focus on the individual, all have a bearing on the status of Gitxsan citizens. Gitxsan rank, conflated with Canadian 'class,' creates complex sets of variables which signify standing in Gitxsan society. The adaawk often describe ancient rivalries between house groups. These are, at times, played out in current frictions in the community. An RCMP Corporal recently described how Gitxsan citizens, explaining why a situation escalated until police were called, began by telling stories from 'a long time ago'. The RCMP are given the context, even an ancient context, to support the expansion of the problem (RCMP conversation with author, April 3, 1996).

As Gali Skalun, with some irony, observed "there's trouble in paradise...." (interview with author, April 15, 1993). Aside from the political turmoil in Gitxsan Territories, family violence and sexual abuse are endemic. The RCMP, Hazelton detachment
report that they have averaged one and a half calls per day over the last year for these two problems alone (RCMP discussion with author, April 3, 1996).

Despite the complexities of these pressures, the Gitxsan argue they can adapt to the contemporary Canadian society while maintaining "aspects of their ways of life" (Cruikshank, 1992: 27; Gitxsan Treaty Office, 1992). The Gitxsan continue to use the Gitxsanimx language and matrilineal systems of organization - in the feast hall and wilp, in political strategies, in protests, in Gitxsan schools, and in asserting their jurisdiction at the community level. GHCCC is an example of the determination of Gitxsan citizens to revitalize their systems. The Gimlitxwhit is a political manifestation of this determination to adapt Gitxsan systems to contemporary society.

Authority: Its Sources and Contemporary Adaptations

The state holds legitimate authority and controls both economic and material resources, yet First Nations across Canada continue to mobilize their own sources of power to resist the State (Wolf, 1982; Haig-Brown, 1989; Cole and Chaikin, 1990; Smith, 1993; Boldt, 1993; Armitage, 1995). In the case of the Gitxsan Nation, those sources include the adaawk, the feast system, connections to the land and the collective will to keep their systems alive. The tools which First Nations use include high politics, symbolic politics, and, asserting their jurisdiction by implementing programs such as child welfare (Abele and Graham, 1989; Cassidy and Bish, 1989; Fleras and Elliott, 1992).

At a community level, assuring there are structures which will pass Gitxsan culture to the youth has assumed a new preeminence. The First Nations High in Gitamaax, the Gitxsanimx Immersion School in Gitwangak, community schools in Gitanyow, Gitsegukla and Kispix all focus, to greater or lesser degrees, on cultural learning. The Gitxsan Cultural Survival Camp, the fun feasts to educate youth, all point toward a deliberately orchestrated resurgence of Gitxsan cultural learning and of the 'Gitxsanimx' language for younger generations. Such activities are not often reported in the mainstream media, however the Gitxsan Treaty Office's monthly
publication, 'Daxgyet', reports on many of these programs. Daxgyet, inclusively distributed to all households in Gitxsan Territories, includes a 'Feast Directory', listing dates and places of feasts.

Feasts are frequent in Gitxsan Territories, and the GTO has factored the large amounts of money a feast generates into potential ways of supporting self-government (Mas Gak, interview with author, July 17, 1994). Mas Gak explains some of the Gitxsan systems' inherent strengths which can be built upon to finance Gitxsan government:

The Gitxsan system is based on 'commissioning'. If you want something done, and you can't do it, then you commission me and I carry it out. Then you pay me. If you don't pay me, I remember it the next time you have a feast, and tell you to pay up. So it's reciprocal and self-regulating. ...For child welfare it could be inter-House contracts, or agreements between a House and an Agency. So if House B can't do it House A does it for [them].
Mas Gak, interview with author, July 17, 1994

The work of self-government, at a practical level in child welfare, goes on, in ways not incompatible with Mas Gak's vision, although less driven by economic considerations:

We're going to live the way they [the elders] have taught us to live, with the same types of values, and the process is going to be the same.... We made that decision in 1985. We weren't going to be told how to live.... With GHCCC - we're not getting funded; There are no paid positions, it's all volunteer, so how can anyone shut us down? Our kids are going to carry this on. What do you think we're training them for... we will prepare people to take over in our community....
Nagun, interview with author, April, 1993

The women of GHCCC, as noted previously, are educated in the Western system yet continue to learn Gitxsan values and 'ways of being' from the elders (Nagun, interview with author, April 15, 1993). They seek community legitimacy through their support of Gitxsan values while they implement 'child care' practices based on Gitxsan systems. Their activities are uninterrupted by Treaty Negotiations, the Delgamuukw appeal, protests, or blockades (as reported in the Vancouver Sun, Feb. 2 1996, sections A1, A 9, A15).
Their relative lack of politicization did not mean that GHCCC enjoyed complete community support. Miller (1995) has observed in Coast Salish Nations that "community members hold ambiguous feelings about the interpretations, meaning, and application" of customary values and practices (Miller, 1995: 142). These dynamics are also demonstrated in Gitanmaax. The "strength of the 'hereditary chiefs' is under review" as younger chiefs assert the value of 'new ways' (Gali Skalun, in interview with author, April 26, 1993). Citizens disagree on whether Houses have the ability or even the will to carry out child welfare functions and whether the GHCCC has legitimacy in either Gitxsan or western systems. Nonetheless, GHCCC is asserting jurisdiction and seeking means of coexistence with the dominant society in the field of child welfare.

Social Policy, Agency and Co-existence

Fleras and Elliott observe that as First Nations assert their claims to 'inherent rights', government policies and government intentions are mediated by their actions. They see changes taking place within the context of self-government policy; there is recognition that aboriginal-state relations are ongoing and dynamic, that coexistence can be encouraged, and that co-management with First Nations is workable (Fleras and Elliott, 1992: 230). These relations are exemplified in Gitxsan Territories where the Gitxsan Wet'suwet'en Watershed Authority (GWWA) has signed co-management agreements with the Department of Fisheries and Oceans, and with the Skeena Fisheries in November, 1991 (AIP on Self-Government, Feb. 1993).

In child welfare policy, Armitage notes that DIAND has acted consistently on child welfare issues, therefore child welfare is approached in similar ways by Bands and Tribal Councils. Variations are results of the "differences among First Nations cultures and histories", as well as the 'willingness' of provinces "to cooperate with federal Indian policy" (Armitage, 1995: 101). In the period spanning the 1980s to present, First Nations have begun to take initiatives which have been accepted and
encouraged by provincial governments. British Columbia, with no comprehensive First Nations child welfare policy, has produced the 'muddling through' approach as aboriginal communities are not about to wait for government policy. B.C. has, however, taken several initiatives to accommodate First Nations. The special rights of First Nations have been acknowledged in the appointment of an Aboriginal Director for CF&CS, the creation an Aboriginal Services Division (MSS), and most recently, by the recognition in provincial legislation and policy that to maintain cultural ties is in 'the best interests' of aboriginal children.

Using a comparative perspective and rejecting stereotypes of aboriginal people as passive victims, Fleras and Elliott (1992) see First Nations as 'active agents' ready to "make the most of the opportunities available to them" (Fleras and Elliott, 1992:84). Mas Gak, in talking about an apparent set-back for the Gitxsan which arose from the appeal to the land claims court case articulates Gitxsan determination to turn apparently final results into 'interim measures':

So the model that's been put forward is the self-administering model. That's something the Gitxsan will accept, and will continue to work on, but that's not the end....

Mas Gak, interview with author, July 17, 1994

He asserts that the Gitxsan will accept the model presented to them as a beginning point - but their end goals do not change (Cole and Chaikin, 1990: 151-52). Maintaining their culture and modifying their systems to meet the needs of today remain not only their goals but the backdrop to their actions.

The case study of the GHCCC provides a concrete example of the actions that First Nations women have taken which have begun to implement, at the community level, the demands made by First Nations activists and speakers at the political level. In their implementation of child welfare services, their 'muddling through', they are building skills and knowledge in Gitanmaax which will encourage wilp members to participate in Gitxsan governance. The women's actions are fashioned by the
external forces of government legislation and policies and by community dynamics, yet as they assert jurisdiction, their actions are fashioned within the Gitxsan Nation and are based on Gitxsan principles.

**Self-Government and Decolonization**

The celebration of the Fourth World, its real test of strength, and its capacity to endure, lies more with our grandchildren than with our ancestors. It is they who must cultivate the tree as a whole and honour the unique qualities of each root and branch.

George Manuel and Michael Posluns, 1988: 285

There is a sense in which, collectively, indigenous peoples create an entity, a 'wholeness'. The findings of this study can be generalized to other First Nations communities at the abstract level of principles. Each "root and branch" each discrete First Nation or community, will operationalize specifics to fit their unique environment. In Canada, because the 'tree' and its 'roots and branches' share a context - that of colonization, many of the principles guiding the practice of self-government operative in Gitanmaax either are being, or can be, operationalized elsewhere.

One of the primary aspects of decolonization is that the inherent rights of First Nations be recognized. Self-government can be an assertion of these collective rights at the level of practice as well as at a political level. GHCCC was recognized by local government authorities in the protocol which affirmed GHCCC's ability and (implicitly) jurisdiction to plan for Gitanmaax children.

Planning for children, investigations, interviewing, and foster home studies are either shared between MSS and GHCCC or done by GHCCC, depending on the variables present in each case. The protocol, neither a provincial agreement nor a treaty, describes community practice. The processes described in the protocol, as 'principles of practice', can be generalized to other communities. GHCCC defined Gitanmaax 'citizenry' as anyone 'affiliated with a Gitanmaax House' (see appendix C). Citizenship is a decision each Nation will make. Issues of policy development and administration
in Gitanmaax were dealt with as the need arose. For example, the audit of the group home highlighted the need for clearly articulated roles for elders and GHCCC members, and written policy, procedures and standards to guide practice. All of these are issues of governance and administration will be addressed by contemporary First Nations systems (Cassidy and Bish, 1989).

Cross cultural collaboration and an effective working relationship with MSS enhances service delivery, particularly when the legal mandate lies with the Provincial government. In cases where there is a tripartite agreement and formal 'self-government', the interconnections between the First Nations community and provincial child welfare services are formally structured; the boundaries between the two are permeable, and information is shared according to the specific agreement. Cooperation is an aspect of the Spalumcheen, Nuu Chah Nulth and Cowichen Nations who have formal agreements on child welfare service delivery.

Self-government actively involves both First Nations and Euro-Canadian society in developing strategies of coexistence and relations of reciprocity.

Generalizability: Are Broad Based Conclusions Possible?

The intentions of the Gitxsan women to control child welfare in their community is an intent common to many First Nations who have experienced the colonizing effects of provincial child welfare systems. The desire for greater self-determination amongst First Nations is universal and many of the tools for implementing or practicing self-government are used across communities (Wharf, 1986). Armitage (1995) notes a general pattern to changes in Canadian child welfare policy and relations in child welfare, he also notes "substantial variations between different First Nations peoples and different provinces" (Armitage, 1995: 122). What GHCCC has done in taking control over child welfare, the 'muddling through' is not unique. Their method for operationalizing child welfare - as broadly based and inclusive 'child care' structured on Gitxsan systems - is.
The Gitxsan are revitalizing the natural supports inherent in the institution of the wilp. Armitage notes that First Nations interested in delivering their own child welfare services tend to be 'forward looking', asking how they can work with families so that family members can resume their roles and responsibilities in community (Armitage, 1995). In Gitxsan matrilineal society, women have the very important role of populating the wilp; they reproduce the basic decision-making unit of Gitxsan society (Harris, 1988b). Women, then, are pivotal in the economic, political and social life of their community. Ayook (Gitxsan laws) provide for the adoption of women into the wilp should there be too few to ensure its continuance. Communities trying to revitalize their societies must be 'forward looking' and develop culturally appropriate programs to support families, focus on both Gitxsan and western educations, and support the healing and reintegration of members into community structures.

Another generalizable aspect of the Gitanmaax experience is the collaborative relationship developed with the MSS workers in their community. Cross-cultural relations are challenging for First Nations workers and for MSS social workers, who are often middle class and have little experience of other cultures. Cross, in his 1986 monograph on 'culturally competent' social work defined some of the principles which are effective in cross-cultural work. They include:

- valuing of diversity by the dominant society
- having an awareness of one's own cultural values, self-assessment
- understanding the dynamics of difference (ethnocentrism, ethnorelativism)
- development of cultural knowledge
- adapting practice skills to fit the cultural context of the clients

On an organizational level, the policies, structures, values and services of the organization must also be adaptable to be effective in the cultural environment (Cross et al, 1989). Social workers in Hazelton, in seeking exceptions to policy where appropriate, were in effect ensuring the Ministry was made aware of policy changes required for work with First Nations (joint interview with author, June, 1993). Cross's principles have facilitated an understanding of the dynamics of work with First
Nations and have also validated the cross-cultural efforts of MSS workers (Cross, 1986; Cross et al, 1989).

New Relations, New Paradigm?

...it's a two way street, and it used to be one way, not any more...
Mas Gak, interview with author, April 30, 1993

Gitxsan customary values of harmony, balance and reciprocity form a backdrop to contemporary life in Gitxsan Territories. The foreground is comprised of jobs, school, nuclear families, feasts, and contemporary problems. New subdivisions in Gitanmaax are indistinguishable from subdivisions in towns and cities across Canada. Beneath the busy, modern surface, however, throb ancient rhythms - the rhythm of the adaawk, the warmth of the feast hall, all the 'colours' that are Gitxsan culture:

We're just emerging out of a hole that we've been put in. I expect that significant things are going to happen, and you're going to see the Gitxsan - it's colours, its symbols, its rhythms; an expression of it... families are emerging strong and healthy, our loyalties aren't so divided any more.... As kids grow older... they are drawn a bit more to the centre, seeking balance and harmony.... The essence is still there.
Gali Skalun, in interview with author, Nov. 19, 1993

There are new patterns of interaction between the dominant society and the Gitxsan in 'the Territories'. Interactions are constructed from a Gitxsan position of knowledge - of wilp, feast hall, adaawk, and the Gitxsanimx language. This gives the Gitxsan confidence in their dealings with the dominant society. The women of GHCCC are learning the values and processes of the customary system from their elders, and involving their children in Gitxsan systems, thus ensuring Gitxsan knowledge is continued.

Gitxsan Elders asserted their independence and signed a contract with MSS for a group home, not as a registered society, but as a group of Gitxsan elders. This bespeaks an 'opening', a shifting of attitudes within the provincial bureaucracy, and is a small example of new interconnections between First Nations and the dominant society.
The Gitxsan (including GHCCC) have not focussed on delegated authority from the province. They are working to revitalize Gitxsan systems, and are seeking to involve wilp and wilp members in the customary roles. GHCCC's process is embedded within Gitxsan goals of maintaining the customary matrilineal system. The Gitxsan, it appears, are attempting to "enhance the effectiveness of [their] culture as a 'blueprint' for...surviving in the contemporary environment" (Boldt, 1993: 176). In Gyoluuugyat's words:

We must take the best from both cultures and blend the best into a new system; one that will be appropriate for us as Gitxsan in modern times.

Gyoluuugyat, interview with author, Hazelton, 1993

Gitxsan Values

There are few signs at the community level that a 'rational ideology' will lead the majority of Gitxsan to accept the institutions of the dominant society to the exclusion of Gitxsan institutions (Frideres, 1990: 115). Both feast hall and wilp have been transformed by colonization and the dominant economic system, but there are indications that they will be adapted and could become effective institutions for contemporary Gitxsan society (Mas Gak, interview with author, July 17, 1994). As well, there are indications that the dominant society is becoming aware of the values inherent in coexistence. Culturally appropriate development now beginning to be fostered in program areas such as justice, fisheries, education and child welfare - increasingly the responsibility of the provinces (Fleras and Elliott, 1992; Gitxsan Treaty Office, 1994b).

On the other hand, changes have been rapid and profound in Gitxsan Territories, and the eventual disposition of the questions asked in this paper are far in the future. Penetration of western patriarchal values has given force and strength to First Nations men, who have, as Frideres notes, grown up with mainstream educations, and have benefited, as individuals, from 'western' educations (Leacock, 1978; Muszynski,
1988; Bourgeault, 1989; Frideres, 1990; Fiske, 1995). How much the work in high politics will adapt the Gitxsan to an individualist western rational ideology - with the focus on the progress of individuals in Canadian society rather than on Gitxsan principles remains to be seen, as do the ways that interactions with matrilineal institutions will mediate an individualist focus.

Gitxsan women in their fundamental roles in the customary matrilineal system, are increasingly asserting Gitxsan jurisdiction and following Gitxsan law. They are strengthening and reinforcing cultural values, thereby strengthening and empowering wilp members.

We hold a covenant with all other created forms; that we will respect all created life: that we will keep the balance.... We have inherited responsibilities and inherited authorities. You are responsible not only to your family, but also to your clan. But you are responsible to all other human life around you and to all other created life that sustains your human existence. The Gitxsan came to the conclusion that all created life is equal and necessary.... We call this the circle of reason.

Marie Wilson, in interview with Ian Crawford, the New Internationalist, 1988

The matrilineal system in Gitxsan Territories provides alternative understandings of social organization and rich insights into the roles of women in society. Whether the use of a matrilineal framework for governance will lead to recognition of women as holding legitimate authority in contemporary Gitxsan society, what that authority would look like, and whether social matrilineal frameworks can exist within legal frameworks of the dominant society are questions for future research (Fiske, 1992, 1995).

Conclusion

Fleras and Elliott find policies currently being constructed in Canada, New Zealand and Australia more closely reflect the demands made by aboriginal peoples. Although some of the policy changes may be "symbolic", Fleras and Elliott see a shift from the old patterns of control to new patterns of "partnership", co-management and coexistence beginning in all three countries. They see Canada's shift as having
begun with the 1980s Penner and Coolican Reports (Fleras and Elliott: 229-230). Policy must be interpreted by government workers, and it is in the interpretations, and in the acting on the interpretations, that a shift in paradigms can begin. As Armitage observed, practice often leads policy (Armitage, 1995).

MSS and GHCCC, in the practice of child welfare in Gitanmaax, adapted practices to meet the needs of each. While this is borne out in the case study, it is also true of the areas of fisheries, forestry, justice, and other 'practice' areas. The recent CF&CS Act has integrated aboriginal values into its context. Such changes and adaptations are an indication that new paradigms in interaction and policy may well have begun (Fleras and Elliott, 1992: 230).

One has only to read the daily news to ascertain that the transition toward a 'new paradigm' will not be untroubled. Fleras and Elliott assert, however, "...reform is inevitable as pressures escalate for fundamental change in the aboriginal agenda" (Fleras and Elliott, 1992: 231). Fleras and Elliott foresee 'competing forces' aligning at opposite ends of policy and administration and then working out answers (Ibid).

Another model for self-determination has been presented by the women in Gitanmaax, where a common goal was articulated between GHCCC and MSS (protecting children) but culturally diverse methods for meeting that goal were recognized. Canadian history (chapter two) has seen little of this method. However the current shift bespeaks a change in paradigms. Increasingly, in fields such as justice, child welfare, fisheries and forestry agreements are being reached at the level of community practice (Cassidy, 1989; Vancouver Sun, Jan 16, 1990; Interior News April 14, 1993: A10; Globe and Mail, Feb 24, 1996: A1).

The Canadian State has controlled the lives of Indians through the Indian Act since 1876; for many reasons outlined in this study, that control is shifting. The provinces, more involved in service delivery than the federal government, are becoming larger
players, and First Nations are positioning themselves to assert their rights and act on their jurisdiction. In the future should the House groups take greater authority for child welfare, the role of GHCCC will change. Their basic goals - of strengthening their community, learning from the elders, and using Gitxsan systems will remain important in defining new community directions.

As Armitage has said: "Although progress has been slow, there are grounds for hope that the policy of assimilation, initiated by the British House of Commons, is at last being replaced by policies that reflect the continuing presence of First Nations peoples within Canadian society" (Armitage, 1995: 135).

If the GHCCC experience informs relations between First Nations and the dominant society, the practice of self-government, at least in child welfare, demonstrates that it can enhance Canadian society, simply by protecting children more effectively in their own communities. First Nations 'high politics' and 'symbolic politics' will continue to exert pressure on Canadians politically and through the mass media and the combination of political and community change could contribute to a significant 'paradigm shift' in relations between First Nations societies and the dominant Canadian society.
Footnotes

1'Symbolic politics' are common to First Nations protests and aboriginal leaders have become skilled in seeking out editors and journalists in order to help them influence public opinion and to translate their specific issues to non-aboriginal ears. By keeping the media informed of their activities they have garnered considerable public support for First Nations positions; a 1985 poll taken by the Vancouver Sun after the Mears Island protest showed that 63% were in favour of Premier Bennett negotiating land claims (Tennant, 1990: 209).

2Gali skalun stated "Blockade is just like a mirror, an essence, of our community. Ten years from now I'd like to invite Nettie to come back and do another [film]. I'll bet the two communities will be a lot closer then...."

3'House' is an English word for Wilp, the decision-making unit of the Gitxsan. House is used commonly in conversation instead of Wilp, although Gyoluugyat (Mary McKenzie), Gitxsan elder, said that "house' is confusing - I live in a house", and therefore it is much "better to use the word Wilp". I have used the words interchangeably, since most English-speaking Gitxsan do use it, even in written communication (see Daxgyet).

4 The 'stories' Gali skalun refers to are the adaawk, or oral histories, of the Gitxsan. They are further discussed in Chapter Three.

5 In this paper the term 'customary' refers to Gitxsan systems and institutions which, although used by the Gitxsan since prior to contact with Europeans, have been brought forward into current Gitxsan social arrangements. Customary implies 'movement' and 'change' as opposed to static, as the term 'traditional' would. The Gitxsan see their society as dynamic and changing, with values and systems which hold meaning for them in the present, and which also serve as a 'blueprint' for them in the future (Jary and Jary, 1991:104, 525).

6Miller, 1995, refers to such law as 'folk law', defining it as "lived law in use or previously in use at the local level (Miller, 1995: 141-42). He distinguishes it from customary law which he understands as indigenous law used by a colonial administration for its own benefits and purposes (Ibid). I refer to Gitxsan law as 'customary law' for the purpose of simplicity in this paper, although the Gitxsan ayook fit Miller's definition of 'folk law'.

7 An example of Gitxsan use of 'interim measures', the splitting of the Tribal Council into the OHC, the GWES, and the Government Commission, was an early 'interim measure' until the House groups became more knowledgeable and could begin to take responsibilities in contemporary Gitxsan society.

Chapter Two

8 In 1915 House Chiefs from the Gitxsan village of Kuldo'o met with the McKenna-McBride Commission to assert their ownership,"We are asking to get back the land of our grandfathers - we want our places, and we want our places to be free as they were before...God gave us this land where we were brought up, and it was free.... No one [from] one house [can] serve as boss in the other house" (Tennant 1990:97). The response from the Commissioner was that the world was 'moving along', and that they must move with it or be 'wiped out' (Ibid).

9 The 'grease trail,' so called because the Gitxsan would trade "oolichan grease packed in boxes made of red cedar" with the Carrier tribal groups who live further inland (Smith, 1992:195). It had existed for generations before the fur traders began to establish posts along it to take advantage of the trading route already in existence (Fisher, 1987:33).

10A wilp (house in English) is the decision-making unit of the Gitxsan. It is headed by an Hereditary Chief who uses a model of consensus decision-making. It has often been viewed as 'extended family' by the dominant culture, although Wilp members are not necessarily related by blood, and decision-making plays a broad societal role.

11The highest and most responsible name of a wilp; a chiefly name.

12There are specific ayook which delineate when and how children may access their father's wilp territories (Harris, 1989).

The Gus-Wen-Tah was depicted on the cover of the 1983 Penner Report, and is seen on posters in many Band and Tribal Council offices today.

Canada is a country founded on mercantile aspirations of the fur trade, and later on the British capitalist mode of production. The 'national interest' is to perpetuate Canada successfully so that it is a country which investors will turn to, and capital can expand. As Boldt states, the 'national interest' is an artificial construct, a device of the reigning Canadian 'establishment' for asserting its political, economic, and social hegemony over the Canadian nation" (Boldt, 1993:67).

British Columbia has argued that" the proclamation did not apply to its territory and had not been intended to" (Tennant, 190:11). First Nations in BC, however, have used the Royal Proclamation to further their claim to the land (Tizya, 1990, Tennant, 1990:90-91, 214).

Under provincial child welfare legislation, children must be 'apprehended' if they are found to be in 'need of protection' under the provisions of the Act. The case is heard in court by a Provincial Court Judge, who most often upheld the decisions of the social worker to take the child into the care of the provincial child welfare authority.

The Gitxsan Wet'suwet'en Government Commission is an arm of what was once the Gitxsan Wet'suwet'en Tribal Council. It is the branch responsible for financial arrangements between the Department of Indian Affairs and the Bands in the 'Tribal Council' area.

Alternate Funding Arrangements, similar to Social Program Transfers to the Provinces, are block payments to Band or Tribal Councils who then determine how to allocate funds within their communities.

Chapter Three

"Collectivist positions begin with the assumption that "society is an organic whole" (Marchak, 1988: 10). Individualist positions assume that society is a collection of individuals, "does not exist in and of itself", and is "not an organic whole" (Marchak,1988: 8).

First Contact was recorded to be around 1870, with the Omineca Gold Rush, and the advent of the commercial canneries on the coast. Early settlement began around 1900 (Supreme Court of British Columbia, 1991:27-28).

Ayook are Gitxsan Laws, aiyookx nii yee'i, 'laws of our ancestors'.

Gitxsanimx words meaning 'since time immemorial'.

This same sentiment was expressed virtually unanimously by aboriginal people who spoke to the Special Committee on Indian Self-government in Canada (1983:33).

Each chief 'holds' the nax nox of the wilp. The nax nox contains the spirit essence of the wilp, and is performed by the chief at important feasts.

The adaawk give them their own personal place in Gitxsan history and in the history of their wilp. They also have, or will be given a name, which will also carries its adaawk.

Dax'gyet, a sim'oogit's authority, is drawn from the land - the Territory. It is symbolized by the House pole, grounded in the earth, reaching to the heavens, and created at the order of a new chief to signify the history of the Wilp.
From a presentation given by John Red Horse at a 'First Nations Families' Conference, May 19 - 22, 1992 in Vancouver, BC.

The English translation of wilp is house. A wilp is commonly called a House in the literature, and also by Gitxsan speakers when speaking to a non-Gitxsan. I use the terms interchangeably.

I have been told this by many Gitxsan people, and have observed the value of the matrilineal genealogies which have been compiled for the Delgam Uukw v. the A.G. case in child protection work. One's grandmothers name gives the wilp and the clan a person belongs to, therefore the networks of support for you in the community.

This description of wilp activities is a compilation of information I have received in conversations with Gitxsan citizens, interviews with key informants, from explanations given to me in conversations with Gitxsan and also from explanations given me at feasts.

Gimlitxwhit means "people who stand at the front of the canoe and guide it". The Gimlitxwhit came out of a restructuring of the GTO in 1995. The Gimlitxwhit is a decision-making group made up of representatives of 57 Gitxsan House groups, including the Gyeets (downriver Gitxsan) and Gigeenix (upriver Gitxsan) (Daxgyet, 2 #1).

Adaawk are the oral histories which contain the practices, secrets, and special knowledge of a 'house', or 'wilp' as it is known in Gitxsanirnx. Miller (1992) comments that the adaawk represent the collective experience of the social group.

"In 1951 only 29 children of aboriginal ancestry (less than 1% of the children-in-care) were in the care of the Province. By 1964 this had increased to 1466 status Indian children alone, making up 34.2% of all children-in-care" (British Columbia, Report of the Aboriginal Committee,1992:2).

Evidence given in the Supreme Court of B.C. by Mary McKenzie, v.3.

Gali Skalun, (Gary Patsey) is a speaker in his Wilp, Dawa Muukw, has served as elected chief in Gitanmaax, and is currently a negotiator in the Gitxsan Treaty Office.

Charles Horejsi, 1987, wrote, "As compared to the nuclear family structure (i.e. biological parent plus children)...the extended family structure gives rise to some very different patterns of family behaviour. In Gitxsan society, a child's cousins are treated as if they were the child's siblings.

Marlee Kline has discussed the problem of "best interests of the child" as it relates to aboriginal children, in her 1992 article, "Child Welfare Law, "Best Interests of the Child" ideology, and First Nations, V3 #2, Osgoode Law Journal.

Minutes from the SJC were quoted in Kline, 1992:384.

Statistics on aboriginal children in care, at least prior to 1990, cannot be relied upon. G. Merner of the Research, Evaluation and Statistics Branch, Corporate Services of the Ministry of Social Services, explained that statistics have been kept so monies could be reimbursed from the federal government. The tool to capture the numbers was reliant on individual social workers remembering to tick a small box on a long form. This may often have been missed. Also, until 1976, the Children's Aid Societies of Vancouver and Victoria did not keep such statistics. The numbers of aboriginal children in care may have been higher than reported. In 1996, with the proclamation of the Child, Family and Community Services Act, the child's Nation, band, and community are now documented (Interview with author, April, 1993).

The first of the 'guiding principles' for intervention in child abuse cases in B.C., The Inter-Ministry Child Abuse Handbook, Province of British Columbia.

Davis Inlet is a small community close to Frobisher Bay, where First Nations children sniffing gasoline, died. There was a loud cry for services from the Band, the AFN, and other First Nations organizations. The federal government offered to move the reserve.

The Act passed the third reading June 20 1994, but was not proclaimed until January 28, 1996, even then several of the sections which addressed First Nations concerns were delayed for another fiscal year.

Chapter Four
Gyoluugyat, herself a Sim'oogit and respected elder, recalls her father's words. Educated in Edmonton at a United Church Residential School, he said to her 'one culture cannot go by itself without the other'. He advised that she must seek a balance between her two cultures.

In June of 1980 the Spallumcheen Band Council passed a by-law giving itself "exclusive jurisdiction over any child custody proceeding involving an Indian child" (Johnson, 1983:106). In October of that year, B.C.'s Minister of Human Resources agreed Spallumcheen would assume responsibility and control over their own children. This agreement places Spallumcheen outside of provincial child welfare jurisdiction.

Held on April 30, 1981, it was hosted by the Glen Vowel Band, and sponsored by the Band Social Workers and the local legal aid society. When I arrived in Hazelton in 1985, I was given the minutes of this meeting as indicative of child welfare issues within the Bands in the Hazelton district.

In this quote, the latest person to hold the name 'Wii Goobl', Charlotte Sullivan, is reflecting on the concerns that the previous Wii Goobl, Jesse Sterritt, (Charlotte's mother) had for the children of Gitanmaax. This quote illustrates that holding a Gitxsan name means the holder carries certain responsibilities, not the least of which is ensuring that the stature of the name is not tarnished.

Kathleen Jamieson, in her book, Indian Women and the Law in Canada: Citizens Minus, critiques sexism in the Indian Act, and points out flaws in the resultant amendment. With Bill C-31, women who had lost their status because they had married a non-Indian, and their children, could apply to regain their status and then Band membership.


Participants in the joint interviews included three GHCCC women, a MSS social worker assigned to the Gitanmaax Band, and the Social Development Officer for the Government Commission of the Gitxsan and Wet'suwet'en Chiefs. The 'Commission' is one of three branches of the restructured Gitksan Wet'suwet'en Tribal Council, 1987.

Miller, in his 1995 paper, is speaking of 'important issues' facing elected Indian leaders; the same issues of legitimacy are critical for a group purporting to base their legitimacy on customary systems.

Amgoody is the Gitxsan word which approximates the English verb 'to remember'. Its root word, 'good' means heart. Gitxsan citizens 'remember' with their hearts.

Pole raising for Delgam Uukw, October 22, 1994, where the adaawk for the crests on the pole - the story of the wilp, were told. See Appendix _, for newspaper stories.

Participants in the joint interviews included three GHCCC women, a MSS social worker assigned to the Gitanmaax Band, and the Social Development Officer for the Government Commission of the Gitxsan and Wet'suwet'en Chiefs. The 'Commission' is one of three branches of the restructured Gitksan Wet'suwet'en Tribal Council, 1987, the other two are the Office of the Hereditary Chiefs and the Gitksan Wet'suwet'en Education Society.

In the Hazelton area there are six Gitxsan villages: Kispiox, Glen Vowell, Gitanmaax, Gitsegukla, Gitwangak and Gitanyow, and one Wet'suwet'en Village; Hagwilget.

The Community Awareness and Prevention Services (CAPS) was a drug and alcohol community prevention program run by the Gitksan Wet'suwet'en Education Society (GWES).

The CARE Kit included age-appropriate information for school children. It was intended to give them tools to deal with sexually intrusive behaviour from adults. One of the strategies was to have children tell an adult they could trust. The CAPS counsellor expected to get many disclosures from the presentation of the kit, and she wanted to ensure that the people mandated to deal with the disclosures were ready, and that a Gitksan person was included in the interview strategy. Under the F&CS Act it was mandatory to report such disclosures to the MSS who were required to involve the RCMP.
Significant relationships such as that of ts'iits (grandmother), and words for intercourse and genital area are commonly spoken in Gitxsan rather than English.

This process was assumed in Gitanmaax, but was formalized in another Gitxsan village, Gitsegukla, where the Ministry contracted with the Band to include Band workers in home studies at a decision-making level.

Armitage notes three 'phases' of child welfare policy in Canada - the first, dominated by assimilationist policy from 1876 - 1960s used "educational methods to change the culture and character" of First Nations children, the second, dominated by integrationist policy "replaced the residential schools ...by child welfare strategy" and the third, or self-government phase (1975 to present) where "many First Nations communities are taking control of their own child welfare programs to ensure the next generation of Indian children is raised in their own communities and culture" (Armitage, 1993:131, 1995: 201).

A seat is kept in the feast hall for a House members who are absent. The elders remember (amgoody) the entitlements/responsibilities that person has as a wilp member. This way names are carried forward in the Gitxsan system. The Sim'oogit and elders are responsible for keeping this history alive (Vancouver Sun, ).

MSS statistics kept by Hazelton District MSS Office.

The Band commissioned the the first house of their 1989 social housing project to be the Gitanmaax Group Home. Later, the Band provided $8000.00 to bring the home up to Group Home standards. It continues to pay for minor repairs as well as garbage pick-up, water and sewer (Sterritt Consulting: 5).

The Gitxsan word 'si satwx' means purification or healing, and the program was an intensive 'healing' where Gitxsan youth would learn Gitxsan adaawk, antimahlaswx, and values from their elders. Such 'cultural healing' is a technique used successfully with aboriginal youth in trouble with the law, etc.

Each wilp has a village of origin. In early pre-contact days, each village required at least two clans, as Gitxsan citizens must marry exogamously. Clans were organized into wilp groups. Wilps are of ancient origin and were established in a particular community. This is the village of origin, and is, ideally, 'home' to the wilp members (Harris, 1989).

The 'Reconnections' program receives funding from MSS, ($40,000/year in 1995) to provide services to Gitxsan children and families. The program identifies wilp connections and helps people see to whom and how they are related. It also reconnects family members, many who have been separated by the residential school system or the child welfare system. Genealogy research initially began as research for the Delgam Uukw v. the A.G. land claim court case.

Wii Goobl is the high name in the house of Wii Goobl, a wilp which amalgamated with the House of Gyetm guldo when it's citizens were decimated by the influenza epidemic in the early part of this century. Jesse held the name and the responsibility that goes with it until her death; this completed the 'life cycle' of the wilp. Charlotte, her daughter, had been groomed to take over the chiefly name. At a transition feast for the wilp, Charlotte received the name of Wii Goobl and a new 'cycle' for the wilp began. At the feast, the transition for the wilp was confirmed and witnessed by the sim'oogit and all present. Jesse held the responsibility of the name, Wii Goobl, and now Charlotte holds the responsibility of the name.

The Board of Registration for Social Workers is mandated under the Social Workers Act of B.C. Those workers who are registered (1/3 of MSS workers) must adhere to the Code of Ethics of the Canadian Association of Social Workers.

Exchange is used here in the sense of giving and receiving reciprocally.

A transition feast where a person is receiving a high name is very costly; many thousands of dollars will be spent in payments to witnesses and those to whom one owes a debt.

Mary's grandmother began to groom her for a chiefly name at a very young age. She was eight when her ts'ilits got special permission to have Mary attend her first feast. Mary sat at her grandmother's feet - very quietly, and watched the proceedings. She had to learn the names of all the chiefs. She also learned her adaawk, and her territories - she had to remember the
heights of land, the waterways, and other features that showed where her wilp's territory borders were, and also where other chief's land lay. Her ts'ıits set up chairs in the living room and Mary had to recite all she had learned to the empty chairs, until she know it all perfectly. When she had learned all this to her grandmother's satisfaction, her grandmother had her bake little treats for each chief, and hand deliver them with invitations to listen to Mary recite. She learned the rules of hospitality, and welcomed the chief's appropriately. Mary said there were times when she wished she was not set apart to be a sim'oogit, but knew that was her responsibility (Gyoluugyat, interview with author, May 5, 1993).

Fun Feasts, or educational feasts are hosted periodically by different clans (or sometimes in 'all clans' feasts). These feasts often raise funds to cover costs related to special projects, workshops, or even core expenses. One example was the Educational Feast hosted in July 1993 by the Lax Gibuu clan which covered expenses for a week-long Residential School Workshop held in Gitanmaax.

Not all Gitxsan citizens agree with the AIP on Gitxsan Government, nor with the Treaty Negotiations, and not all Gitxsan citizens attend feasts. Increasing involvement with the Gimiltxwit, and the increasing number of Houses meeting to plan for the welfare of children within the wilp, however, bespeaks a groundswell of respect for Gitxsan systems. It is common now for Sim'oogit to call House meetings to discuss how the House can best take responsibility for a child.

The Unlocking Aboriginal Justice (UAJ) program, begun by GWES then taken over by the GTO, is a Gitxsan and Wet'suwet'en program which takes referrals from the RCMP, involves the sim'oogit by requesting help for the alleged offender. A House meeting is called, and a 'Plan of Action' is decided on. The alleged offender must willingly follow the Gitxsan system and the House Plan of Action. The Plan of Action becomes the 'sentence', and the person does not go to court. There is provision for the matter to return to court in situations where the alleged offender does not follow through with the House's plan.
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Appendix A

Glossary

aboriginal - a term used in Canada's Constitution referring to status and non-status Indians, Métis, and Innu.

adaawk - The adaawk are a sacred 'official' litany, or history, or recital of the most important laws, history, traditions and traditional territory of a House which is repeated, performed and authenticated at important feasts. It is an official statement of the sacred culture of a House. It contains a statement or description of the territory of a House (Supreme Court of British Columbia, 1991:45).

antimahlaswx - collections of stories or folklore of a house or clan, not to be confused with the sacred adaawk of the chiefs (Proceedings at Trial V. IV: 46).

antimanak - spouses put money in for the feast of their wife's (or husband's) wilp.

ayook - Gitxsan laws, based on the laws of nature and principles of respect and reciprocity. Marie Wilson, in explaining Gitxsan ayook was quoted by Crawford: "There has to be order and yet it will never stand if people do not have inner control to obey the law- not out of meekness but out of knowledge of the impact of breaking the law that one has made for one's self" (Crawford: 1988).

ayuuks - crests; images that encapsulate and provide a visual record of the major events experienced by the ancestors of the wilp, and recorded verbally in the adaawk. Crests are displayed on robes (button blankets) and on poles.

Daxgyet - Daxgyet is the name of the Gitxsan Treaty Negotiations Journal, which began publishing in September 1994. It refers to the empowerment of all, but can also refer to the power, authority of the chiefs as it is derived from the Territories.

ethnocentric - (in child welfare) ethnocentric decisions are made when one culture uses its own assumptions, guidelines and policies to make decisions involving another cultural group. This has been the historical process in child welfare, resulting in decisions which were inappropriate for the receiving culture; currently a sensitive topic area in child welfare.

First Nations - A term preferred by aboriginal peoples to refer to their status within Canada. It has been incorporated in the language since the early 1970s, by aboriginal speakers and writers (Mawhinney, 1994: 61), and has been used commonly in British Columbia since 1988 to refer to the 'grass roots' groups who meet at the First Nations Congress (Tennant, 1990: 212).

Ga k'aax sim'oogit - also called 'wing chiefs' - counsellors to the sim'oogit and to the people of the wilp. There are up to eight per wilp; they are seated in the feast hall - half of them on the left-hand side of the sim'oogit, and half on the right.

Gyeets - Gitxsan living downriver, toward the coast - the villages of Gitseguekla, Gitwangak and Gitanyow.

Giigeenix - Gitxsan living upriver, toward the headwaters - the villages of Gitanmaax, Sik-a-doak (Glen Vowel) and Anspayaxw (Kispiox).

Gimlitxwhit - 'people who stand at the front of the canoe and guide it. The Gimlitxwhit came out of a restructuring of the GTO in 1995. It succeeded the earlier Chief's Advisory Team
The Gimlitxwhit is a decision-making group made up of representatives of 57 Gitxsan House groups - the Gyeets and Giigeenix (Daxgyet, 2 #1).

**Gitxsan** - previous spelling - Gitksan. Gitxsan is a phonetic spelling according to linguist, B. Rixby. Git (People of the) 'Ksan (River of Mists); the Skeena River.

**high politics** - executive federalism as seen in First Ministers Conferences and which stands in contrast to issues of administration and service delivery - the practice of self-government (Abele and Graham, 1989). I have expanded my use of the term high politics from solely executive federalism to include all those political activities that Gitxsan speakers and treaty negotiators and activists are involved in to further the cause of their communities, culture and the Gitxsan Nation. High politics, as articulated by Abele and Graham, refers to the "constitutional and legal issues" dealt with at the national level through "political activism and negotiation" (Abele and Graham, 1989:141-42). In this paper, I refer to high politics as the negotiation and political activism carried on by First Nations at both the federal and provincial levels. It is distinct from direct action at the community level involving the implementation and administration of First Nations service delivery within the community. Both high politics and implementation of services (the practice of self-government) are necessary, as Abele and Graham maintain, for self-government to be achieved on First Nations terms.

**Indian** - a legal concept defined in the Indian Act
"Indian means a person who is registered as an Indian, or entitled to be registered as an Indian on the Indian Register kept by the Department (Definition and Registration of Indians" -- Section 5 through 14 (UBCIC, 1988:3)

**land claim** - "a land claim was not to be seen as a demand for present and future ownership and control of all the land in question". A claim is a demand for "acknowledgement of pre-contact land ownership and, equally, a demand that a new arrangement be achieved through negotiation" (Tennant, 1990:201).

**Lix Gii Gyetim Gyet (Lix Giigyet)** - non Gitxsan people, especially those living in Gitxsan Territories (Daxgyet, V2#9: 3).

**national interest** - Boldt claims that the 'national interest', defined by the power elite, denotes the "convergent or mediated interests of the powerful as arbitrated by the federal cabinet" (Boldt, 1993:67 ). It is seen in the economic, political and social priorities defined by the Canadian government.

**self-government** - The Indian Act has separated the land from the people, and the people from the land. Self-government must have a territorial base (Hawkes, 1985, Gibbins & Ponting, Politics of Gender, Ethnicity & Language in Canada).

**simgiigyet** - hereditary chiefs (plural of sim'oogit)

**sim'oogit** - chief; carries the most responsible (highest) name in the wilp which is usually the name of the wilp as well.

**status Indian** - a person defined in the Indian Act who, "pursuant to this Act is registered as an Indian or is entitled to be registered as an Indian" (Indian Act, R.S.,1985, 2 (1). It is used in this paper at times when am referring to First Nations people in the context of the Indian Act.

**wilp** - the wilp is the decision-making and land-holding unit of the Gitxsan. As such it is both government and economy. It is headed by a sim'oogit (hereditary chief) who uses a model of consensus decision-making. House members are usually but not necessarily related by
blood. Nonetheless, they have formal social responsibilities to each other. The wilp takes ultimate responsibility for the care of children. Membership in a Wilp signifies Gitxsan citizenship. In the past, the wilp was also the longhouse which all wilp members lived in.

Wilksi - mother's kin

Wilksi - father's kin

Wil naa t'ahl - used situationally; refers to one's close relations on whom one calls for support.
Appendix B

GITANMAAX HEALTH AND CHILD CARE COMMITTEE
CHILD CARE APPROACH

MISSION STATEMENT:
To provide a community based and locally controlled system to deal with social
issues which will be oriented towards our traditional family system to improve
and strengthen our community.

RATIONALE:
Many problems have been identified with the present level of services provided
by the Ministry of Housing and Social Services. A few of the problem areas
are identified as:

1. That there is a higher number of Native children in the care of
M.H.R. in proportion to their non-native counterparts.

2. The Native communities are not receiving the same level of social
services as the non-Native communities.

3. That Child Welfare services are crisis-oriented and statutory in
nature and lack a supportive and preventive base.

4. That standards and values on which services are provided are not
appropriate for our culture and lifestyles.

5. There is an absence of trained Native staff to deliver the
services that are required in our community.

6. That problems with Gitksan people, in meeting Health and Child
Welfare needs, cannot be separated from the whole complex of
problems that affect their families and communities.

7. That amongst those problems are such related factors as: the
erosion of systems for teaching and enforcing traditional values
and standards; economic development and high unemployment,
breakdown of the traditional family; racial prejudice; alcoholism;
drug abuse and family breakdown.

8. That the Bands and Tribal Council have not been involved enough in
developing Health and Child care policies and programs.

9. That the Band Social Workers have not received adequate training
for fulfilling their jobs.

GUIDING PRINCIPLES FOR FAMILY PROTECTION PROGRAM

1. That all services will reinforce traditional patterns of
caring, sharing and co-operation within families and their
extended families.

2. That they will harmonize and strengthen the cultural traditions of
the Gitksan people.
3. Services will be developed and delivered according to Traditional customs, standards and values. They will reflect the unique needs of each community. Coordination will take place through the Gitanmaax Health and Child Care Committee with the Elders of the Community as advisors. (Grandparents to become active participants in discipline and guidance of young people).

4. Services will focus on the Traditional family, as one of extended kinship, and will emphasize preventive and supportive programs.

5. Priority will be given to hiring and training Gitanmaax people to develop and deliver services.

GOALS OF THE PROGRAM

1. To recognize and strengthen Gitksan culture and identity.

2. To strengthen and maintain the family system and in turn the community.

3. To ensure the healthy growth and development of all children within Gitksan families and communities.

4. Development of services to enhance:
   - family and community services
   - child care services
   - placement resource development (foster homes, group homes, etc)
   - adoption services
   - repatriation services, etc (support services to realign people who have been removed from the community to make their transition easier when returning)
   - by utilizing our traditional system as guidelines and under the direction of our Elders.

5. Decisions on who would be accountable for services.

6. Setting standards for services to be offered.

7. Documentation of the division of responsibilities between the Band Council and Gitanmaax Health and Child Care Committee.

8. Determining on-going staffing requirements, with a clear statement of duties, responsibilities and qualification for each job.

9. The development of training proposal for the members of the Band, Band Council and the upgrading of present staff of the Band and any new staff to be hired.

10. The development of a support plan to ensure that the transfer of responsibilities is successful.

The program will be developed according to the specific needs of the Gitanmaax Band and will include:

1. Preventive services to try to avoid crisis situations within the family structure.
2. Supportive Services to assist families having difficulties with social issues. - alcoholism, child abuse, sexual abuse, drug abuse, child neglect, family violence, vandalism, delinquency, education, counselling.

3. Coordinating services to provide informative workshops, counselling and resources for families involved in prevention and crisis situations.

4. Strategy for the transfer of responsibility for both statutory (those required under the Family and Child Services Act, Family Relations Act and Adoption Act) and non-statutory (prevention and support) services.

5. To negotiate with the Federal and Provincial governments to take over the responsibility from the Superintendent of Child Welfare under section 3 of the Family and Child Service Act.

SPECIFIC TASKS REQUIRED TO BE UNDERTAKEN

1. Set up an Elders Advisory Committee. Provide informational workshops to members of the community on social issues of concern.

2. Develop a training proposal for all Band Social Workers, and other human service personnel.

3. Develop on the job training through workshops and supervision for all Band counsel and employees and human service personnel and other concerned members of the community.

4. To establish an emergency network centre in Gitanmaax.

5. Recruit, assess and list all acceptable faster homes for temporary and permanent placement of children in Gitanmaax.

6. Research and develop needed service facilities such as group homes, receiving homes, intermediate care centres, senior citizens homes, halfway homes, youth centres, social centre, etc.

7. Develop policies on service standards and procedures for facilities.

8. Strengthen traditional adoption practices.


10. Strategy for obtaining jurisdiction of welfare services from the Ministry to the Gitanmaax Health and Child Care Society.

11. To research and locate children apprehended by Ministry in the past and to keep a close monitor of these individuals.

12. To identify, assess and plan for the development and delivery of needed services for our community. (probation, peace keeping forces)

13. To develop a three year social development plan for the community.

14. To develop a financial accounting system at the Band level.

15. To set up a statistical information system at the Band level.
16. To establish a system of report writing and record keeping at the Band level.

17. To set up a meeting schedule as well as appeal process at local level.

18. Establish an evaluation process for measuring success level and areas requiring further development work.

   1. Is the process meeting the needs of the families?
   2. Are the workers effective?
   3. Is the program providing all services required by the community?
   4. Is the training adequate to meet community needs?
   5. Follow up process meeting community needs?
   6. Success of referrals and placements?
   7. Community feedback - both positive and negative.

PRESENT PROTOCOL OF GITANMAAX HEALTH AND CHILD CARE COMMITTEE

1. Initial contact with client requesting assistance.

2. Interview and documentation of all information from client and permission to process.

3. Verification of information provided by client with outside agencies. e.g. MHR, Schools, CAPS, etc.


5. Interaction with Client/Family to discuss possible alternatives and to set up plan of action acceptable to both the client and committee.
   1. Safe home
   2. Counselling
   3. Treatment Centres
   4. Support system
   5. Referrals
   6. Confrontation with offenders
   7. Legal Process
   8. Ongoing follow up
   9. Placements when at risk

6. Outside agencies will be utilized as resource personnel as required.

Appendix C (con’t.)

Subsequent Child Welfare Protocol

Recognizing that the GHCCC has taken the initiative to implement a comprehensive strategy to provide Child Welfare and Family Services to persons resident of, or affiliated with the Gitanmaax House Territories; recognizing the legal mandate of the MSS; and recognizing the effectiveness of service delivery during three years under the current protocol; we are revising the protocol to reflect present relationships between GHCCC, Elder’s Advisory Committee, and MSS, Hazelton District Office.

This protocol will provide guidelines for the provision of all social services in the Gitanmaax House Territories by the GHCCC and MSS. It is a step toward the eventual transfer of control over the delivery of social services from the MSS to the GHCCC within the Gitanmaax House Territories, as per the pre-planning agreement between the Office of Hereditary Chiefs and GHCCC.

PROTOCOL
MINISTRY OF SOCIAL SERVICES - Hazelton District Office (MSS)
and
GITANMAAX HEALTH & CHILD CARE COMMITTEE (GHCCC)

Complaint received by District Office

Is child registered, entitled to be registered, or affiliated with the Gitanmaax Band and/or House Territories?

NO

YES

MSS followup
Notify GHCCC

GHCCC planning and consultation with Elders Advisory Board

Is child at risk?

YES

NO

Notify MSS
District Office
GHCCC followup and case update at monthly case meetings with MSS

Is this a report of physical or sexual abuse?

YES

NO

Initial contact with RCMP

Joint assessment and planning for intervention by GHCCC, MSS, RCMP

Investigation interviews as per joint plan

Is child at risk?

YES

NO

GHCCC places child
Provide family services

GHCCC provide family services as requested

End

- Court Process
- Case planning with GHCCC
- Long Term Planning with GHCCC

- Consult with House Heads, Extended Family, and Elders
- Case planning and referrals
- Long term planning

- MSS Agreement or Agreement if appropriate
### Appendix E

#### Abbreviations Used

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AIP</td>
<td>Agreement-in-Principle</td>
</tr>
<tr>
<td>BCR</td>
<td>Band Council Resolution</td>
</tr>
<tr>
<td>CAPS</td>
<td>Community Assistance Program</td>
</tr>
<tr>
<td>CF&amp;CS</td>
<td>Child Family and Community Services Act, B.C. (1994)</td>
</tr>
<tr>
<td>DIAND</td>
<td>Department of Indian Affairs and Northern Development (used in place of INAC - Indian and Northern Affairs, Canada, also simply, DIA)</td>
</tr>
<tr>
<td>EAC</td>
<td>Elders Advisory Committee</td>
</tr>
<tr>
<td>F&amp;CS</td>
<td>Family and Children's Services Act (B.C., 1979)</td>
</tr>
<tr>
<td>GHCCC</td>
<td>Gitxsan Health and Child Care Committee</td>
</tr>
<tr>
<td>GTO</td>
<td>Gitxsan Treaty Office (previously the OHC)</td>
</tr>
<tr>
<td>GWES</td>
<td>Gitxsan Wet'suwet'en Education Society</td>
</tr>
<tr>
<td>GWWA</td>
<td>Gitxsan Wet'suwet'en Watershed Authority</td>
</tr>
<tr>
<td>MSS</td>
<td>The Ministry of Social Services (previously Ministry of Social Services and Housing, MSSH and Ministry of Human Resources, MHR)</td>
</tr>
<tr>
<td>OHC</td>
<td>Office of the Hereditary Chiefs (latterly the GTO)</td>
</tr>
<tr>
<td>TC</td>
<td>Tribal Council</td>
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Appendix F

Treatment Program Proposal
July 24, 1989

The Gitanmaax Child and Health Care Committee proposes to operate a ten bed facility on the Gitanmaax Reserve and will operate a ten week treatment program. Group Home parents and counsellors will be available to the community as well as to occupants of the group home.

The following proposal outlines our intent and the content of the treatment program. We have discussed the content of the program with the Elders and youth in our community and are getting positive feedback from them.

We are also proposing to allow the community to name the facility which was built by the Gitanmaax Band for use as a group home.

This group home is a stepping stone to obtaining three clan longhouses that will be operated by Elders of each clan who will be responsible for educating the youth in their history and would be geared towards a more longterm residence. Support and reinforcement would be obtained from Elders of the community. The non-natives would work specifically out of the group home.

Rationale:
1. That we have many social problems in the community. These social issues are very predominant in our area and show no signs of being alleviated by the efforts of outside agencies. Therefore it is necessary that we undertake to work out an alternative to deal with our issues and concerns. As well, non-native agencies have situations that they are unable to deal with effectively and we would like to offer a viable option.

2. That programs and services offered elsewhere are non-native or religiously oriented and in the past have been ineffective when dealing with the native population.

3. That other alternatives should be put into place to offer more options to troubled clientele.

4. Return to grassroots traditional values to re-establish ourselves to deal with all of the day to day pressures.
5. That in order to be an effective program it is essential that the people mostly utilizing the services should have input in the development of the programs.

6. That under the direction of the traditional system the program will have the necessary community support system to succeed.
### Appendix G

**Gitxsan Family Care Homes**

**Gitxsan Family Care Homes**
May 3, 1993

<table>
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<tr>
<th>HOMES</th>
<th>BEDS</th>
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<tbody>
<tr>
<td></td>
<td>*Regular</td>
<td>Restricted</td>
<td>Regular</td>
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**On Reserve:**

<table>
<thead>
<tr>
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<th>Regular</th>
<th>Restricted</th>
<th>Regular</th>
<th>Restricted</th>
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<tbody>
<tr>
<td>Gitanyow</td>
<td>1</td>
<td></td>
<td>3</td>
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<tr>
<td>Gitwangak</td>
<td>2</td>
<td>2</td>
<td>5</td>
<td>4</td>
</tr>
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<td>Gitsegukla</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>5</td>
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<td>Gitanmaax</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Glen Vowell</td>
<td>1</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Kispiox</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>3</td>
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**Totals:**

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<tbody>
<tr>
<td>9</td>
<td>9</td>
<td>20</td>
<td>14</td>
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**Group Homes:**

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<tbody>
<tr>
<td>Gitanmaax</td>
<td>5</td>
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**House of Care,**

<table>
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<tr>
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<tr>
<td>Kispiox</td>
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**Off Reserve:**

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<td>2</td>
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</table>

*Regular Family Care Homes* (Foster Homes) are those which meet the criteria set for care outside of the family.

†Restricted Family Care Homes (Foster Homes) are homes which have a relationship to the child, and the criteria are less intensively examined because of the relationship. Relationships generally consist of blood relations - extended family members who wish to provide care for a relative.

* includes both MSS and Band beds
Appendix H

Structural and Name Changes

Tribal Council Structural Changes for the Gitxsan and Wet'suwet'en Nations

1. 1968 - Gitksan - Carrier Tribal Council formed
    - GCTC

2. 1983 - Gitksan - Wet'suwet'en Tribal Council
    - GWTC

3. 1987 - Gitksan - Wet'suwet'en Office of the Hereditary Chiefs
    - political infrastructure (Mas Gak, 1993)
    - Gitksan - Wet'suwet'en Education Society
    - social infrastructure (Mas Gak, 1993)
    - Gitksan Wet'suwet'en Government Commission
    - physical infrastructure (Mas Gak, 1993)

4. 1992 - Gitksan Treaty Office
1994 - Gitxsan Treaty Office
    - Gimlitxwhit (people who stand at the front of their canoe and guide it) representatives for 57 House Groups
1994 - Gitxsan Health Authority
    - GHA

5. 1994 - Wet'suwet'en Treaty Office
    - WIO

The structures and services provided by the Tribal Council based in Hazelton have changed significantly, their name changes reflecting the primary development work carried out as well as the Nations served. When referring to the organizations, I have used the name that was current at the time I am referring to in the thesis. In generally discussing Gitxsan actions, I use the current spelling, Gitxsan.

Name Changes - Provincial and Federal Government Departments

1. Ministry of Human Resources
    - MHR

2. Ministry of Social Services and Housing
    - MSSH

3. Ministry of Social Services
    - MSS

4. Department of Indian Affairs
    - DIA

5. Department of Indian Affairs and Northern Development
    - DIAND

6. Indian and Northern Affairs Canada
    - INAC

In the interest of simplicity, I refer to the provincial social welfare authority as the Ministry of Social Services (MSS). Its structures have not changed significantly during the time frame of this study.

The federal department mandated under the Indian Act is referred to as the Department of Indian Affairs and Northern Development (DIAND).
## Appendix I

**Interview Schedule**

<table>
<thead>
<tr>
<th>GHCCC</th>
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<tr>
<td>Mari McRae,</td>
<td>Apr 8, 1993 - Jan 26, 1994</td>
<td>Jul 13, 1994 - Feb 22, 1995</td>
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<td>Audrey and Charlotte - Group Home</td>
<td>Feb 01, 1994</td>
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<td>Audrey Woods, Nagun</td>
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<tr>
<td>Charlotte Sullivan - Wii Goobl</td>
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**Joint Interviews:**

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<td>Marilee Law (MSS)</td>
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<td>Lyndale George (G.W. Gov. Comm.)</td>
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<td>Apr 29, 1993 - June 29, 1993</td>
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**EAC**

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<td>Martha Ridsdale, Ah 'ya wa shu</td>
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<td>Martha and Art Ridsdale</td>
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**OHC/ GTO**

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<tr>
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<tr>
<td>Don Ryan, Mas Gak</td>
<td>April 30, 1993 - July 17, 1994</td>
</tr>
<tr>
<td>Gary Patsey, Gali Skalun</td>
<td>April 26, 1993 - Nov. 19, 1993</td>
</tr>
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<td>Gordon Sebastian, Anuthlem buhn</td>
<td>April 13, 1993</td>
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**DIA**

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<tr>
<th>Edmond Constantineau</th>
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<td>Bill Zaharof</td>
<td>March 15, 1993</td>
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<td>Bill Lesak</td>
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**MAA**

| Shaunee Casavantes         | March 10, 1993             |

**MSS**

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<td>Fred Storey,</td>
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<tr>
<td>Wayne Ironmonger,</td>
<td>April 16, 1993</td>
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<td>Gerry Merner,</td>
<td>April 20, 1993</td>
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