

**Northern Spirit Executive Minutes
September 13, 2023 via Zoom**

EXECUTIVE PRESENT	<p>Helen Reed (Chair), Donna Kline, Mary Annan, Margaret-Anne Hall, Leslie Penny, Peter Chynoweth</p> <p>A quorum was present.</p>
REGRETS	<p>None</p>
STAFF PRESENT	<p>Shannon McCarthy (Executive Minister); Heather Dootoff (Finance Administrator), Chloe Burns (Administrative Support); Chantal Winslow (Executive Assistant & Recording Secretary), Adam Hall (Pastoral Relations Minister);</p>
CALL TO ORDER	<p>Helen called the meeting to order at 9:40 am. We checked in and Helen led us in a check in.</p> <p>Introduced Adam Hall, the new Pastoral Relations Minister.</p>
APPROVAL OF AGENDA	<p>We reviewed the agenda. And agreed that we might prioritize things as we were short on time today.</p>
APPROVAL OF MINUTES 006-2023/2024	<p>It was agreed by consensus: That Northern Spirit Regional Council Executive approve the minutes of May 10, 2023 and June 14, 2023 as amended.</p>
BUSINESS ARISING	<p>At our visioning meeting in June, it was discussed that we would invite a member from each committee and commission to serve as a corresponding member at Executive meetings. We are still in the process of making that happen. We did want to mention when we send the invite that it would be best if it could be consistent in who is sent as a corresponding member each month.</p>
CORRESPONDENCE M&S 2022	<p>We received a letter from M&S thanking the region for their donations that totalled \$651,503 in 2022. This was received for information.</p>
Canadian council of churches	<p>We received a letter from the Canadian Council of Churches thanking us for our donation of \$250 in May. This was received for information</p>
Western Intercultural Ministry Network	<p>We received a letter from the Western Intercultural Ministry Network making a request for \$4000 for their event in October.</p> <p>We have used up our Cluster and Event money but used that for things that might not be considered cluster and event. We do have a surplus or we could adjust how the other money that was given was categorized.</p> <p>Prairie to Pine gave the requested \$4000.</p> <p>If we have the funds, this would be a good use of it.</p>

007-2023/2024 **It was agreed by consensus:
That Northern Spirit Regional Council Executive approve funding in the amount of \$4000 for the Western Intercultural Ministry Network.**

FINANCE
Finance Statements

Heather reported.
We have a surplus in governance of just over \$21,000 and a deficit in Mission and Ministry of just over \$24,000 and a deficit in restricted funds of \$13,000.

Audit was a bit more expensive than we had budgeted for.

There will be an all staff retreat in Saskatoon that wasn't budgeted for this year that needs to be accounted for. The Affirming membership of \$1000 was paid.

We discussed our office space needs. We agreed that staff can discern those needs moving forward.

Budgeting for 2024 is getting started. Heather will be sending out information to committees to get started in the budgeting process.

Disaster Relief

\$1000 for disaster relief donations have come in.
Being a smaller number, it might be easiest to send it directly to a local church.
There is also approximately \$12,000 available from previous collections.

Yellowknife was evacuated but had no fire damage. Maybe we should add it to our reserve and then give it out based on requests. We need to let them know it is available. Maybe send a letter to communities affected. For a community like High River we can send it to the Anglican Church as there is no United Church there.

Shannon, Chantal and Helen will write a letter letting them know there are funds available.

COMMITTEE REPORTS

Chair Made little contacts with people over the summer.
Greg Parker funeral with Deanna Cox.

Community of Faith Support Meets tomorrow.

Incorporated Ministries
008-2023/2024

**It was agreed by consensus:
That Northern Spirit Regional Council Executive take the following actions:**

a) Bissell Centre
... pursuant to the Incorporated Ministries Policy of The United Church of Canada approve the Bissell Centre 2023-2024 Board of Directors

Ami Amato
Lauren Chalaturnyk
Melanie Fix
Emily Kneteman
Lee-Ann Leitch
Avery Letendre
Joshua Moser
Brad Shopland
Kenneth Singh
Ryan Turpin

This is based on the draft Annual General Meeting Minutes of July 6, 2023, the 2023 board member approval form, contact list provided and receipt of other required documentation per the Incorporated Ministries Policy of The United Church of Canada.

b) Kirk United Church Centre

...based on the guidance received from General Council Staff, pursuant to the Incorporated Ministries Policy of The United Church of Canada approve SOCIETY BY-LAWS, as approved by the members on June 22, 2023 of the incorporated ministry known as Kirk United Church Centre

...pursuant to the Incorporated Ministries Policy of The United Church of Canada approve the Kirk United Church Centre 2023-2024 Board of Directors

Darlene Bakker
Deanna Boyde
Gail Greenwood
Jacqueline Hunt
Wilson MacLennan
Susan Waldie
Larry Wright

These are based on the draft AGM minutes of June 22, 2023, the 2023 board member approval form, contact list provided and receipt of other 2

required documentation per the Incorporated Ministries Policy of The United Church of Canada.

STAFF REPORTS

Executive Minister

There is a new growth animator in the tri-region. Jordan Cantwell will start November 1. Shannon will be meeting with director of Growth, Cam Fraser, to figure out how to get that information out.

An all staff retreat is being planned in Saskatoon. This will conflict with our executive date in November. We will work together to get a new date for November.

Shannon will be taking her next Change Management Course. She will take Tuesdays to work on this. This will go into November.

**Pastoral Relations
Minister**

Adam provided a written report (below)

Adam's email has been changed to adam.hall@united-church.ca as the other one was too similar to another employee and it was confusing. This should be in effect immediately but the old email address will still work for about a month.

Pastoral Relations Minister: Executive meeting – September 13, 2023

- Offer my thank for the warm welcome and everyone patience as I navigate the pastoral relations system. Also important for you all to know, though you likely already know, but Chloe is awesome and does a great job!
- I have had an opportunity to meet with all of the commissions and committees, except one who meets tomorrow, and I am excited by the level of enthusiasm for making our region a stronger place.
- It would be helpful to say whether the committees or the PRC need to have a solid chair-person, rather than rotating chairs.
- I have been predominately working from my home office in Tofield, Alberta and have tried to be present at the office in Edmonton once a week. It's important to connect with Chloe and have that chance to sign documents etc. in person, but I feel that when I am working from home we are just as connected and that seems to be working well.
- Some of the work that has already taken place is trying to connect our regional office in a more formal way to our pastoral charge supervisors through written reports. The reports that have come in have been a wealth of information and has focused some Pastoral Relations work that might have been left unchecked had those reports not come in.
- A letter to the governing bodies of each of our communities of faith/pastoral charges will be sent out by the end of the week as a introduction, but a hope to rebuild connections and learn about the needs and supports that we can be putting into place.
- Clearly not for today, but I have been looking through our Pastoral Relations policies, and it seems to me that some of them are hindering our ability to support our communities rather than helping them. Not that it is my intention in conjunction with the committees and PRC, to re work some of them and send them to you all for approval in the coming months.
- Rev. Blaine Greg offered his resignation from the PRC commission effective the end of December 2023. WE offer our thanks to Greg for his work on the commission and for all that he did to support the pastoral relations work in the in-between time of Earl and myself.

- Note: Reading through the minutes of the last couple of executive meetings I have noted a lot of discussion about how to do things differently or how we can support our communities of faith. I have also heard frustration that the folks of these communities are not connecting in with our resources, not offering themselves to this work and seem to be comfortable being disconnected. I agree that there is frustration there on both ends. I number of the conversations I have had over the last month have included similar points of view. But I do think there is hope and part of that comes from the need to connect. I have spoken with Shannon already about this but there is a need to be present with people when questions are being raised, whether at congregational meetings, or board meetings, or whatever. I think part of the issue we have faced, because of the perfect storm our region faced, with structure changes, covid, and then a change in leadership, is that people simply do not know where to turn and are isolated. That has led to anger and inaction, and I am hopeful that some intentional visits and work will help to build some bridges.

OTHER

Proposal re: Indian Act

Michael Blair has asked us to ignore this for now and send it on to the National Indigenous Church. Received for information.

Namao/Sturgeon Valley – Name Change request

We received a request for a name change. Is this just the board? Or the pastoral charge? They are not one pastoral charge yet. They are creating a collaborative agreement to work together. They have asked our permission to change their name but we really don't need to give them permission.

009-2023/2024

**It was agreed by consensus:
That Northern Spirit Regional Council Executive approve the change from Namao/Sturgeon Valley Pastoral Charge Collaborative Board to New Hope Collaborative Board.**

Earl has already responded. Chloe will check to make sure they know that everything is ok.

Celebration of Ministry

Saturday October 21 at 4:00 pm at Kirk Center.
This will be our Celebration of Ministry as well as a celebration of affirm.
Julie will continue to work with Affirm and Chelsea Masterman.
There is confusion about the affirm side of the service.
Helen, Shannon and Julie will work together to get things sorted. Adam also needs to be involved since he will be covenanting.

NEXT MEETING

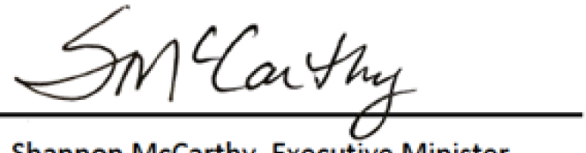
Next meeting will be October 11, 2023.

ADJOURNMENT

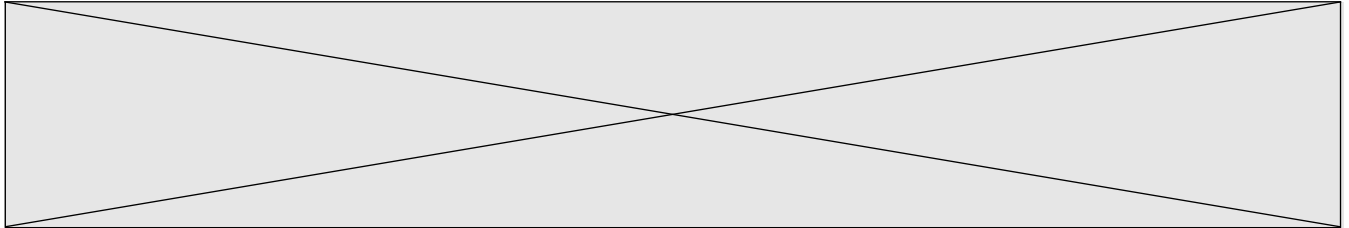
Adjourned the meeting at 10:56



Helen Reed, Chairperson



Shannon McCarthy, Executive Minister



2023 Northern Spirit Regional Council	2022 Budget	31-Dec-22	2023 Budget	31-Jul-23	
Governance Revenue					
Governance and Shared Services (from	\$ 325,000	\$ 325,000	\$ 325,000	\$ 189,583	GC figures to July 31
Shared Staff Grant Governance	\$ 67,000	\$ 90,775	\$ 67,000	\$ 39,083	GC figures to July 31
Annual Meeting Meal Fee	\$ -		\$ 25,000	\$ 23,015	
Misc	\$ 4,000	\$ 10,260	\$ 5,000	\$ 12,909	
	\$ 396,000	\$ 426,035	\$ 422,000	\$ 264,590	
Governance: Office and Staffing Expenses					
Office Expenses:					
Office Rent (Kirk Centre)	\$ 38,748	\$ 38,745	\$ 38,748	\$ 18,296	
Office Costs (supplies, phone, wifi, et	\$ 13,500	\$ 12,408	\$ 13,500	\$ 4,769	
Shared Service GC	\$ 11,500	\$ 11,167	\$ 11,000	\$ 7,752	GC figures to Jul 31
Website	\$ 1,005	\$ 1,007	\$ 1,005	\$ 1,132	
Audit/Prof Services	\$ 6,200	\$ 6,576	\$ 7,000	\$ 9,859	
Discretionary fund	\$ 5,000		\$ 5,000	\$ -	
Shared Staff Costs					
Shared EM, Asst and Finance staff	\$ 92,000	\$ 91,603	\$ 101,820	\$ 60,941	GC figures to Jul 31
Shared Staff Office Costs (office spac	\$ 3,500	\$ 923	\$ 3,500	\$ 812	
Shared Staff Travel Costs	\$ 7,000	\$ 2,386	\$ 7,000	\$ 6,023	
Staffing					
Regional Staff - Governance	\$ 147,143	\$ 147,463	\$ 155,617	\$ 93,113	GC figures to Jul 31
All Staff Con-Ed	\$ 3,500	\$ 459	\$ 4,000	\$ 242	
All Staff Training Event	\$ 2,000	\$ 3,264			Not budgeted but now occurring in Nov
Staff Travel/meals	\$ 4,000	\$ 2,289	\$ 4,000	\$ 4,260	
Governance: Committee and Structure					
Annual meeting	\$ 10,000	\$ 958	\$ 60,000	\$ 34,910	
Governance Committee costs	\$ 12,000	\$ 1,949	\$ 12,000	\$ 1,110	
TOTAL GOVERNANCE	\$ 357,096	\$ 321,197	\$ 424,190	\$ 243,219	
Remainder of Governance Total	\$ 38,904	\$ 104,838	\$ (2,190)	\$ 21,371	
Mission & Ministry (Mission & Service I	\$ 239,000	\$ 240,000	\$ 239,000	\$ 171,946	GC figures to Mar 31
Other M & M Income		\$ 415,778		\$ 1,091	
	\$ 239,000	\$ 655,778	\$ 239,000	\$ 173,037	
Mission and Ministry Costs for Region 2					
Staffing					
Salaries and benefits	\$ 116,252	\$ 110,757	\$ 123,046	\$ 64,603	GC figures to Jul 31
Mission & Ministry					
Mission Support grants	\$ 150,000	\$ 136,750	\$ 150,000	\$ 109,725	GC figures to Jul 31
M&S/Indigenous from sales/closures		\$ 304,328			
Clusters & Events, other grants*	\$ 20,000	\$ 18,383	\$ 20,000	\$ 21,814	
Mission & Ministry Committee Costs	\$ 5,000		\$ 5,000	\$ 1,288	
	\$ 291,252	\$ 570,218	\$ 298,046	\$ 197,430	
Remainder of Mission & Ministry Total	\$ (52,252)	\$ 85,560	\$ (59,046)	\$ (24,393)	
* 2020 Includes \$20000 grant for Kirk UC Centre					
Restricted/Designated Funds					
Revenue		\$ 79,766		\$ 3,838	
Expenses		\$ 61,194		\$ 17,319	
		\$ 18,572		\$ (13,481)	
Combined Surplus (Deficit)	\$ (13,348)	\$ 208,970	\$ (61,236)	\$ (16,503)	

Canada's Indian Act – A Proposal

Preamble

Reconciliation or redeeming the relationship between Indigenous Peoples of northern Turtle Island and colonial settler Canadian society is a vision and goal to be sought by all people of goodwill. Blocking the way to such a “two-row wampum” vision* are both the Indian Act, and widely-held non-Indigenous prejudices and assumptions.

For almost 150 years, these factors have obstructed the way to healthy and just relations between the Crown – asserting sovereignty on behalf of the entire Canadian nation, and the diverse Indigenous Peoples of Turtle Island North.

This Proposal seeks to address this situation to strengthen the “Reconciliation” process.

Part 1: Recommendations

[The following recommendations are based on rationale and commentary in the Proposal's Part 2 below. Footnotes follow.]

In light of historical data, a haunting past, and in consultation with non-Indigenous Canadians and United Church of Canada (UCC) members,

with affirmation of the National Indigenous Council of the UCC, and

in light of the UCC commitment to “deep spirituality, bold discipleship, and daring justice”, and

in light of the General Council's purpose to “engage in national and global partnerships and ecumenical and interfaith relations”; and to “live in covenant with Mother Earth and All My Relations in the Earth community” (*Manual D.2.3.b.&f*);

taking seriously Justice Murray Sinclair's call to Non-Indigenous Canadians: “*We don't need you to help heal us, we need you to fix yourselves. We need you to get those people out there who are perpetrating this process of working against Reconciliation under control. We need you to straighten yourselves out...*”#; and

in anticipation of The UCC's 100th anniversary since Union,

this Proposal comes as an impatient call of the Spirit to the entire United Church of Canada/L'Église unie du Canada – individual participants, diverse study & action groups, local communities of faith, educational centres and other specialized ministries, Regional Councils, the General Council and its Executive, with the following recommendations for the whole Church and its General Council:

1. **Confess** The United Church of Canada's past and ongoing complicity with the government of Canada in creating, amending, implementing, and maintaining the Indian Act of 1876 (variously amended); the Church's failure to witness to the covenantal nature of the Treaties between Indigenous Peoples/nations, the Crown (symbolizing the entire Canadian nation) and the Creator; and the Church's failure to listen to the Spirit's persistent call for just relations with all the Indigenous Peoples of Turtle Island;
2. **Repudiate** the Indian Act as a racist and illegal apartheid legislative framework governing the relationship between Indigenous and Non-Indigenous Peoples in Canada, and as denial of the nation-to-nation relationship attested by historical and modern Treaties between the Crown and Indigenous Peoples and the Creator;
3. **Witness** to the convictions of faith and justice, that the Indian Act is an apartheid policy contrary to the fundamentals of Christian faith (heresy), rooted in genocidal assimilation prejudices, which have harmed Indigenous Peoples beyond measure since Contact in 1534;
4. **Apologize** for the Church's part in sins of omission and commission that led to and sustained unjust legislated subjugation and the genocidal assimilation policies and practices imposed on Indigenous Peoples over the past 150-plus years;
5. **Repent** of beliefs, assumptions, convictions, and actions that undermined and continue to undermine faithful relationships and prevented equitable sharing of land and resources with Indigenous Peoples, human beings of the Creator's one global family;
6. **Commit** joyfully to persevering with Indigenous Peoples and other non-Indigenous people of goodwill toward healing and transformation of the relationship between The United Church of Canada and Indigenous Peoples, and to the decolonization of both Church and society^;
7. **Attest** to the conviction that the wisdom and experience of Indigenous Peoples are keenly required, vital and gracious gifts to enable the whole human family navigate the challenges which threaten Creation, including climate change, degradation of lands and seas, armed conflicts with the threat of weapons of mass destruction, disabling dependence on technology, spiritual emptiness, and more;
8. **Commit** to pursuing the intentional journey toward and realization of the Reconciliation vision that all Indigenous and non-Indigenous Peoples on Turtle Island / Canada can live together respectfully and thrive as friends sharing all the Creator's gifts for the well-being of the human family and a just and peaceful co-existence within Creation "as long as the sun rises in the east and sets in the west, as long as the rivers run downhill, and as long as the grass grows green."(*Two-Row Wampum - Teiohate Kaswenta Treaty of 1613*)*;
9. **Recognize and confirm** the conviction of Indigenous Peoples that, because the Doctrine of Discovery has been officially repudiated and denounced by Pope Francis

of the Roman Catholic Church and by the UCC, **Treaties**~ between Indigenous Peoples and the Crown are the valid basis for legitimatizing non-Indigenous presence in Canada. Treaties – historic and modern, nation-to-nation – must therefore urgently be reviewed, updated, developed, implemented, and observed, “nothing about us without us,” for the Honour of the Crown, the well-being of both Canadian society and of Indigenous Peoples, and in obedience to the Creator;

- 10. Affirm** the concern of Indigenous Peoples, namely, that fiduciary aspects of the Crown relationship, past and present Treaty provisions, and inherent Indigenous rights must be honoured and protected as Canada and Indigenous Peoples seek to dismantle and supersede the Indian Act system and culture; and that honouring this concern may require “some federal legislation to make clear the obligations the federal government bears towards [Indigenous] First Nations Peoples.”

[Ovide Mercredi, 1993 in Joseph, Bob. 21 Things ... Indian Act. P. 95]; (as per the 1984 R. v. Guerin judgement of the Supreme Court of Canada. See also the Final Report of the Royal Commission on Aboriginal Peoples (RCAP) recommendations on the expansion of the Crown’s fiduciary duties.)

- 11. Call on the Crown and all governments to denounce** the Indian Act as the historic and ongoing fundamental violation by Governments of Canada of the Charter of Rights and Freedom, the Universal Declaration of Human Rights; and as unacceptable contradiction of the 46 Articles of United Nations Declaration on the Rights of Indigenous Peoples’ (UNDRIP); and to do so not later than 12 April 2026, the 150th anniversary of the Act.

- 12. Call on the Crown and all governments to pursue diligently the implementation** of the 94 ‘Calls to Action’ of the Truth and Reconciliation Commission (TRC), the 231 ‘Calls for Justice’ of the National Inquiry into Murdered and Missing Indigenous Women and Girls; and to mine the Final Report of the Royal Commission on Aboriginal Peoples (RCAP) for its wisdom and focused recommendations for the journey to Reconciliation - all to energize a respectful and good faith process of negotiation between appropriate Indigenous and non-Indigenous spokespeople accountable to decision-making authorities and communities to **dismantle the Indian Act** and transform the relationship between Indigenous and non-Indigenous peoples;

- 13. Call on the federal and provincial governments to honour** the Crown’s historic and modern Treaty commitments by confirming and encouraging the self-determination and nation-to-nation inherent rights of Indigenous Peoples, and by ensuring adequate resources in a negotiated fiscal framework are available to provide and enhance Indigenous governance capacities with the ability to realize these aspirations;

(RCAP based new financial arrangements on five principles: self-reliance, equity, efficiency, accountability and harmonization. See Appendix 8 for current fiscal policy).

- 14. Call for a legislative framework convention** based on the acknowledgement of nation-to-nation relationships and key animating principles consistent with both

historic and modern Treaty understandings, relevant reports esp. the RCAP and the UNDRIP framework for Reconciliation, and good-faith engagement to design and recommend foundational laws coherent with the emerging relationship between Indigenous and non-Indigenous Peoples in Canada;

- 15. Call for a critical review** of federal ministries dealing with Indigenous affairs to transfer appropriate work and adequate resources to prepared and equipped Indigenous capacities for self-determination and nation-to-nation governance and partnership; the review to be undertaken jointly by Canadian government and Indigenous People representatives;
- 16. Invite all Christian Churches, the Canadian Council of Churches and other ecumenical organizations, diverse faith-based communities, and all people of goodwill in Canada** to assemble and confer, to collaborate and actively ensure that the constructive voices of faith are heard calling to leave the Indian Act behind;
- 17. Pray** that the Creating Spirit may lead all in Canada into the love-justice Way of being and acting with and for “*all our relations*” in this fair land, and that the Holy One’s grieving about the injustice and suffering of the entire human family in Canada may end. The RCAP concluded: “*It is essential to recognize and respect the common humanity of all people – to recognize and respect Aboriginal people as people who do matter and whose history matters, not only to them but to all Canadians.*” (RCAP Final Report, vol. 1, p. xxv)

Footnotes to Recommendations:

*For more on the “two-row wampum” vision, visit: <https://humanrights.ca/story/peace-friendship-and-respect>

cited in Jodi Wilson Raybould, “True Reconciliation”, p. 237)

^ a useful resource for this is Jody Wilson Raybould’s “True Reconciliation: How to Be a Force for Change”, McClelland & Stewart, 2022.

~ For more on modern Treaties and their implementation, visit the government page on: Canada’s Collaborative Modern Treaty Implementation Policy at

<https://www.rcaanc-cirnac.gc.ca/eng/1672771319009/1672771475448> . See also Appendix 3 re historic treaties.

Part 2 – Background and Commentary

(Numbers below relate to recommendations in Part 1)

(Recommendations 1 – 2)

The Indian Act

Just nine years after Confederation, the Indian Act governed the relationship between the Canadian Crown and Indigenous Peoples (First Nations, Inuit, Métis) of northern Turtle Island. It is the principal law through which the federal government administers Indian status, local First Nations governments,

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August 28, 2023

and the management of reserve land and communal monies. The Indian Act does not include Métis or Inuit peoples. The Act was proclaimed on 12 April 1876.

The Act was created and imposed unilaterally by the government of Canada with consent (explicit or implicit) and complicity of the then contemporary religious communities, including The United Church of Canada's (UCC) antecedents: Presbyterian, Methodist, Congregational, Local Union churches and after 1968, the Evangelical United Brethren denomination. The Anglican (Church of England) and Roman Catholic Churches were similarly engaged, as were other ethnically-based faith communities.

Indigenous Peoples – in all their diversity - were not consulted when Parliament considered and promulgated the Act. They had no agency in the process and the Act was imposed on them as a separate, identifiable group of inhabitants residing on their Turtle Island land mass.

Said John A. Macdonald, Prime Minister of the day, paternalistically: *Our Indian legislation generally rests on the principle that the aborigines are to be kept in a condition of tutelage and treated as wards or children of the State. ... every effort should be made to aid the Red man in lifting himself out of his condition of tutelage and dependence, and that is clearly our wisdom and our duty, through education and every other means to prepare him for a higher civilization by encouraging him to assume the privileges and responsibilities of full citizenship.*

The purpose of the Act, as declared by the MacDonald government, was to end the “Indian Problem.” The Act ensured that Canada’s national dream “*from sea to sea*” could evolve without being impeded by “Indians.” “Savages and heathens” – inferior and subhuman or deemed not human at all - were to be civilized and Christianized, assimilated into the presumed fuller humanity, community, and religion of the settlers.

In the colonies, the norm of religious uniformity (Christendom) of European nations (*cuius regio eius religio* – *whoever's region, his [the monarch's] religion*) was taken for granted. Assimilation into homogeneous European-based colonial cultures and religion (Roman Catholic and Protestant/Anglican) was the presumed benefit that settler society was, in its judgement, benignly willing to impart by imposition on Indigenous Peoples. Regrettably the various theological capacities of the day – both in Canada and in Europe – did not critically analyze or shake the theological basis of the superiority assumptions informing legislation.

It wasn't long, however, before the Act and zealous agents of government became more aggressive, hostile, and less patronizingly “benevolent”: *“I want to get rid of the Indian problem...Our objective is to continue until there is not an Indian that has not been absorbed into the body politic, and there is no Indian question, and no Indian Department...,”* said Duncan Campbell Scott, the then General Superintendent of Indian Affairs. A key corollary of this goal was the destruction of Indigenous community and communal land understandings, and the rise of European individual property ownership patterns opening “vacant” lands to be parceled out to new settlers.

(Quotations from Bob Joseph: 21 Things You May Not Know about the Indian Act. Port Coquitlam, Indigenous Relations Press, 2018, p.8; refer to this readily accessible resource for details about the startlingly destructive, harassing, and disabling regulations of the Indian Act and amendments.)

The Act betrayed the previous vision, first mooted in the Royal Proclamation of 1763, which gave rise to the historic numbered Treaties between Indigenous Nations and the Crown – nation-to-nation. (see *Appendix #3 for comments on treaties*).

Instead of respectful relating, the Macdonald government imposed dictatorial legislation creating an “apartheid” society by which colonial settler governments controlled the lives of Indigenous Peoples and subjugated them to a patriarchal dependency system.

The legislation empowered policies leading to “cultural genocide” (*according to the Truth and Reconciliation Commission*) or outright “genocide” (*according to now retired Chief Justice Beverley McLachlin of the Supreme Court of Canada*). It has been the legal foundation for inter-generational trauma and criminal injustice administered with impunity for almost 150 years. (*See Appendix 6.*)

Indigenous Peoples were deemed dependent wards of the state, controlled, and monitored by government-appointed Indian Agents, empowered by the Act to be all-powerful dictators over “their” bands and people. The 2023 edition of the Act still gives “full authority to the Minister or their agent authority” over an astonishing list of matters related to “band” life.

This racist history included the commonly held assumption that Indigenous people were sub-human. An Indigenous person’s only avenue to being recognized as a “person” was to give up their Indian status – known as voluntary enfranchisement. Once they became “people” they assumed all the rights other Canadians enjoyed, but it also meant they gave up legal rights, benefits and restrictions related to being status Indians. (*Bob Joseph, ibid., p. 27*). Ironically, in 2023, the federal government is engaged in rectifying the destructive impact of the enfranchisement policies through Bill C – 38. (*cf. <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-38/first-reading>*)

Once and for all, the Act superseded both the significance and the provisions of the Treaties negotiated between the Crown, Indigenous Peoples – as self-determining nations, and the Creator. Governments conveniently interpreted Treaties to mean that Indigenous Peoples had relinquished claims to their lands as if they were *terrae nullius* – no one’s lands. On the other hand, Indigenous Peoples understood the lands as the Creator’s gifts to them for their nurture and well-being in perpetuity. They understood the Treaties as nation-to-Crown agreements made in the Creator’s presence to share the divine gifts of these lands, seas, and resources. The faith communities stood mute.

Government trampled on the Indigenous understanding ensuring that Confederation’s first Constitution Act (British North America Act) 1867 asserted the Crown’s sovereignty, in continuity with the notorious Doctrine of Discovery, over “Indians and lands reserved for Indians” (*Section 91, class 24*). The powers and wealth of the Canadian Crown are, therefore, still based on the Doctrine of Discovery. However, the Supreme Court of Canada’s judgements have made it increasingly untenable to rely explicitly or implicitly on the Doctrine of Discovery. Nevertheless, the governments’ interpretation will continue to pervade political thinking - until a comprehensive new Treaty relationship between Indigenous and non-Indigenous peoples is negotiated.

(For more on the Doctrine of Discovery, visit:

<https://united-church.ca/sites/default/files/doctrine-discovery-backgrounder.pdf>.)

Lands Stolen Consistent with Doctrine of Discovery and Terrae Nullius

The Indian Act of 1876, without lawful authority, blatantly confirmed the Crown’s theft of Indigenous traditional lands of which 0.002% [or 9247 Sq. miles of 3,850,000 sq. miles] became 2200 newly created

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Reserves. This minuscule portion of the Canadian land mass was left for 558 bands of Indigenous Peoples. Still, even it was “owned” by the Crown “for the use of ‘Indians’” to terminate Indigenous nomadic lifestyles and learn agricultural ways. These reserves being relatively “out of sight and minds” of most Canadians was, for settler society, a bonus. [Melling, John. *Right to a Future – the Native Peoples of Canada, UCC & Anglican Church of Canada Publ., 1967 p. 68*

The remaining lands – of incalculable financial value and foundational to Indigenous identity and to mental, spiritual, and material well-being - were wrested from Indigenous control to become settler society’s treasure chest controlled by the Crown, i.e., the federal government and governments from coast to coast. In effect, “Ottawa gave itself control of almost every aspect of the lives of First Nations.... Made them ‘wards’ of the state, legally children with no rights. That is one reason why Canada is rightly defined as a colonial power and First Nations as colonized people.” [Whitcomb, Dr. Ed. *Understanding First Nations – the Legacy of Canadian Colonialism. Ottawa, From Sea-to-Sea Enterprises, 2019. P. xv*]

During the century and a half of Indian Act, Indigenous Peoples have been marginalized and impoverished socially, economically, educationally, culturally, and spiritually compared to settler society. The statistics substantiating this generalization are clear. A bottomless pit is filled with critically analytical reports detailing Canada’s “Indigenous Problem” attesting to the economic and social oppression Indigenous Peoples have experienced under the umbrella of the Indian Act.

Canada created and continues to legislate a two-track society, not in the Two-Row Wampum manner, but as “apartheid” – a paternalistic, racism-based quasi-legal means of subjugating and controlling Indigenous Peoples and their lands.

The Canadian Senate’s Standing Committee on Indigenous and Northern Affairs is currently (July 2023) undertaking a study on the restitution of land to Indigenous Peoples, including the possible access to and transfer of “Crown lands” across Canada and Indigenous rights related to those lands. With the repudiation of the Doctrine of Discovery the assumption of Crown sovereignty over lands is put in question. July Black’s sung replacement of “and” by “on” in verse one of the “Oh, Canada” national anthem might someday lead all Canadians to sing “our home on native land”, though a further evolution might have all Canada’s peoples sing “our home on shared land”.

Assimilation Failed but Act Continues

Remarkably and fortunately, the colonial goal of complete assimilation was not achieved. Indigenous People have survived, with great resiliency and courage, and with remarkable patience and goodwill, but with enough militant voices to shake up the status quo. Despite the Act and the obvious temptations of colonial capitalist values, Indigenous Peoples have maintained core values, have sustained their close spiritual relationship with Mother Earth, and demonstrate unique cultural and collective identities. They have also succeeded, despite limited resources and countless bureaucratic obstacles, in gaining key judicial judgements confirming their rights and claims.

Unfortunately, no Prime Minister of Canada, from John A. Macdonald to Justin Trudeau, has had the conscience, political integrity, or concern for the honour of the Crown, to renounce the Act or to condemn its fundamental apartheid essence, let alone to declare the urgent need to dismantle it within a new Treaty context.

Foundational laws guaranteeing systemic justice and their implementation for Indigenous Peoples have yet to become a priority for Canadian governments. As late as 1969, the Pierre Elliott Trudeau government produced a “White Paper” under the leadership of the then Indian Affairs minister, Jean Chrétien, which confirmed the original intentions of the Indian Act. The White Paper continued the assimilationist track involving the abolition of Indian status.

After vigorous Indigenous objections including the publication of a “Red Paper”, the White Paper was withdrawn – a deserved addition to piles of shelved reports. Instead, there has now been a half century history of addressing *ad hoc* situations needing attention, e.g., boil-water situations, inadequate housing, social and health crises, educational inadequacies, police enforcement issues, etc.

Far too many of these calamitous situations have been “addressed” with expressions of concern and an inadequate shipment of money, but with little radical collaborative re-thinking and addressing the root causes. Major crises might result in an inquiry producing a massive report – too often a dodge to avoid real action.

The Royal Commission on Aboriginal Peoples

In 1996, the Royal Commission of Aboriginal Peoples (RCAP) offered an opportunity for dramatic change. In its five volumes, 4,000-page, the Final Report entitled “**People to People, Nation to Nation**” recommended 440 constructive actions to transform the problematic relationship between Indigenous and non-Indigenous peoples. (RCAP used the term ‘aboriginal’ while current usage is ‘indigenous’.)

Among the recommendations were several new institutional proposals, including an Indigenous Lands and Treaties Tribunal, a permanent Treaty Commission in relevant provinces to facilitate Treaty negotiations, an Indigenous Arts Council and Languages Foundation, Indigenous Development Bank, Indigenous Peoples International University, an Indigenous Parliament to provide advice to the Parliament of Canada, and more.

Significantly, the recommendations did not call for immediate constitutional changes – a wise decision given the imbrolios experienced in previous constitutional negotiations.

Because the Report voiced the wisdom and vision of informed Indigenous Peoples, all initiatives to replace the Indian Act would be well served to study and profit from the RCAP’s careful critical analysis and its well-considered recommendations.

*[A succinct summary of the **Final RCAP Report** produced by the Institute On Governance, a non-profit charitable organization based in Ottawa, is available via this link: <https://www.files.ethz.ch/isn/122230/rcapsum.pdf>. An important resource about the RCAP is the volume of essays edited by Katherine A H Graham and David Newhouse, “**Sharing the Land, Sharing the Future – the Legacy of the RCAP,**” results of the 2016 national forum on Reconciliation marking the 20th anniversary of the RCAP. U of Manitoba Press, 2021. ISBN 978 0 88755 868 9.]*

While some implementation of the Report has taken place, tragically but not surprisingly, Canadian governments largely shelved the RCAP Report and its heroic and careful work. The commitment in settler society to the festering *status quo* goes very deep. It points to the need for all-party representatives and stakeholders to work together for change and prophetic voices to call for it.

Growing Awareness

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Since the late 1980s, it has been increasingly difficult for settler Canadians to remain ignorant of or aloof from the consequences of the Indian Act. The Indian Residential Schools (IRS) crimes and tragedies generated regular national news stories. In May 2006, negotiations for a Settlement Agreement under the leadership of Supreme Court Justice Frank Iacobucci were more than routine. They ensured the process would become a news cycle not soon forgotten. IRS survivors' class action court process against the government and churches became lasting news. The Settlement was an historic event, contributing to the "education" of all Canadians about the existence of the IRS and its devastating impact on First Nations.

The federal government's Apology to Indigenous Peoples for the IRS system in 2008 and the Truth and Reconciliation Commission's (TRC) work begun in 2010 graphically shocked the public about the IRS' prison-like cultures. Still the government did little to ride the wave of outrage. The TRC finally presented its report in 2015 to "redress the legacy of residential schools and advance the process of Canadian Reconciliation" with 94 Calls to Action, including a call to adopt UNDRIP as the incentive and framework for a national action plan for Reconciliation. But Implementation was then and is now, slow. *(The story of the costly, but rejected, early 20th century witness of Dr. Peter Bryce, public health leader, reporting tragic health conditions in the IRS can only shock us today: <https://www.youtube.com/watch?v=v51KVPv5ycM>.)*

The National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) issued its 231 Calls for Justice in 2019 after a lengthy period of public concern about the violence experienced by Indigenous women and girls. To date only two recommendations have been implemented and about half have started to be addressed. The rest await attention.

Court judgements have required governments to fund huge settlements for discriminatory neglect and inequities experienced by Indigenous communities and individuals. The current (July 2023) proposed settlement of \$10 Billion for non-fulfilment of Huron-Robinson Treaty provisions is a stark case in point. Complaints from the First Nations Child and Family Caring Society of Canada, championed by Dr. Cindy Blackstock, about the disparate resourcing of child welfare provisions also resulted in multi-billion-dollar government settlements.

These and many other reports and judgements witness to the devastating consequences of the Indian Act over the past 150 years revealing the racism and injustice of this core legislation perpetuating the Canadian colonial apartheid system and non-Indigenous society's inability/unwillingness to address the fundamentals causing them.

The Indian Act remains in force, variously amended, with its racist, paternalistic, dependency-maintaining, inequitable provisions for Indigenous Peoples and requiring the highly complex, hugely inefficient and costly public service administrative apparatus to implement the Act.

Harold Cardinal analyzed accurately the Indian Act in 1969 stating: *"It is discriminatory from start to finish. ... No just society and no society with even pretensions to being just can long tolerate such a piece of legislation, but we would rather continue to live in bondage under the inequitable Indian Act than surrender our sacred rights. Any time the government wants to honour its obligation to us we are more than ready to help devise new Indian legislation."* (Cited in King, Thomas: **The Inconvenient Indian**, Anchor Canada, 2013, p. 200.)

One can only speculate about why legally competent advocates for Indigenous justice have not challenged the legitimacy of the Act in light of the Charter of Rights and Freedoms and the Criminal Code.

Concerned non-Indigenous folk of goodwill can only feel shame that many Indigenous People have so long suffered subjugation and gross injustice, and that Canadian societal values are so tainted. [See Appendix 5 re ongoing “Self-governance Process”.]

(Recommendations 3-6)

Apartheid

It is more than troublesome that Canadian faith-based denominations, communities, and organizations, rooted in theological discernment and informed by jurisprudence, have not yet concluded they need to publicly denounce and repudiate the Indian Act as racist, de-humanizing, patriarchal, cruel, and theologically heretical.

The Act is and continues to be contrary to both human and divine laws – tainting and undermining Canadian society’s stated rights, principles, and integrity and challenging faith communities about the deficiency of their witness in their own land. This ongoing conscious or unconscious acceptance or toleration of the Indian Act makes all non-Indigenous members and communities of faith complicit in the injustice of this Act.

It is impossible to pardon ourselves by saying that we, today, had no hand in creating the Indian Act. As Moderator Bill Phipps stated in 1998 in the UCC’s formal apology to survivors of the IRS and their families and communities, *“We know that many within our church will not understand why each of us must bear the scars, the blame for this horrendous period in Canadian history. But the truth is, we are the bearers of many blessings from our ancestors, and therefore, we must also bear their burdens.”*

The UCC and South African Apartheid

In 1984, the General Council of the United Church of Canada (UCC), after substantial consultation, reflection and action, repudiated “apartheid” and declared the theological rationale of apartheid as applied in South Africa to be “heresy”. Apartheid is the only theological teaching the UCC has condemned as heresy in its almost 100-year history. (*cf. Record of Proceedings, 30th General Council, UCC, 1984; pp. 355-364;70-71.*)

The UCC was not alone in this action. In fact, the UCC was following the lead of both the World Alliance of Reformed Churches (1982) and the World Council of Churches (1983) which responded to calls for support from South Africans engaged in resistance to the white Afrikaner regime’s oppression. Both international bodies directly condemned the theological rationale issued by South Africa’s (white) Dutch Reformed Church in support of the country’s apartheid system.

The UCC General Council declared “the struggle against apartheid in South Africa and Namibia to be a just and legitimate struggle, worthy of increased humanitarian and moral diplomatic support.” It called for substantial trade, investment, cultural, and religious boycotts on South Africa to pressure the regime to yield its control. (*ibid. p. 360-363*)

The same Council repeated the UCC's 1979 call to church agencies and members personally *"to evaluate their own relationship through their bank accounts, their political activity, their use of share ownership and other assets to this particular question (apartheid) and take appropriate action"* (p. 363). Other Canadian Churches were equally active in their condemnation of South Africa's apartheid system and contributed to the end of South Africa's apartheid government in 1994.

Canada's Apartheid

Ironically, Afrikaners had been aided in creating their "Pass Laws," which controlled the movement of Black South Africans, by studying Canadian regulations embedded in the Indian Act imposed on Indigenous Peoples! Canada's "apartheid" was, for Afrikaners, a useful example of race-based policies separating Indigenous ("Indian") human beings from non-Indigenous Settler Canadians on the basis of specious but conventional biological and racist reasoning and quasi-theological conclusions reflective of Euro-white/Christian superiority convictions of the 19th and early 20th century.

In the then predominately Christian Canadian culture, churches and their members shared mainly in newly created Confederation's sub-human views on "Indians." Faith communities are not reported to have challenged the introduction of this reprehensible legislation and surprisingly missing then as now is Church-based formal theological assessments of the Act. Not even as amendments to the Act tightened the vice on Indigenous Peoples' being and doing, (e.g., outlawing seeking legal counsel to pursue justice and fining lawyers who counselled Indigenous' quests for justice!), not even then did the faith communities officially challenge the government's oppressive measures.

In the 1950s the UCC's irrepensible vision of becoming a national church to Christianize society and become the "soul of the nation" may still have been just too strong to address the injustices of the Act. (cf. chapter 7 by Gail Allan & Marilyn Legge, in Schweitzer, Fennell, Bourgeois, eds.: **"The Theology of the UCC,"** Wilfred Laurier Press, 2019. pp.173 ff. Also, Phyllis D. Airhart, **A Church with the Soul of a Nation – Making and Remaking the UCC,** McGill U Press, 2014.)

Historically, church missionaries had acted as good-faith witnesses at the signing of Treaties. They promised that "the government would respect Treaties expected by the Indians to 'last as long as the sun shines and the rivers run' ... accepting a moral responsibility that would not be forgotten." (John Webster Grant, **Moon of Winter Time.** U of Toronto Press, 1984. P.155)

But the Indian Act dashed any such expectations brutally, and the churches did not howl. The "split of humanity" became a fact in Canada with settlers benefitting and Indigenous Peoples deprived and forced into mean dependency to implement the Act's apartheid assimilationist policies.

The churches actively collaborated with the government. Operating the Indian Residential Schools is doubtless the worst and most personally traumatic example of this type of implementation work. The downstream consequences of the Act's implementation processes are still immense. With the theft of their lands and imposed residence on reserve parcels, the well-being of Indigenous families, communities, cultures, spirituality, and economies was fundamentally undermined.

Settler society, including its churches and their members, were captured by the 'Christianizing' spirit of the era. As late as 1947, a UCC brief to the federal government felt able to state: "In spite of failures, we believe that the change from paganism to Christianity is such that we can let the work speak for itself." (Archival citation in **"Justice and Reconciliation – Resource for Congregations"**, Toronto, UCC, 2001, p. 14)

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Denominations were not ready to pursue justice by challenging the Indian Act. Caught in the spirit of the time, churches did not protest the breach and dismissal of the Covenant/Treaties their missionaries had witnessed. “The split of humanity” had become an established fact in Canada, with settlers led by state and churches benefitting from the wealth of land and sea, while Indigenous Peoples were deprived of land and sea by enforced mean dependency.

That spirit generally and unilaterally determined that Indigenous Peoples were in direct need of the “improvements” that dominant civilized, Christian society was anxious to share charitably – insufficiently conscious of the actual causes of Indigenous want. The ongoing assimilationist goals of both church and state were less than “charitable”, but failed to generate criminal investigation.

(Recommendations 7-15)

UCC and Indigenous Peoples

The United Church and other denominations carried out their diverse ministries both within this Indian Act context and beyond it. By the second half of the twentieth century, the Indian Act system was beginning to unravel. A variety of influences were pressuring both government and church for change.

In 1951, the St. Laurent government was becoming aware that the United Nations’ values and goals (human rights, liberation of colonies, rejection of colonial imperialism) were negated by Canada’s Indian Act. *(See Appendix 6)*

As a result, a significant revision of the Indian Act was approved by Parliament. It did, however, not tamper with the underlying assertion of Crown sovereignty and Indigenous wardship. But the door to Indigenous legal action was opened when an earlier amendment forbidding access to legal counsel was finally rescinded. Indigenous land claims and human rights were headed to the courts – with legal counsel!

The negative impacts of the colonial apartheid society were becoming noticeable by more settler Canadians. In Canada’s centennial year, the UCC and the Anglican Church commissioned Professor John Melling, a Quaker, to write a report, “**Right to a Future – The Native Peoples of Canada,**” signaling that the societal arrangement was unhealthy.

The study booklet intended to help Canadian Christians “pause in the midst of their centennial pride and consider their fellow-citizens of native background with a commitment: to help native peoples of Canada in ways consistent with membership in the Church.” The tone of the resource was charitable, compassionate, promoting “Indian” agency. Land claims were regarded as disputes to be settled. But the core issue – the injustice of the Indian Act – was not challenged. *(John Melling, ibid. p. ix)*

In the 1970s and beyond, Indigenous Peoples were becoming restive, with a growing awareness of their inherent rights and basic strengths – patience was complemented by resistance. Challenging the conditions imposed on them and the assets stolen from them became dramatically visible nationally with the Oka Crisis or the Mohawk Resistance at Kanesatake, a 78-day standoff (11 July–26 September 1990) between [Kanyen'kehà:ka \(Mohawk\)](#) protesters, [Quebec police](#), and the [Canadian Army](#). *(source: Canadian Encyclopedia)*

The place and role of Indigenous UC congregations, members, and leaders within the Church became active issues to discuss in national consultations of Indigenous UCC people. UCC residential schools
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were closing – prodded by the fact that the federal government stopped funding the church-run schools at this time. At least this part of the Church’s implementation of the Indian Act ended. The huge justice gaps experienced by Indigenous Peoples could no longer be attributable to genetic or racial disparities.

The Divine Call for Justice in the Human Family

Increasingly, the Church became conscious that gaps in economic and social well-being were justice issues. This awareness was growing in its world outreach endeavours and in-Canada ministries

Huge disparities between settlers and Indigenous peoples were recognized as symptoms of the failure of dominant colonial society to relate justly to Indigenous people. Land and resource plundering by settler society was increasingly understood as infringements of Indigenous rights and outright assaults on Mother Earth with wealth extracted without consent of rightful owners.

With this new theological lens, the UCC was actively engaged as an ally to Indigenous Peoples via the Project North (response to Berger Inquiry re Mackenzie River Pipeline), Aboriginal Rights Coalition, and later Kairos – all ecumenical Christian coalitions engaged in social justice work on behalf of the churches. Indigenous theological centres to foster Indigenous leadership were opened initially in Ft. Qu’Appelle, Saskatchewan, then Beausejour, Manitoba (Dr. Jessie Saulteaux Centre), and at Paris, Ontario (Francis Sandy Theological Centre). Vancouver School of Theology launched an Indigenous education stream.

Apologies

In 1986, the General Council of the UCC issued its first Apology to First Nations Peoples of the UCC: *“We imposed our civilization as a condition of accepting the gospel. ... We tried to make you be like us and in so doing we helped to destroy the vision that made you what you were. As a result, you, and we, are poorer and the image of the Creator in us is twisted, blurred, and we are not what we are meant by God to be. We ask you to forgive us....”* Indigenous People had clearly been harmed by claimed superiority, and the UCC as a church and its ministries in Jesus’ name faced a loss of integrity and insufficient understanding of the Gospel!

In the 1998 apology related to Residential Schools, Moderator Bill Phipps, on behalf of the Executive of the General Council stated: *“... I apologize for the pain and suffering that our church’s involvement in the Indian Residential School system has caused. We are aware of some of the damage that this cruel and ill-conceived system of assimilation has perpetrated on Canada’s First Nation peoples. For this we are truly and most humbly sorry.”* (cf. <https://united-church.ca/social-action/justice-initiatives/reconciliation-and-indigenous-justice/apologies>]

The Blackwater lawsuit (1996 – 2010), by 27 former students at the Alberni Residential School on Vancouver Island, claiming damages for abuse by staff, forced the UCC to a new understanding of the scope of harm done to Indigenous Peoples through the IRS and the Church’s complicity in this tragedy. The Indian Residential Schools Settlement Agreement, actively participated in and contributed to by the UCC, was implemented in 2007 as the then largest class action settlement in Canadian history. Participating in the Residential Schools tragedy afflicted the pupils and their families and harmed the Church’s creditability.

In its March 24-26, 2012 meeting, the General Council Executive addressed faux-doctrine inherited from before the Reformation. It formally denounced the Doctrine of Discovery as “fundamentally opposed to the gospel of Jesus Christ and a violation of the inherent human rights that all individuals and peoples have received from God.” It went on in a general way to urge “governments, including the government of Canada, to dismantle all legal structures and policies that are based on, or influenced by, the Doctrine of Discovery” ... and to “take steps to repudiate the Doctrine of Discovery in word and action.” The Indian Act was however not specifically mentioned. (<https://united-church.ca/social-action/justice-initiatives/reconciliation-and-indigenous-justice/doctrine-discovery>)

The Truth & Reconciliation Commission

The 2008 apology for the Indian Residential Schools system by Stephen Harper, the Prime Minister was followed by the creation of the Truth and Reconciliation Commission (TRC) in 2009. The testimony of many of the 80,000 still living survivors of the 150,000 Indigenous children in the 139 schools led to a five-year process of discovering the consequences of the Indian Residential School system. In 2015, the Commission published a six volume, 3231-page Final Report in which 94 “Calls to Action” focused the way toward “Reconciliation.”

Included in the Report was a call for all Canadian governments to implement fully the United Nations Declaration on the Rights of Indigenous Peoples (Call #43) as the framework for Reconciliation. The government apologized for the IRS but made no mention of the Indian Act – the legislative foundation, upon which IRS and other oppression was founded.

Toward Reconciliation - UCC

The United Church has been actively participating in the societal actions towards justice for Indigenous Peoples and in “in-house” processes of honouring the unique cultural, spiritual, and ecclesiological reality of Indigenous Church members. The UCC has apologized and taken significant steps toward reconciliation both to enhance social justice and to address colonial aspects of church life. Three initiatives may serve as examples.

First, financial proposals: Two special funds were created. The Healing Fund was born of the 1986 Apology as both a fundraising and educational opportunity. The Fund supports innovative healing activities in Indigenous settings. The programs are designed and implemented by Indigenous people. The Justice & Reconciliation Fund seeks to address community impacts caused by the IRS. Another funding initiative now requires that with UCC property sales, congregations and other structures shall contribute not less than 10% of the net sale revenues to Indigenous ministries.

Second, symbolic proposals: Recognizing that no Indigenous members played a role in the formation of the Church in 1925 nor in the development of the UCC crest, the General Council amended the crest to signify the participation of Indigenous faith communities in the life of the Church. First the medicine wheel colours were added to the crest and then the phrase AKWE NIA’TETEWA:NEREN (*all our relations*) paralleled the motto “ut omnes unum sint” (*that all may be one, John 17:22*). The new phrase acknowledges that relations extend far beyond humans into the entire Creation. Symbolically the Church was acknowledging the particular gifts Indigenous members shared while recognizing that as an organization, much of the colonial legacy still required addressing.

This need was stated explicitly by “Caretakers of Our Indigenous Circle”, Indigenous members of the UCC, in a report to the 43rd General Council in 2018. Entitled “Calls to the Church” echoing the “Calls to Action” of the TRC, the report points to the Church’s own “application of the policy of assimilation and it’s impoverishment by the rejection of an Indigenous understanding of spirituality.” It is to the “repentant church” that the calls are voiced to pursue the “original Indigenous desire for friendship, peace, and the strength that comes from respect.” (<https://united-church.ca/community-and-faith/being-community/indigenous-ministries/calls-church>)

The General Council affirmed the “Calls to Action” and proposed that significant changes to the Basis of Union, the denomination’s constitution, be authorized, by sending remits to Regional Councils and to local UCC communities of faith for approval. Truth-telling about the history of the UCC has become a priority.

Third, theological witness: In March 2012, the Executive of the General Council issued a statement “denouncing the Doctrine of Discovery as fundamentally opposed to the gospel of Jesus Christ and a violation of the inherent human rights that all individuals and peoples have received from God.” (<https://united-church.ca/social-action/justice-initiatives/reconciliation-and-indigenous-justice/doctrine-discovery>) The statement included several other steps the UCC would take to counter the Doctrine’s ongoing influence. Among these were included: affirming the collective rights of Indigenous Peoples and their right to self-determination and self-governance; urging governments, including the government of Canada, to dismantle all legal structures and policies that are based on, or influenced by, the Doctrine of Discovery.

Ironically, this action did not specifically include a condemnation and repudiation of the legislation which perpetuates the reality fraudulently “authorized” by the Doctrine of Discovery. The Indian Act, the key implementing legislation empowering the Doctrine’s heretical and repudiated teachings, is neither mentioned nor condemned. Even though there is little talk about the Indian Act, it continues to be the comprehensive legislative framework which governs the lives of “registered Indians” – Indigenous Peoples of Canada.

The UCC and the Indian Act

Surprisingly given its history of social engagement locally and globally, the UCC has not renounced the Indian Act. This key legislation clearly contravenes international human rights standards like the Universal Declaration of Human Rights and UNDRIP. It is theologically abhorrent, treating a specific group of people as somehow less than fully human, regarded still as wards of the state. It imposes governance structures that have nothing to do with the governance heritage of the various Indigenous Peoples. It effectively robs Indigenous Peoples of their land and forces them to seek costly and tedious legal recourse to reclaim land and human rights, which thanks to the resilience and persistence of Indigenous Peoples, regularly results in judgements acknowledging the validity of their claims. It evades the validity of the historic Treaties.

In sum, the Indian Act is racist “apartheid” legislation that has been implemented and tolerated by church and state for almost 150 years.

The UCC General Council aggressively advocated for the repudiation of “apartheid” in South Africa. But for 150 years, Canadians including the UCC and its antecedents have tolerated the Canadian version of

apartheid. There is no justification for “apartheid” and any doctrine justifying it is “heresy” – contrary to the Divine love-justice Gospel revealed in the life and work of Jesus. It harms Indigenous Peoples, taints all complicit in its maintenance, continues to dishonour the Crown, and defies the Holy One.

But the UCC has not denounced nor repudiated it, nor called for the dismantling of the Indian Act. It has not honoured the pledge of those missionaries who witnessed to the validity of the historic Covenant / Treaties.

This ambiguous, if not hypocritical situation evokes Jesus’ splinter and log teaching unfolded in Luke 6:41-42. *“Why do you look at the splinter in your brother’s eye, but pay no attention to the log in your own eye? How can you say to your brother, ‘Please, brother, let me take that speck out of your eye,’ yet cannot even see the log in your own eye? You hypocrite! First take the log out of your own eye, and then you will be able to see clearly to take the speck out of your brother’s eye.”*

Why Not Now?

Why does the UCC tolerate “apartheid” based on “heresy”? There is no stated reason that can be cited. We can only speculate. *Is it:*

- *Because the antecedents and forebears of the UCC were complicit in the legislation’s creation as an aspect of the national policy of government, and it is humiliating to acknowledge this truth? (The sought for religious (Christian) and political (British) and ethnic (European) uniformity wasn’t then nor is it now achievable or desirable, so why tolerate it?)*
- *Because the Act has been in effect for 150 years and dismantling it might cause more disruption, division, and distress than keeping it? (Do we remember how much suffering and social distress the Act has caused? Is not division the exact problem we face today?)*
- *Because some Indigenous people fear that eliminating the Act would result in the Crown’s fiduciary responsibilities and benefits being withdrawn? (Can these not be part of the negotiations when that door opens? But is that fear adequate to not call into question the continuation of the Act?)*
- *Because the United Church’s voice by itself carries little weight in government circles or in the popular mind? (True, but that hasn’t stopped the Church before. There are other faith-based communities, both Christian and other faiths, not to mention civil society activists, all of which could raise their voices together against this harmful legislation, and in the process contribute to preventing negative extremist reactions.)*
- *Because there is some movement toward “Reconciliation” but no popular call to repudiate and dismantle the Indian Act? (But the Church, at its best, is not simply based on popular opinion. It seeks always to root itself in the call of the Spirit and the heritage of faith conviction, and the need to repent of its complicity.)*
- *Because “it is not the right time?” (Never is too soon?)*
- *Because “it would distract us” from more important matters of climate change, health care, affordable housing, endangered animal species, economic challenges, etc. (Is anything more important than justice for Indigenous Peoples who have languished under settler domination and largely ill-will for centuries? Equally important, these are the very issues that call for full participation of all, including Indigenous Peoples, who dwell in this fair land.)*

- *Because it would open the constitutional Pandora's box?* (Even though the Royal Commission on Aboriginal Peoples' recommendations deemed it unnecessary to open that troublesome imbroglio immediately!)
- *Because the history created by the Indian Act is too terrible to be told and should not trouble current society?* (But we know that terrible stories will haunt a society and its peoples, often turning the stories into fairy tales or denials, rather than truth which sets people and society to be free and whole. Besides, it is time for a gentler, more just, and collaborative spirit to drive the Canadian identity.)
- *Because it might undermine the Canadian economy to truly honour the land claims and rights of Indigenous Peoples?* (Consequences for ill-gotten gains are part of our justice system; the disastrous impacts on land and sea are in considerable measure the result of an "extraction-based" capitalist economy designed to make some wealthy, many affluent, while impoverishing Indigenous Peoples. Could this action launch a new era of Indigenous-led responsible stewardship of land and sea?)

Excuses will not get Indigenous People and colonial settler society beyond the Indian Act and its evils. Integrity requires the Indian Act's societal arrangement to end.

Complicit both in the original imposition of the Indian Act and in its continuing impact on Indigenous People over almost 150 years, the largely colonial settler UCC has a specific and real responsibility to distance itself from the Indian Act. "The Indian Problem" resulted from Euro-colonial settler dominated Canadian society in which the UCC and its antecedents were vitally engaged. It is not a problem to be attributed to the Indigenous Peoples - they were here first.

It is for this reason that this Proposal calls The United Church of Canada as a whole to denounce the Indian Act and its impacts and to call for that Two-Row Wampum friendship relationship based on mutual respect and justice.

(Recommendations 16-17)

Healing for Wholeness

Two current resources are cited here to remind us that "haunted memories" can undermine and trouble wholeness. *[See Appendix 2 below]*. Canadians have a growing memory bank issuing frequent reminders of how much the "Contact" with European explorers and Settlers has cost Indigenous Peoples – spiritually, socially, economically, culturally, and in their essential relationship with ancestral lands and waters. It has been a traumatic history of incomprehensible and incalculable consequences.

Indigenous Peoples have suffered the most and unjustifiably. But non-Indigenous people will fool themselves if they believe that they have not been wounded and shamed by the experience. We admitted this in the 1986 Apology when the General Council through Moderator Bob Smith said: "...*the image of the Creator in us is twisted, blurred, and we are not what we are meant by God to be.*" Both peoples have different but significant haunted histories. And haunted histories damage body and soul and disturb the peace.

The two resources cited in the Appendix may help some people with haunted histories to come to terms and to transcend the woundedness they have suffered. This is an important healing option!

“Reconciliation” is a process toward wholeness and health, toward justice and peace – to God’s shalom. Understanding and acknowledging our past truthfully; denouncing the evil and claiming the blessings; forging respectful new frameworks of relating; sharing more graciously the wealth of the land and seas; and embracing the two-row wampum friendship might be just what is needed to address the huge challenges that face all in Canada and the global human family.

Ironically, the UCC will have to decide whether it is willing to really hear the Good News Indigenous Peoples are communicating to the Church, its members, and society. Liberation is available from the sins of hubris, superiority, subjugation, theft, and more, and, even now, from tolerating the oppressive apartheid system still degrading the soul of non-Indigenous Peoples and of society. The Spirit works in mysterious ways to restore wholeness to her human family. The Good News Indigenous Peoples are still willing to share for the healing of the faith communities and society as a whole can be experienced as an unforeseen blessing.

Negotiations

Of course, any new societal arrangement, based on foundations with integrity and truth, would have to be carefully negotiated with representative of Indigenous Peoples and their communities – “nothing about us, without us.” They would be the principal agents representing the diversity of Indigenous communities/nations/peoples and their interests. The Crown would need to be represented whether by officials of governments and/or by a Crown/Governor General representative. Perhaps the Senate might be the place to start the process.

Crucial will be to have an all-party delegation of political leaders involved to ensure that Parliament as a whole would eventually approve negotiated terms. The election of a new government quashed the Kelowna Accord of 2005. That scenario must not be repeated.

Conclusion

Given this history and the factors contributing to our current situation, having consulted with the National Indigenous Council of the UCC, drawn upon Indigenous-produced resources, and considered factors that required the colonial settler Church to acknowledge its role in the colonization of northern Turtle Island, including the creation and maintenance of the Indian Act,

let The United Church of Canada (hopefully, in partnership with other faith-based communities of goodwill) now confidently and joyfully take further action to de-colonize Canada by repudiating the Indian Act and seeking a transformed, justice-based relationship with Indigenous Peoples, and a fairer, flourishing, peaceful Canada.

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Appendix for Additional Resources

(Other resources are cited in the body of the text)

1. Bob Joseph, **“21 Things You May Not Know About the Indian Act”** Indigenous Relations Press. 2018. Though not exhaustive, Bob Joseph gives a clear picture of the Act’s oppressive policies implementing the federal government’s assimilationist goal for solving “the Indian problem”.

2. Elaine Enns & Ched Myers. **Healing Haunted Histories – A Settler Discipleship of Decolonization.** Eugene, Oregon. Cascade Books. 2021. ISBN 9788 1 72525535 7. AND: Susan Neiman. **Learning from the Germans – Race and the Memory of Evil.** New York. Farrar, Straus and Giroux. 2019. ISBN 978 0 374 15446 9. See also: Nations in Reconciliation and Reconciling Nations, Appendix III in **Justice and Reconciliation, The Legacy of Indian Residential Schools and the Journey Toward Reconciliation a Resource for Congregations**, The United Church of Canada/Église unie du Canada, 2001.

3. Suzuki Foundation video series and commentary on Treaties

<https://www.youtube.com/watch?v=8uB83G7xZgU>

https://davidsuzuki.org/what-you-can-do/treaty-promises/?utm_source=mkto-first-englishBroadcast-banner-header&utm_medium=email&utm_campaign=nature-treatyPromisesLaunch-en-27jun2023&mkt_tok=MTg4LVZEVS0zNjAAAAGMnSfZ6dAMNL8ZWNW4sdUZPD179CtirFJww3G2EzXnrmPH5uGhqIKnw8JmudrJ1GFCamG9sBWRVMT_ghHUcn1KXXKMI_wVQU3N6s3wl9R2MQfEYQ

Suzuki Foundation re Treaties: Treaties confirm agreements between the federal government (often referred to as “the Crown”) and Indigenous Peoples. Fundamentally, they are an expression of relationship and are the basis for legitimate settler presence. As Aimée Craft said, *“Indigenous nations, prior to contact, were developing treaties all across Turtle Island, amongst themselves, inside of the nations, with other nations, with nations of non-human beings, so animal nations. And then when the Crown comes along and starts making treaties, this is not something that’s foreign to Indigenous people.”*

4. Book Resources:

Michelle Good via CBC offers thirty key books to resource the quest to get beyond the conventional histories of Canada and for a truer understanding of the Indigenous / non-Indigenous history. Link: <https://www.cbc.ca/books/books-to-read-national-indigenous-history-month-michelle-good-1.6860760>.

For a younger generation and those who rely on graphics for their reading seek: **Alicia Elliott et al., This Place -150 Years Retold**, High Water Press / Portage & Main Press, 2019. ISBN 9781553797586. Ten stories exploring 150 years of history through the eyes of Indigenous creators in a handsome graphic novel anthology.

5. Shared or Self-Governance Process. Moving to self-determination or self-governance is an ongoing process involving First Nations and the federal government. In “... (2014), *there were approximately 100 comprehensive land claim and self-government negotiation tables around Canada. The agreements reached may ultimately replace the Indian Act as the chief instrument governing the relationship between First Nations and government without altering the special relationship between Indigenous peoples and the Crown or revoking existing Indigenous, treaty, or constitutional rights.*” (source: Canadian Encyclopedia.) “Ultimately” is the operative word, but needs to be shortened by action clearly indicating that the Indian Act can no longer be tolerated in a validly democratic society.

6. "In 1948, the General Assembly of the United Nations unanimously adopted the **Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG)**. Canada signed the Convention in November 1949 and, today, there are 152 state parties. In signing, Canada along with all other parties, accepted the definition of genocide, which in part, states: (a) Killing, (b) Causing serious bodily or mental harm; (c) Deliberating inflicting . . . conditions of life calculated to bring about . . . physical destruction in whole or in part; (d) Imposing measures intended to prevent births; (e) Forcibly transferring children.

The Convention made genocide an international crime and provides mandatory jurisdiction for the International Court of Justice (ICJ) with the authority to adjudicate disputes." (Cited in Gar Pardy, Opinion in The Hill Times "**Colonialism Continues Its Brutal Reign**," *Ottawa, August 9, 2023*. Enforcement is an obvious problem for this UN Convention, given Canada appears un-investigated for this crime! https://www.hilltimes.com/ht_author/gar-pardy/

7. For more on modern Treaties and their implementation, visit the government page on: **Canada's Collaborative Modern Treaty Implementation Policy** at <https://www.rcaanc-cirnac.gc.ca/eng/1672771319009/1672771475448>

8. For more on fiscal policy and the evolution of fiscal capacity for Indigenous governance, visit: **Canada's Collaborative Self-Government Fiscal Policy** at <https://www.rcaanc-cirnac.gc.ca/eng/1566482924303/1566482963919>

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