

BC First Nations Studies 12

Training Papers

2007/2008

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List of Possible Responses

Question #1

Note to markers: Other responses are possible. Teachers should take into consideration current events and local or personal examples.

Students are not expected to include all of the following points and they may include other valid points not presented here. Students may earn full marks by developing a limited number of points.

1. Describe how First Nations education has changed over time. Support your answer using specific examples.

Some possible answers may include:

Traditional First Nations Education

- practical to the needs of the individual, family, village and tribe
- Elders are important teachers
- use of environment is important
- strict rules for behaviour
- values, beliefs and practical knowledge were emphasized
- roles were clearly defined
- individuals were carefully trained for their roles
- community took responsibility for education
- learning through observation and then practice
- teaching was primarily oral and practical demonstrations

Colonialism

Impact of disease

- loss of teachers, loss of children

Day and residential schools

- loss of language, culture and self-esteem (can give specific examples)
- taught by non-Aboriginal teachers (often poor quality of teaching, teachers were not trained in cross-cultural education)
- Aboriginal identity was not facilitated

- **high drop-out rate of children**
- **schools offered little or no First Nations materials or programs**
- **poverty and marginalization**
- **dysfunction in some communities**
- **corporal punishment**

Contemporary

- **1972 Indian Control over Indian Education Policy paper**
- **First Nations teachers**
- **First Nations programs and materials offered in schools**
- **First Nations colleges and universities**
- **education of non-Aboriginal teachers**
- **culture taught in schools**
- **culture and history taught in First Nations communities**
- **Band run schools**
- **Aboriginal people in the schools as role models**
- **Aboriginal languages taught in schools**
- **increase of graduation rate**

Question 1 – Training Paper #1

1. Describe how First Nations education has changed over time. Support your answer using specific examples.

The first nations education has changed greatly. Over the years the first nations have become more and more economical. In the day the children did not go to school but rather got their education from others. Many people considered the natives to be under achievers compared to the others who attended public schooling.

Now days the first nations children go to school, or at least the majority of them go to school. Their education has changed drastically as they can now vote and have the education of the others around them and the rights of non aboriginals. The Indian ways have changed so much that it is hard to picture how they were in the past. Un-educated and living from the land without outside contact.

Question 1 – Training Paper #2

1. Describe how First Nations education has changed over time. Support your answer using specific examples.

The first nations education has changed overtime. For one obvious reason there is no more residential schools. But going way back shows how there education has changed. For hundreds of years they were brought up by their elders and these ways like hunting all the dancers they were taught threw the years.

And then all of the sudden the Europeans came into the lives of the First Nations. Soon after that there was residential schools put into place and that generation of kids were told and taught different. From what their elders thought and told them what to do over the years. Those are a couple of different examples of how the First Nations education had changed.

Question 1 – Training Paper #3

1. Describe how First Nations education has changed over time. Support your answer using specific examples.

First Nations started out from learning from the people around them and from experience. Throughout the year's the First Nations of Canada have gone from traditional learning techniques to learning in public schools.

Before public schools were standard for the First Nations they were often put in residential schools against theirs and their families will. First Nations children are quoted in saying that they felt like slaves in residential schools. They were often put to work cleaning and doing laundry for half the day and learning for the other half.

Traditional teaching through the band taught the children what they needed to know at that period in time. If there was a confrontation with two children they would be taken aside and lectured about how fighting makes them look unintelligent in front of others. Vision quests were used as the symbol of transition from youth to adulthood.

When the First Nations entered public schools there was some discrimination at first. Over time people accepted First Nations children and treated them as equals. Public schools have a much better learning environment than Residential schools and it teaches them the things they need to know rather than trying to assimilate them.

Question 1 – Training Paper #4

1. Describe how First Nations education has changed over time. Support your answer using specific examples.

Through out time First Nations Education has changed from elder telling and helping to First Nations trying to be assimilated in residential schools. Then, to the government trying to help get thier cultral and language education back.

In the beging First Nations did not go to schools. They learned from the elders showing them how to do things like fishing, basketry, drying meat, cooking and hunting. They also would learn by watching their parent, cousins, and sibling doing thing and imatate what they did. They would also learn by their elders sitting around and telling them things that their elders thought them. They learned their cultural from these ways. How they learned their language would be the same as us Canadians do but they did not go to school and they were not tought by teachers, it was by their elders and family and friends.

Then it went to the government and churches trying to assimilate the First Nations. They wanted all First Nations children to come to residential schools. In the residential schools First Nations were not loud to speak their language or even mention their cultural. In these residential schools they were taken away from home. They were taught to speak the english language, to live by the white cultral. They were not treated well. They were not fead much, were beat if they spoke their language. At this time of residential schools lots of First Nations tried to kill themselves. They were relest by to their tribe at 18 years old.

Then when they got rid of residential schools. The government tried to make school for the children to learn their cultural and their languages and beliefs all in a school. The First Nations were ok about this but were not to pleased. They were not please with this because this was not how the first nation had taught their children before. In conclusion the First Nations education has changed a lot over the years.

Question 1 – Training Paper #5

1. Describe how First Nations education has changed over time. Support your answer using specific examples.

Throughout history education has been an important part of aboriginal culture. Before residential schools children were taught their language, culture, morals and respect. Even though education has changed over time the same principles usually apply.

Children have been the most important part of First Nation teaching. The children were taught from a young age to learn. Stories, games, quests are usually the ways elders would teach children their traditional language, culture, life skills, hunting, surviving and most of all morals and respect for themselves and others.

Elders were and continue to be a big part of teaching. Some of your most important lessons in life were taught from these well respected people. If you were to do something wrong you were usually sent to an elder for guidance.

Residential schools tore apart families and communities. First Nations education was severely disrupted because at residential schools children were taught completely different than their traditional background. These children who were sent to these schools lost their identity, culture, language and education.

Today, first nations have gained their rights back. Even though their identity and culture was stripped of them they came out strong and continue to educate their children. Most reserves in Canada have schools on reserves which, educate children the same way the Canadian government

educates off-reserve children. Their schools also teach culture, language and history of First Nations.

First Nations have come along way in this process but continue to educate their children. First Nations believe throughout life you never stop learning.

Question 1 – Training Paper #6

1. Describe how First Nations education has changed over time. Support your answer using specific examples.

The education of many First Nations has changed over time since the first contact of European and the fur trade. Before the fur trade began, the First Nations people had a more hollistic view of the education of their children. The extended family, the Elders, and the whole community had a hand in the child's education. Elders also narrated creation stories involving the Raven, the Trickster, or any other transformers. After first contact, First Nations people's education was placed in the hands of the Europeans and their children were sent to residential schools. As time progressed, Friendship Centers were created to educate First Nations, living in urban areas, of their heritage and also to help them in other areas of life living in the city. Also the En'owkin Center which is also called the En'owkin School of Writing, was constructed to house recovered treasures.

Before the fur trade era, First Nations people had a hollistic view on the education of their children. Elders, the extended family, and the community saw to it that their children educated properly. First Nations children learned by doing the work, instead of just merely watching or writing it down. They hunted, fished, prepared food, and this was how they learned. Their parents did not pester or bother them or forced them to be a certain way, instead they believed that their children would get a sense of independence if left alone. Elders also told oral narratives to the children, and by doing this, they could learn about creation and about the Raven or the coyote. They were told about the trickster who was witty and humorous, and the reason was that they could learn from their mistakes.

When the Europeans came, they took control of the lives of the First Nations people. They sent the First Nations people's children to residential schools where they were taught basic academic skills and practiced reading and writing English for half the day. The other half of the day, the children spent it putting their "skills" to practice. They maintained the building, they had to feed themselves so they planted food and gardened. They said that they were treated like slaves. Another change of education were the Friendship Centers, which were operated to educate First Nation people, living in urban areas, about their heritage and culture, and about help in other areas of living in urban areas. The En'owkin Center, also known as the En'owkin School of Writing was constructed by Aboriginal peoples to house recovered cultural treasures. Then there are public schools which educate Aboriginal children, but are in no way planning a full assimilation into Canadian society any further. These public schools educate Aboriginal children so that they have a better chance at a good future and to ensure that they get a good job out in the world. Subjects like First Nations Studies 12 teaches other non-Aboriginal people about their heritage and culture, and also their hardships and struggles to gain Aboriginal title to their land they once owned, and also Aboriginal rights. Efforts are made to regain the First Nation language.

Ever since the first contact with European, First Nations lives will never again be the same. Their holistic view on education were put aside, their children were in the hands of the Europeans. They were sent to residential schools and taught almost nothing, but worked like slaves. Oral narratives told by the Elders taught them many things, such as parenting skills, which they weren't taught in residential schools. Friendship Centers offer help to those who want to know more about their

heritage and culture. Public school provide a way for Aboriginal people to (maybe) regain their languages.

Question 1 – Training Paper #7

1. Describe how First Nations education has changed over time. Support your answer using specific examples.

First Nations education has been one of the changing aspects in First Nations life over time. Pre-contact education was completely different from European education, in that children were valued members of the society, and that education was taught in a more hands-on basis, where a child would learn by watching someone else do it, and then do it themselves. Post-contact changed education, among many other aspects of Aboriginal life, with the introduction of residential school in the early 1900's, which was a brutal attempt at assimilation by forcing First Nations children to adopt European religion and language, while extinguishing their own culture and language. Modern education has moved away from trying to assimilate First Nations people to attend public school, with recognition to their rights just as with anyone else and respect to their culture. Modern education doesn't try to make First Nations like everyone else, but a suggested reason for the high drop-out and fail rates among Aboriginal people could be that they don't find school to be that relevant, in that we don't incorporate any First Nations knowledge into the curriculum. Modern education is still about learning about European culture, like science and social studies, without delving into the First Nations knowledge base in these matters.

Traditional education was very different from European past education with the philosophy that "children should be seen, not heard" which discouraged children from being equal members of society, but instead had trouble communicating and expressing their feelings as they grow up and mature. But children in First Nations education were valued members of society, and unlike the European education method, learning was a

part of everyday life in First Nations culture. It was considered a lifelong journey that didn't stop, where as Europeans had schools where the majority of a child's education was inducted for 6 hours a day. Aboriginal Children learned from their Elders by observing them do something, such as retrieve oil, and then would learn hands-on how to do it themselves. They weren't told how to think, because by learning by observation, children would learn to think for themselves. The First Nations oral tradition also served the purpose of educating children, these stories would tell the children of the past, how things work in the world, and trickster stories can be used to show children what can happen when they do something wrong. Creation stories would be told to educate children about First Nations culture, and to answer questions, while children also learned daily cultural things such as stewardship of the land from observation.

After contact, residential schools were created as a tool to assimilate the Aboriginal people into European society, and as the Indian Act wasn't working to well, the government decided to target the children, and force European religion and language on to them while simultaneously forcing them to forget their own language and culture. Aboriginal children were forced to attend residential school, and the parents faced consequences if they didn't send their child, so they didn't have much choice. From the moment of entering the school, children were not allowed to speak their language anymore, and would face physical punishment if they did. This was the method Europeans chose for replacing the childrens Aboriginal culture with the European one. Residential school had a strict schedule, where students must line up for breakfast at 8:00AM or so in the morning, and then clean from 8:30 to 11:00, and then have lunch, then have lessons until 4. Residential school was a harsh attempt at assimilating the youth into European

society, without any respect towards the children or their culture, which traumatized many residential school survivors. Physical and sexual abuse was common in residential schools, as the government didn't keep a close watch on what was happening, and most of the news was hid from the general public. Children were forced to clean the school, due to a limited budget for hiring cleaners, and were physically abused when they did something wrong, totily different from traditional education, which respected the children. Residential school survivors face many issues in society today, including repression from their own culture and language, some Elders are simply still afraid to speak their own language on account of what happened to them when they were young. There are also court cases on the physical and sexual abuse that many have suffered at residential school, and as residential school survivors have only seen violence through their lives, they are now struggling to raise their own children, having not learned anything such as parenting at residential school. Residential school is also a key reason as to why there is so much violence and drugs in First Nations societies today, as the last residential school closed in 1979, hardly 30 years ago, any many First Nations adults today had to go through residential school.

Modern education is a step up from residential school for the First Nations, as it is taking more of an attempt to intergrate Aboriginal people into society, rather then assimilate them. There are even reserve schools for them that are located on reserves, where Aboriginal people can learn among their peers. Modern education is still different then the traditional First Nations education system, in that it is in a building and is more based on reading a textbook and reciting its contents on a test, rather then hands-on work and observation outside. A reason why First Nations are having high drop-out rates in school these days might be because they don't find the curriculum relevent to them.

The school curriculum is based on European society today, and only courses such as BC First Nations Studies 12 have Aboriginal culture aspects in them. I think that if courses such as science and english had more recognition for Aboriginal peoples' knowledge and accomplishments, then school would be more interesting for both them and other students.

In conclusion, First Nations people had experienced great changes in education since their observation and oral-based traditional education. They had experienced a great hit on culture from residential school, and we are now just correcting that mistake with the modern education system, but improvements could still be made to improve failures, attendance, and drop-out rates among First Nations.

Question 1 – Training Paper #8

1. Describe how First Nations education has changed over time. Support your answer using specific examples.

First Nation education has changed over time, each form of education can be defined in three different categories. There's traditional education that was practiced pre-contact and for sometime after, until the rising influence of settlers and immigrants took over in the form of residential schooling. This marks the period in time in which education was in the hands of non-Aboriginals and was focused on assimilation of culture. Lastly there is the period of time in which First Nations education falls under today, where cultural is openly encouraged and taught.

Pre-contact education existed within a society dissimilar from our own. Education was centered around living harmoniously and surviving in the wild. Cultural knowledge and history was passed down orally through complex and intricate narratives, as well as art, song, dance, and a myriad of other sources.

As foreign powers colonized North America First Nations control on education began to wane. The time of assimilation had come, and governments attempted to eliminate Aboriginal culture through residential schooling. First Nations youth was removed from their traditional homes and alienated from their family and culture, here in a foreign environment they were prohibited from even speaking their own language. It was thought that by denying them all aboriginal identity and teaching them to take up jobs as laborers and farmers they could assimilate them and turn them to become more like "white people". This practice could not be tolerated forever and was disbanded sometime after WWII.

Mortified by the appalling nature of residential schools, a new movement to preserve aboriginal culture revolutionized the aboriginal Education system. First Nations groups lobbied for a change, and notable changes occurred. They were granted the right to educate their own youth. The Residential school system was abandoned. A new age was ushered in, even public schools developed programs targeted towards first nations issues (BCFNS)

Aboriginal education has evolved alongside North American society. At first, North America belonged to the Natives, and education remained their own and followed the traditional ways. Then, North America became colonized with foreigners, and these people decided that everyone should be same, so they adopted the melting pot theory and tried to absorb aboriginal culture through education. Finally, the last distinct era of aboriginal education is defined by the society we live in today, where cultural and ethnic differences are recognized and respected, and are treated with appropriate regard.

Question 1 – Training Paper #9

1. Describe how First Nations education has changed over time. Support your answer using specific examples.

First Nations educational practices have been subjected to a great deal of change through both time and European influences. Traditional customs for passing on knowledge between generations were replaced by governmental policies that forced Aboriginal children to attend residential schools.

After much systemic oppression, the focus of Native people's learning has shifted to cultural revival and adaptation to modern lifestyles without forgetting traditional values.

Before the introduction of colonial hegemony, Aboriginal had developed an effective way to transfer skills and morals to their children. Story telling was a powerful tool for teaching, and could vividly describe the philosophies of creation, history of one's family, importance of a local resource or a lesson on ethical behavior.

Everyone in the community was considered a teacher, so there was a sense of responsibility to inform the younger members of society. Connection to the land one lived on was a major point that was stressed in Aboriginal education, thus sustainable management of the abundant sources of wealth in BC was at the heart of the traditional First Nation curriculum.

After the nation of Canada had been established, the Indian Act made attendance of church operated residential schools mandatory. Children were separated from their family and culture and tossed into an

unfamiliar and very unfriendly environment. Use of any language other than English was strictly prohibited, and Christian principles were imposed on the students who lived in sub-standard conditions and performed manual labour against their will.

The goal was to assimilate Aboriginals completely into mainstream Canadian society and prevent Native culture from thriving. Many instances of abuse created a great deal of psychological turmoil, and is directly linked to many of the contemporary social issues First Nations communities are faced with today.

Following years of discrimination, negative portrayals and stereotypes that distort cultural identity, and restrictions placed on ceremonies because of the Indian Act, aboriginal education is now primarily concerned with bringing vitality back to heritage and healing the legacy of colonialism. Examples of this are the Umista cultural centre which houses many sacred treasures, the Enowkin Centre for Aboriginal literature and the Nicola Valley Institute of Technology which tries to incorporate tradition with new tools and skills.

First Nations people had a highly evolved educational system that was taken away by implementing the residential school model. Now Native people must learn how to imprint the lesson of their ancestors on the institutions of this age in time.

Rationales for Question 1

Training Paper #1 – Mark: 1

- A position/thesis is not evident
- Deficient recall of factual content; lacks organization
- Absence of supporting details
- Full of errors

Training Paper #2 – Mark: 2

- A position/thesis is inadequate
- Insufficient recall of factual content; lacks organization
- No supporting details
- No conclusion
- Awkward expressions; errors interfere with meaning

Training Paper #3 – Mark 2

- A position/thesis is inadequate
- Insufficient recall of factual content; inaccuracies noted
- Lacks organization; narrative style that speaks in generalities rather than factual content
- No supporting details; no conclusion
- Awkward expression; errors interfere with meaning
- Generalities diminish the possibility of addressing the topic

Training Paper #4 – Mark: 3

- Relevant position/thesis is attempted
- Minimal recall of factual content; organization is evident
- Position is supported with some detail and conclusions are weak
- Expression is limited; errors impede and distract meaning
- Very general in content

Training Paper #5 — Mark: 4

- Relevant position/thesis is evident
- Adequate recall of factual content; generally organized in a purposeful manner
- Position is supported with sufficient details and adequate conclusions are drawn
- Expression is sufficiently fluent; errors do not impede meaning

Training Paper #6 — Mark: 4

- Relevant position/thesis is clearly stated
- Proficient recall of factual content; organized in a purposeful and effective manner
- Position is supported with well developed details and an effective, not insightful, conclusion is drawn

Training Paper #7 — Mark: 5

- Relevant position/thesis is clearly stated
- Proficient recall of factual content; organized in a purposeful and effective manner
- Position is supported with well developed details and an effective conclusion is drawn
- Expression is generally fluent

Training Paper #8 — Mark: 6

- Excellent recall of factual content
- Thesis is clearly stated
- Organized in a purposeful and effective manner
- Position is sufficiently supported with thoroughly developed details and an insightful conclusion
- Expression is clear and fluent with few flaws in communication

Training Paper #9 — Mark: 6

- Excellent recall of factual content
- Thesis is clearly stated
- Organized in a purposeful and effective manner
- Position is sufficiently supported with thoroughly developed details and an insightful conclusion
- Expression is clear and fluent with few flaws

List of Possible Responses

Question #2

Note to markers: Other responses are possible. Teachers should take into consideration current events and local or personal examples.

Students are not expected to include all of the following points and they may include other valid points not presented here. Students may earn full marks by developing a limited number of points.

2. Describe the impact of various court cases on promoting Aboriginal rights. Support your answer using specific examples.

Some possible answers may include:

- Following the gains made in World War Two, a new era of politics emerged in the 1950s and 1960s. First Nations across BC organized themselves in an effort to protect and regain their Aboriginal rights.
- The courts played a key role in helping First Nations to establish their Aboriginal rights.

The Calder Case:

- In 1907, the Nisga'a Land Committee actively pursued land claims.
- In 1969, under the name of Frank Calder, the Nisga'a took the province to court arguing that their Aboriginal right to the Nass Valley had never been extinguished.
- Although the Supreme Court of BC stated that the Proclamation of 1763 did not apply to BC, the Supreme Court of Canada recognized that the Nisga'a did have title to the land prior to the formation of the Colonial government. The judges split over whether the Nisga'a currently held title.
- This case forced the government to rewrite their policy on land claims in 1973.
- It also paved the way for future cases around land title and treaty negotiations.

The Sparrow Case:

- Ron Sparrow was arrested for using a net to fish for salmon that was longer than allowed by the Fisheries Act.
- Sparrow argued in the Supreme Court of Canada that the laws restricting net size violated other laws, which protected his right to fish for food.

- The court ruled that the government had to clearly state its intentions if it wanted to extinguish Aboriginal rights.
- It also ruled that Aboriginal fishing should be given priority over the needs of other groups.
- This case helped treaty negotiations in that it again acknowledged that the government could not extinguish Aboriginal land rights to land and resources without consultation.

Van der Peet v. The Queen:

- Dorothy Van der Peet was charged with selling 10 salmon, caught illegally under the Food-Fishing Act.
- Her case went all the way to the Supreme Court of Canada. Although her conviction was upheld, the trial forced the courts to define the requirements that an activity had to meet to be protected as an Aboriginal right.
- Although this ruling hurt some Nations' cases, the decision is yet another example of the courts recognizing that Aboriginal rights and title exist and that Aboriginal people must be negotiated with.

Delgamuukw v. The Queen:

- Two hereditary chiefs of the Gitksan and Wet'suet'en sued the government over the ownership of their traditional territories.
- Ten years after the original case, the case went to the Supreme Court of Canada. The court agreed that their Aboriginal title to land had never been extinguished. They also agreed that oral history should be recognized as evidence.
- The court also defined Aboriginal title as the right to determine how land is used. It saw treaty negotiations as the way to establish these rights.
- First Nations are to be consulted on profit sharing from resource extraction.

Guerin Case:

- Local Indian agent convinced the Musqueam Nation to lease land to a neighbouring golf course.
- Renters of the land paid below market rent.
- Musqueam Nation sued the government for breach of contract.
- Result of court case – government had a fiduciary responsibility to First Nations people.
- Government was obligated to protect the interests of First Nations people.

Students could also make reference to Bill C-31, Corbière and other cases.

Question 2 - Training Paper #1

2. Describe the impact of various court cases on promoting Aboriginal rights. Support your answer using specific examples.

The court case's band potlactch's, but they did it secretly anyways. Took their rights to own land, stripped Rupert land away from them. They couldn't fish or hunt so they could feed their families/friends. They were sentence to jail if they hit "their masters" when they were slaves. Wasn't allowed to sell food. Was chased to live on reserves, & didn't have the rights to vote federally.

Question 2 - Training Paper #2

2. Describe the impact of various court cases on promoting Aboriginal rights. Support your answer using specific examples.

Over the last one hundred years there have been many court cases that in the long run end up favoring fn. people. However on the other hand there have been a ton that were extremely bias and unjust. Even though all of these courtcases have been promoting aboriginal. If we took away these peoples lives for almost 100 years and tried to assimilate them into the mainstream cant we just let them fish with a longer pole?

For example in the Guerin case this poor little woman was going to get fined for selling something ridiculous like seven salmon although the court ruled on her side, I do not understand why someone would care so much about seven salmon, well enough to sew about. It shows how uptight our society is.

All of the cases that happened in the 1900's if were not won by first nations people they still opened the publics eyes to the elementary things that some people will sew over.

Question 2 - Training Paper #3

2. Describe the impact of various court cases on promoting Aboriginal rights. Support your answer using specific examples.

Sometimes people make stands. Sometimes people make mistakes. Throughout a person's actions a conflict is born and this conflict can create different perspectives. The perspectives open the eyes of others upon their statement.

There are court case every day, sometimes trivial, sometimes serious, sometimes political yet with reason to be committed. The Calder case was involving a wedding, a beautiful idea, yet deliberately committed in secret. This event was humongous but questioned why a people should be stopped against the wish to be together. This case had defied why there is a ban against the potlatch.

When a person live off what they catch it is fine. But when a person sells what they own, there is a fine. The Van der Peet case charged a woman who had sold her fish to someone who was non-native and then fined. This case overall fought for what 'food fishing' was. In definition, food fishing allowed fish to be caught for food and for ceremonial purpose. They allowed the selling of this fish pass due to the woman's cultural history of their people having sold fish as before.

Fishing is a time to relax and escape the world. But, when you're accused of fishing wrongfully, the world of politics finds you. An aboriginal man was found fishing with a dog not for too long and out of season. Later this was taken back because his culture had been traced to have been to do this before.

In all people deserve exceptions either on circumstance of action or of not. Though bias and exclusion are unjust, there are times when some deserve, more or less their own impact. Culture can override impulse when dealing with one's political action.

Question 2 – Training Paper #4

2. Describe the impact of various court cases on promoting Aboriginal rights. Support your answer using specific examples.

Court cases/impact

The various court cases that have happened has had an impact on promoting Aboriginal right in many ways.

The Calder case that had to do with land and right sparked the reserve land argument. It changed the way that people looked at reserves and the sizes and who should own them. Today there are many reserves and land title.

The Sparrow and Van der Peet were about the fish licence. A woman sold food fish and was charged. A man fished without a licence. They both have helped protect fishing rights, so fish won't become extinct. It is now a seasonal activity you can't go fishing when ever you want.

All of the cases that have happened have had some sort of impact on Aboriginal rights. Some are good some are bad, but they helped solve arguments and make aboriginal rights more understanding. Over the years the rights have changed due to the arguments in these court cases.

Question 2 - Training Paper #5

2. Describe the impact of various court cases on promoting Aboriginal rights. Support your answer using specific examples.

There has been a huge impact of the First Nations rights because of some various court cases like the Calder case, the Sparrow case.

In First Nations times they have went from the land they know and believe is theirs to no land at all. They had rights of what they wanted to very little rights at all. When Bill-C31 came into act women finally had the right to get their status card back because they married a white man. The Calder case helped the First Nations to get more title to land because a fellow went to court about how he was not making enough money to support his kids on the reserve.

In the Sparrow Case an old lady was caught selling fish to get money they went to court for this case and got some things changed because they did not have enough money to support all of the tribe because there was not enough fish. This case made a huge impact because they could still not sell fish. But it changed their way and things about fishing.

There is a huge case in the recent times to pay those who have went to residential schools for every thing they have gone through. Because of the neglect, abuse, not clothed properly, taking away the right to be who they were. For the many who had killed themselves. Were not fed right. The court has ruled that they be paid for going to residential schools. This made a huge impact on first nations because they are getting re-imbursed for the pain and suffering they have went through. In conclusion the impact of these court cases were huge. More land

fishing rights changed reimbursed for the residential school. These were only some of the proud day for aboriginal people.

Question 2 – Training Paper #6

2. Describe the impact of various court cases on promoting Aboriginal rights. Support your answer using specific examples.

Many court cases with First Nations people have been over the Aboriginal rights of their people. In the Delgamuukw case, there was a golf course going to be made over a burial site. Vander Peek case was over a Sto:lo woman selling food fish. The Calder case was trying to gain land back because of Aboriginal rights. The Guerin case was the case which a man was fishing in his own waters. And the Sparrow case was because a man was using a pole that was too big.

All the court cases were about gaining their Aboriginal rights. The Delgamuukw was the first case that was allowed to use oral history to figure out if the land was actually theirs. Oral history is now used in many court cases.

Many cases have gone to court because of fish. Having the right to fish, but with strict restrictions is hard. In the Vander Peek case a woman sold 10 of her food fish, and she got in trouble for it. But the First Nations people should be allowed to do what ever they want with their fish.

All of the court cases have brought up some kind of Aboriginal right that hasn't been used properly. They all won their cases because they used their Aboriginal rights to their advantage. They knew they had them and they certainly used them. I am sure there will be many more court cases in the future. It's a good thing we have Aboriginal rights!

Question 2 – Training Paper #7

2. Describe the impact of various court cases on promoting Aboriginal rights. Support your answer using specific examples.

Promoting aboriginal rights is a hard thing to do many people have preceived assumptions, belief about the issue with no information. The Calder case was the first step in the right direction a split decision, very big deal. Then came other course causes that used the Calder as a precedent. The Sparrow case really helped a test, now that's making things easier. All through these trials there is media attention so generally more people knowing the facts and getting a real opinion. The court cases are complicated and long winded but they are bringing light to a very old question, of Aborigines and their title.

The Calder case named after politician and Nisga'a Frank Calder. They went to court to get the rights of their land and get the Aboriginal title recognized now as it was recognized at colonization. The Supreme Court of Canada came back saying that they had Aboriginal title at colonization, but had a split decision about currently. This was a loss in some aspects and a win in others. The win was other cases wishing for the same thing could use the Calder case as a precedent. The Calder case paved a road for others like it.

One case that was such paved was the Sparrow case. Charged for selling fish she fought to prove it an Aboriginal right through the Aboriginal title. The courts agreed and decided that there was need of guidelines for the title. The guidelines said it must have occurred before contact and/or must be essential to the culture. This guideline supports or hinders other course cases.

As in all events in history someone always writes about it, the media, the portrayal is not always correct but it does spread and promote aboriginal rights. The cases bring the subject up for discussion for those not related to it, to begin inform an opinion. These opinions are not always helpful but with more knowledge and awareness maybe it will aid in some way the fight for Aboriginal rights.

Many court cases are way over my head and these are no different. The Calder case made way for more growth. That growth flowered with the Sparrow case making it easier and easier for aboriginals to get their title recognized. There is still a long way to go, but with the way things are going it is getting closer as we speak.

Question 2 - Training Paper #8

2. Describe the impact of various court cases on promoting Aboriginal rights. Support your answer using specific examples.

Different Nations in British Columbia have filed court cases due to unfair prosecution. There are a handful of famous ones that have done so much for promoting aboriginal rights. Two very important cases that made a huge impact are the Calder case and the Van der Peet Case.

The Calder Case was filed by the Nisga'a Nation for a land claim. The Nisga'a Nation believed they had Aboriginal right to their traditional territory despite what the provincial government said. The case was finally taken to the supreme court where a split decision was made. Although they didn't completely win the case the Nisga'a nation and other nations thought of this as a major victory. The Supreme Court decision was so huge to them because it proved that the First Nations had Aboriginal title to the land.

The Van der Peet case was filed by a woman in the Sto:lo Nation after she was prosecuted for illegally selling fish. When the case went to court she claimed it was her aboriginal right to sell fish because her elders had traded fish to get other materials they required. The Sto:lo Nation won the case. From this court case the Van der Peet test resulted; which determined whether or not Aboriginals had the right to do certain things. If they could prove that First Nations had traditionally done something many years ago they could be given the Aboriginal Right to do it. This case helped so much to promote Aboriginal title.

There are more cases that helped promote aboriginal title although these two stand out. Both of these cases resulted well and proved that the aboriginals could regain the Aboriginal title.

Question 2 - Training Paper #9

2. Describe the impact of various court cases on promoting Aboriginal rights. Support your answer using specific examples.

There were many court cases in Canada that helped to promote Aboriginal rights. Among others the Calder case, the Sparrow case, the case Van der Peet vs. Queen and the Delgamuukw case seem to be the most important in promoting rights of Aboriginal people. The impacts of these court cases were various, but all of them had a huge significance.

In the Calder case one of the young leaders of the Nisga nation sued the Province of British Columbia claiming their title to the land has never been extinguished. Even though Calder did not success in this particular case the long lasting decision making was considered a big victory and progress in fighting for the right for traditional lands of Aboriginal by both Aboriginals and non-Aboriginals. Nowadays, the Nisga has it's own form of self-government on its lands.

Another important court case took place in the 80's of the 20th century. Dorothy Van der Peet was standing before the court because she sold a fish she caught to somebody else which is banned under the Indian Act. In this case the court agreed the economic and business situation had changed since when the law was passed, therefore some major changes should be made in the law system. Also, the court decided there had to be some criteria in deciding if something is or is not an Aboriginal right. This decision was important in other cases when the Aboriginal rights was defended; the courts could decide easier about these cases.

The last court case that had a huge significance in promoting Aboriginal rights was the Delgamuukw case. This case proved that the Aboriginal title had never been extinguished. Even in this case the

victory of the Aboriginals chief was not definite, but this case had also another important impact: this was the first case when the Supreme Court of Canada took the oral tradition in consideration; it was used as one of the sources in the final decision-making. Another impact of this case was that since then the rights to the land and resources also contained the right to decide about use of the land and resources.

Even though not many cases were won by First Nations people in the beginning, most of them had at least small impact on dealing with First Nations nowadays and in the future since the whole process started. The Constitution Act was passed, as well as Bill C-31. Also the Province of British Columbia finally started negotiating land claims. Many of these successes have roots in these various court cases.

Question 2 - Training Paper #10

2. Describe the impact of various court cases on promoting Aboriginal rights. Support your answer using specific examples.

Imagine losing your language, your culture, your family to disease, being carried away to a stark building that punished you for practicing your way of life. These are not figments of the imagination. These are the realities suffered by First Nations people with the arrival of European settlers. In our modern day wounds of these events still lay open. Luckily there are some who are fighting back to regain what was once theirs. There have been several court cases in our modern day that have helped to mend these wounds and promote Aboriginal rights.

One such influential court case was the Calder Case. This involved Frank Calder, a Nisga'a Chief, and he went to the courts in pursuit of Aboriginal title. Unfortunately he did not receive Aboriginal title but that is not to say that the case did not make a huge impact on achieving his goals. His case began to turn the wheels of the formation of the Nisga'a treaty, the first modern day treaty, and also got the government to look at and re-establish the laws regarding Aboriginal rights. Another case which has made a significant impact on Aboriginal rights was the Guerin case. Delvert Guerin sued a golf course because they were attempting to expand their golf course onto his tribes territory. The court ruled that the government had fiduciary responsibility and thus had to look out for the interests of the Aboriginal people. Both these cases got the government to address their issue which was a major success.

The Van Der Peet case. Dorothy Van der Peet was charged with selling 10 salmon to non-Aboriginal people. She took this issue to court and

argued that it was her traditional right to fish and sell fish. The B.C. Supreme Court granted her this traditional right, but unfortunately this was appealed and taken to the Supreme Court of Canada. They determined that it was not her right to fish and sell fish but they did produce a list up of requirements regarding Aboriginal rights. This is known as the Van der Peet test. I find the most influential court case was the Delgamuukw cases. Within this case Chief Delgamuukw sued the B.C. government for developing on his bands territory. He won, but the aspect that created the biggest impact for Aboriginal rights was that after his case their oral tradition became accepted as evidence in court cases.

This was a great victory! Our modern day society is all about documented fact, without it nothing exists. When put into perspective this is extremely unfair to First Nations people because they have no written history, just the oral tradition. Now that the courts system accepts oral tradition as evidence it brings much more hope and light to the future of Aboriginal people.

We need more brave people to stand up for their rights and challenge wrong doings. This is the only way in which the wounds of European ethnocentric views and actions can be healed and progression towards Aboriginal rights and repatriation can take place.

Question 2 – Training Paper #11

2. Describe the impact of various court cases on promoting Aboriginal rights. Support your answer using specific examples.

For many years, First Nations people have struggled for Aboriginal rights. In the past various court cases have greatly impacted the promotion of these rights. Such court cases include the Sparrow Case, the Vander Peet Case, and the Delgamuukw court case.

During the Sparrow Case, Sparrow (of the Musqueam Nation) was charged with fishing under his band's food fishing licence with a drift net that was longer than permitted by the Fisheries Act. Sparrow argued that the Fisheries Act violated his Aboriginal rights to fish, and that the length of his drift net should not prohibit him from fishing. As a result of this case, increased awareness of Aboriginal rights arose in the non-Aboriginal community.

Another important court case that promoted Aboriginal rights was the Van der Peet Case. In 1987, Dorothy Van der Peet of the Sto:lo nation was charged for selling 10 sockeye salmon to non-Aboriginals. At the first hearing, Van der Peet argued that her Aboriginal rights to fish also included the right to sell any fish that she had caught. Dorothy Van der Peet was found guilty, and fined \$50. Eventually, the Van der Peet Case made its way to the Supreme Court of Canada. There, the Supreme Court of Canada laid out guidelines that defined the terms in which a right was an Aboriginal right. For a right to be an Aboriginal right, the activity must have existed before European contact, must have continued regardless of European contact, and must demonstrate that the activity is an integral part of the Aboriginal community in

question. These guidelines are now referred to as the “Van der Peet ‘test’”.

Another landmark court case was the Delgamuukw court case. During the Delgamuukw case, the Gitksan and Wet’suwet’en nations sued the provincial government for ownership of over 55000 km² of traditional land. At the first hearing, Chief Justice Allan McEachern dismissed the claims of the Gitksan and Wet’suwet’en chiefs. He ruled that the Gitksan and Wet’suwet’en nations had never held title to these lands, and that their lives were ‘ugly, brutish, and short’ prior to European contact. Eventually, the Delgamuukw court case reached the Supreme Court of Canada. The Supreme Court overturned the first ruling, and stated that the Gitksan and Wet’suwet’en nations had indeed had title to their traditional territories before European contact, and accepted oral history as legitimate evidence. The Supreme Court of Canada said that it would have another hearing, but recommended the Gitksan and Wet’suwet’en nations to pursue treaty negotiations as opposed to litigation.

Though cases such as the Sparrow Case, Van der Peet case, and Delgamuukw court case, Aboriginal rights and the struggles for them have greatly been promoted. These cases solidify the fact that First Nations title to the land has never been extinguished, and that oral history is sufficient proof. Aboriginal rights should be restored to First Nations people, and promotion of these rights will hopefully continue to occur in the future.

Rationales for Question 2

Training Paper #1 – Mark: 1

- Position/thesis not evident
- Factual deficiencies
- Details and organization lacking
- No conclusion
- Awkward and full of errors

Training Paper #2 – Mark: 2

- Inaccurate details
- Generalities
- Inadequate position

Training Paper #3 – Mark: 2

- Position/thesis inadequate
- Deficient recall of factual content
- Absence of supporting details and accuracy
- No relevant conclusion
- Awkward expression
- Errors may impede meaning: ex., Calder case is incorrectly presented

Training Paper #4 – Mark: 3

- Relevant position/thesis is attempted
- Minimal recall of details
- Organization attempted
- Position is supported with some details
- Weak conclusion
- Expression is limited

Training Paper #5 – Mark: 3

- Minimal recall
- Thesis is attempted
- Relevant position is supported with some details which are of a more general nature
- Organization is purposeful
- Conclusion is weak
- Errors may distract and impede meaning

Training Paper #6 – Mark: 4

- Relevant position is evident
- Adequate recall of facts
- Position is supported with sufficient details
- Expression is sufficiently fluent with few flaws in communication

Training Paper #7 – Mark: 4

- Relevant position/thesis is evident
- Adequate recall of factual content
- Generally organized in a purposeful manner
- Position is supported with sufficient details and adequate conclusions are drawn

Training Paper #8 – Mark: 5

- Relevant position/thesis is clearly stated
- Proficient recall of factual content
- Organized in a purposeful and effective manner
- Position is supported with well developed details
- Adequate conclusions are drawn for the two cases which were discussed

Training Paper #9 – Mark: 5

- Relevant position/thesis is clearly stated
- Proficient recall of factual content
- Organized in a purposeful and effective manner
- Position is supported with well developed details and effective conclusions are drawn
- Expression is generally fluent with few flaws in communication

Training Paper #10 – Mark: 6

- Relevant position/thesis is clearly stated
- Excellent recall of facts
- Organized in a purposeful and effective manner
- Position is supported by thoroughly developed details
- Insightful conclusions are drawn
- Expression is clear and fluent with few flaws in communication

Training Paper #11— Mark: 6

- Relevant position/thesis is clearly stated
- Excellent recall of facts
- Organized in a purposeful and effective manner
- Position is supported by thoroughly developed details
- Insightful conclusions are drawn
- Expression is clear and fluent with few flaws in communication