

**Devolution to Indigenization:
The final path to assimilation of First Nations**

by

Yvonne E. Pompana

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in Partial Fulfillment of the Requirements for the Degree of**

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Preface

Through this case study, I have provided sufficient evidence for all First Nations to question the value of current practices of transferring administrative control of government-mandated programs to First Nations. This practice is based on government timetables for devolution and the subsequent indigenization of program personnel. While the federal and provincial governments and some academic researchers consider devolution and indigenization as progressive steps toward our decolonization, I have taken a concerted stand against these methods and claim that they are assimilation strategies.

For this reason, there are few references in my study to the widely acclaimed Aboriginal Justice Inquiry (AJI) or the Royal Commission on Aboriginal Peoples (RCAP). An examination of the literature indicates that devolution and indigenization are utilized widely, covering institutions such as criminal justice, child welfare, education, health, and band governance. For example, the 1996 Royal Commission on Aboriginal Peoples (RCAP) discusses indigenization within the context of the criminal justice system and its programs.

The Commission (RCAP) suggests that, on the basis of indigenization, the system and programs therein are deemed to be "more hospitable to Aboriginal people"; they "attempt to lessen the feelings of alienation experienced" by Aboriginal people during their interaction with the criminal justice system; and indigenization makes the "system understandable and comfortable to Aboriginal people who come to it from a different perspective" (p. 93). The RCAP report also indicates that approximately 90%

of expenditures in the Province of Ontario goes toward indigenized programs. More important, the report indicates that indigenized programs "lie within the exclusive domain of government and thus cannot be seen as presenting any sort of challenge to existing judicial and bureaucratic control over operation of the justice system. This does not mean, however, that these programs are weak or irrelevant" (p. 94).

Bracken (1997) also views indigenization as a means for Aboriginal people to move toward decolonization. Bracken maintains that through this process, "social control mechanisms of a dominant group are made more accepting and acceptable of subordinate groups" (n.p.).

On the other hand, Havemann (1987) argues that indigenization cannot be a step toward decolonization, especially when indigenization occurs only at the front lines of various institutions. He holds hope, however, that some measure of autonomy can occur within the criminal justice system if Indigenous people occupy positions with decision-making power.

A critical examination of indigenization within the context of assimilation must occur before one promotes it. This requires an examination of experiences of First Nations personnel who deliver services as well as First Nations who are the recipients of service delivery.

History has shown us that assimilation is one of the more treacherous, slippery ways to subdue Indigenous people. It was a successful strategy on the part of the Europeans, in part, because it is not clearly a malignant strategy; it seemed to appeal to their "better" nature. It was the form of control that the colonizers needed to foster

the illusion of sameness; and it also played well into the liberal agenda of homogeneity, equality and civility. Assimilation was the "civilized" way to oppress nations.

I hope that this study will provide an opportunity for First Nations to once again see that we share a common experience that can galvanize us together to make us more powerful personally and politically. If we can share this common experience, it is another step toward ending the alienation and oppression we continue to experience. Solidarity must surface as a goal and must be concretized; this will lead to us increasing our participation in the decisions that affect our daily lives which, in turn, will mark an end to overt and covert assimilation strategies.

The rationale behind my desire to examine the governments' devolution policy and the indigenization aspect of that policy stems from my own knowledge, understanding, and experience of the impact of the assimilation policy. More to the point, I felt an urgency to examine this policy because, based on my own experience with mainstream institutions, it seemed like we were being lured into situations where we were active participants in our own assimilation.

I needed to ask: Was this possible? And if it was, how could I determine that it was occurring? What criteria needed to be present so that I could say, "Yes, assimilation is occurring and these are the criteria upon which I base my claim."

To some degree I found myself caught in a Catch-22 situation because what would that mean to us, as First Nations, to find evidence that we were part of this process? Did it mean that we would have to renounce our jobs because for the most

part employment, especially in First Nations communities are derived from the governments' policy? Or would my conscience allow me to abandon this study because it's easier to hide from the truth? I found myself in a situation where I felt "damned if I did and damned if I didn't". The policy to devolve program administration and the indigenization of program personnel have a seductive nature about them; they sound good and they even look good when implemented. However do they have the potential to seduce us, unknowingly, into actively participating in our own assimilation?

I believe there is an alternative to the current devolution policies. As nations, we have the inherent right to find our own paths. What we find on that path may look very similar to the larger Canadian society, or in some cases very dissimilar. We have an opportunity, in showing the world the ways of the First Nations, to provide a model that can be adapted and adopted by other nations the same way that we willing adapt and adopt what in good from other nations.

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Y.E.P.

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Abstract

First Nations must overcome the overt and covert forces of assimilation as they attempt to take over the cultural and structural control of their own institutions. Faced with government policies that guide the devolution process, First Nations leaders are caught in a dilemma of rejecting opportunities to control program delivery at the community level or accepting the possibility of further destruction of their culture. This study focuses on the processes that lead to this attack on the remnants of First Nations culture. One of the major culprits is indigenization. By replacing non-Aboriginal program deliverers with First Nations people, the First Nations are beguiled into the belief that the program is founded on First Nations culture. In fact, the program authority usually remains with the government. Governments devolve responsibility to the First Nations while retaining authority and control of funds. As such, First Nations are held responsible for failures while governments claim the successes. Ironically, the more successful a program, the greater the chances for the forces of assimilation to be at work. First Nations are much more willing to believe a program is founded on First Nations culture when the program is meeting an expressed or identified need at the community level. This study identifies these hidden dangers, uncovers the insidiousness of the forces of assimilation, and then, provides rationale First Nations can employ to thwart these forces. Where possible, the data in this study, which is founded on historical and contemporary examples of the assimilative policies of previous and current governments, is supported by the voices of First Nations people who shared their lives and experiences.

Chapter One

Background to the Study

Introduction

Within the last two decades the federal government's devolution policy has enabled First Nations to administer a variety of social service programs in addition to hiring First Nations personnel to deliver services to their own people. The government has purported that this policy supports First Nations' self-determination; however, the author is skeptical that this "progressive" policy supports self-determination. A critical examination of the process by which this policy has been carried out would suggest that it more closely resembles "a wolf in sheep's clothing"; that is, the policy supports assimilation rather than self-determination. This observation is based on the fact that even though many First Nations have assumed responsibility for the administration of programs and the delivery of services in areas such as child welfare, education, and justice, the government's devolution policy does not allow First Nations people the opportunity to make systemic changes. Consequently, handing over the reins of programs and service delivery to First Nations service providers, in this manner, has the potential to assimilate First Nations into the bureaucratic structure and culture of mainstream institutions rather than freeing the "social control apparatus" to benefit First Nations (Havemann, 1989). Therefore, it is crucial for First Nations to determine whether the devolution policy and the indigenization of program personnel leads to assimilation or serves as a means to be self-determining. Without a means to assess

whether assimilation is occurring, how is one to be sure that assimilation does not become an unintended consequence?

This study presents one method of assessing whether the devolution policy and the indigenization of program personnel supports assimilation or self-determination. While a study might be conducted in any institution where the federal government has devolved administrative control over programs to First Nations, this research study focuses on one program within the criminal justice system. To this end, Dakota Ojibway Probation Service (D.O.P.S.) was selected for examination.

One of the issues, relevant to the above question, is to what extent do First Nations people internal to the program, see the program as a First Nations program. Another important question is to what extent is the program staffed by First Nations. Staffing of programs by First Nations to provide services to First Nations is what Havemann (1989) terms "indigenization." A third point requiring investigation is to what extent people external to the program (First Nations and non-First Nations) see it as a First Nations program. Masked within this point is the question of what is an Aboriginal program? This point also leads to a fourth issue: to what extent has consideration been given to "Aboriginalizing" the program? One of the goals of this study is to review the answers to these questions in light of an understanding of the overt and covert forces of assimilation.

Organization of Paper

Knowledge and understanding of the origin and historical development of Canada's assimilation policy, as it has been applied to the Indigenous people, is a necessary foundation to comprehend the author's current skepticism surrounding the government's devolution policy. Chapter Two begins with a discussion of a conceptual framework of structural and cultural colonization as it has been proposed by Kellough (1980). The chapter then describes how the structural and cultural institutions of Indigenous societies were assimilated into the dominant structure and culture. The main focus in this chapter is from the point of contact with Europeans to the 1970s.

Although resistance to Canada's assimilation policy always has been a factor in First Nations' relationship with the federal and provincial governments, the means to carry out their resistance was generally through passive resistance. However, after 1969, First Nations' resistance to the governments' assimilation policy took a more assertive and sometimes aggressive stance. Chapter Three provides an overview of First Nations' struggle to regain some semblance of self-determination through a series of challenges to gain control over social service programs so that they could provide relevant services to their own people. Although their challenges extend far beyond control over social services into political and constitutional protection of their Aboriginal and treaty rights, it is the government's devolution policy and the indigenization of program personnel that is the critical focus of this paper.

Chapter Four presents the methodological approach used to conduct this study. The researcher used a qualitative case study method, initially examining documentary

sources and thereafter, conducted face-to-face interviews with a purposive sample of individuals who had played key roles in the establishment and administration of Dakota Ojibway Probation Service. Four major questions (identified above) formed the basis for data assessment which were generated based on the data derived from the interviews, the pertinent documentation, and the researcher's personal experience, as a First Nation woman who has been employed in non-Aboriginal and Aboriginal organizations.

Chapter Five focuses on a specific case, i.e., Dakota Ojibway Probation Service, where the federal and provincial governments have devolved administrative "control" over one program to First Nations. This chapter shows how indigenization occurs when the government devolves its mandate to First Nation organizations. This discussion will present a deeper understanding of the author's concern that the devolution policy and the indigenization of program personnel are merely an extension of the government's longstanding policy of assimilation. This chapter also provides a foundation for the findings presented in Chapter Six.

Chapter Six provides an analysis of the data that was generated through the interviews and the relevant government and program reports. The findings suggest that the devolution of criminal justice programs and the indigenization of program personnel do not support First Nations in their struggle to be self-determining. Rather, the findings of this study suggest that this policy is a continuation of the assimilation process since, ultimately, the governments continue to exert control.

Chapter Seven provides a summary of the study and concludes with a number of recommendations.

Explanation of Terms

Indigenous/Aboriginal/Native refers to those persons of Aboriginal descent. These terms have been used interchangeably throughout the literature and within this research study.

First Nation/Indian is used to distinguish those persons who are designated the status of an Indian person in accordance with the Indian Act. This group is the primary focus of this study. The term Indian is a legally designated term, while First Nation is the term preferred for self-identification.

Self-determination refers to the freedom to determine one's own destiny.

Assimilation for the purposes of this study, refers to the process whereby the dominant group interferes and prevents minority groups from achieving the development of their own institutions and culture consistent with their own history.

Structural (institutional) assimilation refers to the process of incorporating minority groups into the organizations and institutions of the dominant society.

Cultural assimilation refers to voluntary or involuntary adoption, by minority groups, of the cultural patterns of the dominant society.

Devolution refers to the policy of the federal government to transfer responsibility for the delivery of programs and services to First Nations, without allowing administrative or legislative changes or increasing funding levels.

Indigenization refers to "the performing of services for Indigenous peoples by Indigenous peoples" where the services had been previously provided by non-Indigenous people (Havemann, P., Couse, K., Foster, L., & Matonovitch, R., 1984, p.xxx).

"Aboriginalizing" refers to the extent to which a program is designed by Aboriginal people who have incorporated traditional Aboriginal values into all aspects of the design and delivery.

Chapter Two

Assimilation of Canada's Indigenous Peoples:

An Historic to Contemporary Overview

Introduction

As stated at the outset of this paper, First Nations are concerned that government policy to devolve administrative control for their social services to First Nations is an extension of its longstanding policy to assimilate them into the structure and culture of mainstream society. In order to understand why this concern continues to exist as we move into the twenty-first century, it is necessary to be aware of the history as it relates to the assimilation policy and how this policy was systematically practised against Canada's Indigenous peoples. Using the conceptual framework of structural and cultural colonization as it has been proposed by Kellough (1980), this chapter describes how the assimilation process was systematically carried out. The chapter then concludes with a brief discussion of how Indigenous societies were impacted by the government's assimilation policy.

Structural and Cultural Colonization

While the literature offered no definitive distinctions between the colonization or the assimilation of a people, it has suggested that there are two points of entry to this process into a society: the structural (institutional) and the cultural and psychological (Wilkinson, 1974; Kellough, 1980; Long & Boldt, 1988).

According to Kellough (1980), structural colonization occurs when the dominant group takes control of the institutions that form the foundation of a society. The foundation of most societies consists of their economic, political, and social institutions. With respect to the Indigenous Nations of Canada, this would also include the spiritual aspect, since spirituality was integrated within the totality of their structures and cultures. The dominating society then attempted to replace Indigenous institutions with European forms of economic, political, social, and religious concepts.

Cultural colonization refers to the cultural and psychological aspects of the people within that society, that is, the way that people come to understand their reality. The essence of cultural colonization can be best described as "it is one thing for the colonizer to believe in the inferiority of the colonized and control them accordingly; it is quite another thing when...the colonized come to believe in their own inferiority" (Kellough, 1980, p. 365). Kellough has indicated that although the structural and cultural levels of society merge with one another, they are often separated for purposes of analysis.

Pre-Confederation: The advent of assimilation

Contact between the European and Indigenous nations has been referred to as a clash of two cultures, two cultures with very different world views. While both groups had similar structural and cultural institutions, each group operated within a world view antithetical to the other. No doubt, both groups perceived their nation superior to the other, but it was the manner in which the Europeans expressed their superiority

that gradually led to the subjugation, oppression and assimilation of Canada's Indigenous nations.

Although the mainstream scientific community has uncovered archaeological evidence dating the existence of Indigenous peoples on this continent for approximately 30,000 to 40,000 years, the Indigenous people claim that they have existed here since the dawn of time. Prior to contact with Europeans, the Indigenous people had evolved to a state where most, if not all, nations on this continent lived in harmony with their environment. On the other hand, historical evidence indicated that European nations had evolved for thousands of years on the European continent via a life of domination over others. This life of domination or "dominion over" is rooted in biblical times, and in more contemporary time, has been rationalized through Darwin's theory of "survival of the fittest."

At the time of contact between the European and Indigenous nations, European ideology contained two ideals that contributed to the nature of its relationship to the so-called "primitive" Indigenous people. These two ideals were "manifest destiny" and the "Hamite rationalization". Frideres (1993) described these as:

Manifest destiny, though it varied considerably, was the belief that Whites should control the world, or at least large parts of it. The Hamite rationalization was the belief, taken from the Bible, that Ham was cursed by God and turned into a non-White person so that 'he and his descendants should remain cursed and be subservient to Whites from then on.' To the British, the Indians were clearly descendants of Ham. (p. 23)

The Hamlite rationalization, clearly a religious ideology, also pervaded the Europeans' secular life. This rationalization served the basis for racial superiority and during the 1800s was expressed explicitly by individuals such as Charles Darwin and Herbert Spencer (Williams, 1989). Williams claimed that Spencer and Darwin espoused pseudo-scientific racism. He wrote:

These ideas of "survival of the fittest" identified white skins and "Anglo-Saxon" civilization as the culmination of the evolutionary process; Spencer believed that dominant races were able to conquer inferior races by virtue of their greater "mental mass". Such scientific and sociological expositions unleashed a backlog of expressions of cultural, religious and racial superiority, as well as male superiority, and gave justification to some of the worst forms of exploitation and barbarianism performed in the name of England's "civilizing mission". (p. 152)

With the evolving capitalist economic system, the ideals of manifest destiny and the Hamlite rationalization became even more significant as the European nations expanded their territories in search of wealth.

The fur trade - economic impact

It was the expansion of territory and acquisition of wealth that lead the fur traders to be among the first Europeans to establish relations with Indigenous nations. Since their primary interest lay in the acquisition of wealth, rather than the assimilation of Indigenous nations into the European way of life, it was in their best

interest not to disturb the lifestyle of the Indigenous people. Indigenous people, culturally inclined to assist fur traders, became essential to the huge fur trade industry that lasted three hundred years. The endless struggle between the European nations to acquire economic power and the struggle of Indigenous nations to retain their economic livelihood contributed significantly to the exploitation of the land-based economy of Indigenous nations. Since their economy was inextricably wedded to their religious, cultural, political, and social institutions, the holistic framework from which Indigenous peoples operated was severely impacted. Gradually, the fur trade industry went into decline and other economic pursuits began to take its place. While the Indigenous people adapted with the changing economy (Tough, 1984), complete economic subsistence through their traditional pursuits was no longer possible and survival became increasingly difficult. The more difficult it became for Indigenous people to rely on their traditional economic pursuits, the less strength they had to resist the assimilation efforts of the Europeans.

Christian missionaries

Following very closely the trail set by the European fur traders were the Christian missionaries from various religious denominations. Historian Cornelius Jaenen (1969) investigated the nature of the relationship between the early French immigrants and eastern-based Indigenous people. He stated, "The French who came to North America were sustained by an idea of order, based as they thought on eternal and immutable religious principles..." (p. 1). When the French came into contact with

the Indigenous people, Jaenen added, "...they had to overcome or dominate this natural man, they had to integrate him into their commercial, political, and cultural aspirations..." (p. 1).

The Frenchmen, Jaenen reported, "were extremely conscious of their civilized heritage" (p. 1) and took it upon themselves to civilize the Indigenous people. However, the French also believed that it was not "possible to civilize men without also Christianizing them" (p. 1). As will become evident, this ideal remained in the minds of Christian missionaries well into the twentieth century. With this ideal firmly entrenched in the minds of the French, the task of civilizing through Christian conversion and assimilating the Indigenous people was left to the missionaries. The state, on the other hand, incorporated the civilization of this "natural man" into its "ill-defined colonial policy" (Jaenen, 1969). He added that, "State officials, for political purposes and economic gain, pressed the ideal of assimilation by means of religious conversion, integrated education, racial intermarriage and equal legal status" (p. 2).

As the Indigenous people gradually took on the manners and ways of the Europeans, the missionaries believed the Indians were becoming civilized. The missionaries were certain that very shortly,

the whole country would give in to the Christian faith without being otherwise constrained, and that by this means the way would be opened in the whole of the remainder of America for the conquest of souls, which is greater than all the lands one could ever conquer. (Jaenen, 1969, p. 9)

Jaenen also noted that when European men were found to be adopting the Indian "way of life", it was considered "progressive barbarization" and it was this "phenomenon" which gave the missionaries "recourse to the segregationist scheme" (p. 2).

Consequently, the first version of a reserve settlement was established at Sillery (Quebec) in 1637. Missionaries of the time questioned among themselves whether segregation might "preserve the best elements of their [Indigenous peoples] own culture and facilitate their assimilation into a controlled cultural pattern" (p. 12).

Coming from a similar philosophical and ideological background as their French counterparts, the British colonists also had their own ideas about the assimilation of Indigenous peoples. The British colonialists initiated their own vague legislation regarding the assimilation of Indigenous people in 1670 (Frideres, 1993). Through the legislation a paternalistic relationship was established between the British and the Indigenous groups (Frideres, 1983). The paternalistic relationship placed the British way of life in a position of superiority, a way of life which was to be emulated by the Indigenous people. According to Surtees (1971), the assimilation policy of the British "dictated that Indians should learn white values, language, religion, and skills in order that they might be integrated successfully into the white world" (p. 43). From this point forward, imperial, colonial and federal governments were incessant in their attempts to assimilate the Indigenous people into their "superior" culture.

The research of Jaenen, Surtees, Frideres and other historians, provides evidence that the Europeans had preconceived ideas about assimilation and segregation policies, centuries before Canada was declared a colony of Britain. These authors'

examples also support the definition of assimilation employed in this paper: the process whereby the dominant group interferes and prevents the minority group from achieving the development of their own institutions and culture consistent with their own history.

Land alienation

As more Europeans gradually immigrated to Canada, the British and French found it necessary and in their best interest to establish relations with the different Indigenous nations. This was accomplished through "peace and friendship" treaties which, according to Kuhlen (1985), dated as early as 1680. These treaties were intended to create peaceful co-existence between the European and the Indigenous nations. The treaties also served to build military alliances with different Indigenous nations during intercolonial and economic warfare. These alliances were crucial, for they enabled the continuation of European settlement. So long as these inter-nation alliances existed, they removed the threat of violence or conflict against the Europeans and simultaneously enabled the Europeans to establish a permanent presence on the land.

The Indian Department

According to Surtees (1971), the British Imperial government, very early in its relationship with the Indigenous tribes, had established an Indian Department. This Department was created "as a branch of the military [and] in 1755 the Indian

Department passed into civilian hands when it was apparent that the military importance of Indians had declined..." (p. 43). It was also during this time period (1745-1761) that, according to Tobias (1983),

The British government adopted the policy of protecting the Indians from European encroachment in the use of their lands and of preventing fraudulent trading practices that had been characteristic of much of the Indian-white economic dealings. (p. 40)

The 1763 Royal Proclamation recognized the Indigenous peoples as the original occupants of the land, and established that the surrender of Indigenous lands could be accomplished only through negotiations between the British and the Indigenous nations. This move by the British ensured that its interest in the land was protected as well.

Surtees (1971) stated that in 1870, the British Imperial government relinquished its responsibility for the Indigenous peoples and transferred the Indian Department to the government of Canada. It was the duty of the Department to manage "the affairs of an entire race of people" (p. 45). The Department was charged with supervising the established reserves, administering the process of assimilation, and negotiating treaties in the surrender of additional Indigenous lands.

As indicated previously, the diversification of the economic base from the fur trade industry included pursuits such as mineral prospecting, fishing, logging, and agricultural settlement (Thomas, 1969). This expansion of the economic base necessitated additional manpower and the acquisition of additional land. As settlers

continued to encroach on Indigenous lands, the tension between the immigrants and the Indigenous nations increased.

Bowles, Hanley, Hodgins, and Rawlyk (1972) captured the dominating attitude of the European immigrants toward the Indigenous peoples with the following quote by the editor of the *Toronto Globe* in 1863: "They [the Indians] cannot be permitted to stand in the way of civilization on this continent. A fine tract of land like the Manitoulin, cannot be permitted to remain uncultivated because it is Indian property" (p. 124). Clearly, the Indigenous nations were beginning to be viewed as an obstruction to civilization and it was becoming apparent to the Europeans that they would have to take more drastic measures in order to acquire control of additional lands.

To this point in time, the British colonial government already had passed several pieces of legislation as they pertained to the Indians and their lands. Examples of legislation included: the Crown Lands Protection Act (1839), the Act for the Gradual Civilization of the Indian Tribes (1857), and the Civilization and Enfranchisement Act (1859). Furthermore, in 1850 the first legal definition of an Indian was included in two pieces of legislation that called for "the better protection of the lands and property of the Indians in Lower Canada...[and] in Upper Canada" (Frideres, 1983, p. 33). Through these pieces of legislation, the federal government continued to "protect" the Indian people and "assist" them in becoming civilized and assimilated.

Post-Confederation Assimilation

British North America Act (1867)

British North America continued to expand geographically as its economic and political strengths increased. In order to establish "on-site" legitimacy, "The British North America Act of 1867 (BNA Act)...a statute of the British parliament...created the federal union out of Upper and Lower Canada and the Maritime provinces of New Brunswick and Nova Scotia" (Van Loon & Whittington, 1984, p. 161). The B.N.A. Act heralded major changes in the way in which the Indigenous Nations were treated by their European immigrants. According to Barron (1984), at the time of confederation, the Dominion of Canada

had been created by businessmen and politicians in the interest of economic expansion...The central idea was that Canada would acquire a western hinterland, one that would be settled by white immigrant farmers, and ultimately, one that would be exploited and developed for the benefit of the eastern provinces. (p. 28)

In order to expedite economic and territorial expansion, the 1867 British North America Act allocated jurisdictional authority to the federal and provincial governments through Sections 91 and 92, respectively. Through Section 91(24), legislative authority over "Indians and lands reserved for Indians" was deemed the responsibility of the federal government. The rationale, according to the Indian Association of Alberta (1975), was that if sole responsibility of "Indians and lands reserved for Indians lay in federal hands, it would not only be efficient and uniform,

but it would also discourage provincial and local interference into Indian affairs" (p. 30). Furthermore, it was the expectation of the federal government that in a short period of time, Indian people would become assimilated into the EuroCanadian culture and their "special status" designated through Section 91(24) of the British North America Act no longer would be required.

The Indian Act (1876)

As indicated earlier, the colonial government had enacted numerous pieces of legislation pertaining to the Indian people and their land prior to Confederation. In 1876, the federal government consolidated all these pieces of legislation into one, the Indian Act of 1876. The Indian Act maintained the primary features of protection, civilization, and assimilation of Indian people. However, overt assimilation strategies began to play an even more prominent role in the legislation and government policies. Gradually, the Indian Act came to function as the most comprehensive mechanism for economic, political, social, and cultural control over the Indian people. For example, the statutory definition of who could be deemed an "Indian", which had been enacted initially in 1850, was now firmly entrenched in the State's legislation.

Defining who is and who is not an Indian, according to Frideres (1993), "refers to a power relation which enables one party or another to employ a certain definition" (p. 21). The legal definition of who was designated an Indian changed numerous times over the next hundred and thirty-five years, becoming less race-specific with each definition. In fact, today, he has stated:

Culture and race no longer affect the definition of an Indian: today's definition is a legal one. If someone who exhibits all the racial and cultural attributes traditionally associated with 'Indianness' does not come under the terms of the Indian Act, that person is not an Indian in the eyes of the federal and provincial governments. (p. 28)

Within the context of internal colonialism, the State gradually usurped power from the Indigenous people so that it could define the people while simultaneously setting up mechanisms for more and more people to fall outside of the definition. These measures had a primarily assimilative purpose.

Those Indigenous persons designated legal "Indian" status, according to the law of the land, were the only Indigenous people for whom the federal government would accept legislative, administrative and financial responsibility. In order to keep track of these individuals, the Indian department established a roll, that is, a list of all status (legal) Indians (Frideres, 1993). As Indians enfranchised (i.e., were granted citizenship of the State), their names and children's names would be removed from the roll and they would lose their legal Indian status. Although it was possible for Indian people to voluntarily give up their legal status, it was more common for enfranchisement to occur involuntarily, usually at the discretion of the Indian agent. Other criteria for enfranchisement occurred if an Indian person obtained a university degree, became a member of the clergy, joined the military, or wanted to vote in federal elections. That person did so at the cost of relinquishing legal status. The most common method of

losing one's legal status occurred when an Indian woman married a non-Indian man. This discriminatory practice remained in effect until 1985.

Until an Indian person "voluntarily" enfranchised or was forced to enfranchise, he/she was not considered a citizen of the state, even though Canada was his/her homeland. Consequently, an Indian person could not vote in the federal elections, an assurance that Indians did not have a voice in the political process. It was not until 1960 that the federal government decided that enfranchisement was no longer a prerequisite for an Indian person to vote in federal elections.

Over time, the Indian Act was amended numerous times and it had to be consolidated repeatedly. With each consolidation, the legislation restricted more and more, the lives of the Indian people. The 1927 version of the Indian Act, for example, increased the powers of federal officials over the lives of Indian people by prohibiting them from raising money and prosecuting claims to land or retaining a lawyer. It also banned Indian people from political organizing (Daugherty and Madill, 1980).

The 1951 revisions to the Indian Act withdrew several of the protective features. According to Daugherty and Madill, (1980) this was done on the assumption "that the process of 'civilization' was almost complete and Bands could be allowed more self-government and less governmental interference" (p. 67). Unfortunately, in the enacted version of the Indian Act, "the principle of allowing the various bands to set up their own forms of self-government appear[ed] nowhere" (p. 70). Today, amendments continue to be made to the Indian Act, usually at the discretion of the Minister and, more often than not, without consulting the Indian people.

Treaty-signing - land cession

As previously indicated, the very early peace and friendship treaties had been a crucial component for the Europeans in their relationship with the Indigenous nations. However, after Confederation, the treaty negotiations introduced into the relationship with Indigenous tribes by the Crown's representative had dramatically different overtones than the earlier treaties. Beginning in the early 1870s, the Crown's representatives "negotiated" the treaties with blatant intent to acquire title to the land.

Several factors contributed to the Indigenous Nations' signing of the treaties. These included the toll that disease and alcohol had taken on the Indigenous peoples, the gradual disappearance of the buffalo (the mainstay of the prairie peoples), the usurpation of land without permission by the continual influx of immigrants, and the experience of Indian nations south of the border when armed resistance was tried. So the threat of military force was another reason that Indian nations signed the treaties.

Treaty One, signed in 1871, was the first in a series of eleven treaties that removed from all Indigenous Nations most of their land. As more and more economic resources such as minerals were discovered inland, the need for the Crown to negotiate treaties became more significant.

As the treaties were "negotiated", reserved lands were established, which gave rise to the significance of who was considered "Indian", because land allotments depended on the number of band members. An examination of the treaties showed the acreage designated to the various Indian bands depended on which treaty was being negotiated. For example, Treaties One, Two and Five allotted 160 acres of land per

family of five, while Treaties Seven, Eight and Nine allotted 640 acres per family of five (Kuhlen, 1985). It appeared that when there were more band members, the less acreage designated per family.

In signing the treaties, the Indigenous Nations were no longer recognized as equal negotiating partners, nor were they recognized as subjects of the British Crown. Rather, their status was shifted to wards of the Canadian state living in geographical areas reserved for Indians.

The reserve system

The reserve system was established by the Crown's representative during or shortly after the signing of the treaties. The primary reason the Crown found it necessary to establish reserves was that it allowed the government to acquire title to Indian land, which in turn, allowed for uninterrupted westward expansion of the Dominion of Canada. Another reason included the protection of Indian people from further encroachment on their lands. With the segregation of Indian people on plots of land, the reserves served as a "primary tool of assimilation" (Barron, 1984, p. 29).

While the Crown set aside these small pieces of land on which the Indians would reside, the Indians did not legally own their land; this land, instead came under the jurisdiction of the federal government and was administered by the Department of Indian Affairs. These terms were explicitly stated in the Indian Act and continue to exist today as Section 20(1): "No Indian is lawfully in possession of land in a reserve

unless, with the approval of the Minister, possession of the land has been allotted to him by the council of the band."

The reserve lands were set apart from the white population for the specific purpose of preparing the Indians for assimilation. According to historian Sarah Carter (1985),

Canada's reserve policy was rationalized and legitimized by the idea that the Indians should be isolated, protected and separated from the rest of the public while they were gradually trained for the privileges and responsibilities of citizenship. (p. 9)

The training envisioned by the government would teach Indians to be farmers like their European counterparts. Consequently, through the Treaties, Indians were promised farming equipment such as hoes, spades, scythes, axes, ploughs, harrows, and domestic animals such as cows, bulls, oxen, and seeds to plant such as oats, wheat and barley (Saskatchewan Indian Federated College, 1986).

Although the reserves were created to be "safe havens" where the Indian people would learn to farm the land, extenuating circumstances turned the reserves into prison camps. The "protective" and "assimilative" characteristics of the reserve system became oppressive when tension increased between the Indians and the white settlers as they continued to encroach on Indian lands. Tension further increased when the government failed to fulfil its obligations to the Indian people as negotiated in the treaties.

Fearful of the implications of large numbers of "disgruntled" Indian people gathered in one place, officials devised the "pass system" as a means to deal with the increasing tension. According to Carter (1985), the pass system was used to confine the Indian people to their reserves. Basically, the pass system "declared that at any one time, only three Indians could leave the reserve for the purpose only of purchasing supplies, and only with a pass from the agent" (p. 8). Carter continued:

As the system evolved, Indians were required to carry passes for all activities that took them from their reserves, including hunting, trapping, fishing, picking berries, collecting seneca root, shopping in the towns or visiting another reserve. Indians visiting their children in industrial schools were required to carry passes. (p. 8)

Carter also found evidence to show "that the pass system was still in use in the West as late as the mid-1930s" (1985, p. 8).

Restricted mobility of the Indian people from their reserves was not only a means to assimilate them; it was also a form of oppression. This oppression was also extended to other aspects of Indian life such as their economic well-being.

Economic dependence

The economic situation of the different Indigenous Nations had been undergoing change from their first contact with the Europeans. Adaptability to the changing economy did not present any difficulty for the Indigenous people as had been attested to earlier by Tough (1984).

Through her research on the agricultural pursuits of the Dakota in southwestern Manitoba, Carter (1983) also verified the adaptability of the Indian people to the changing economy. Since the Indian people were designated to become farmers, the government sent out farm instructors to the different Indian bands to train them. Subsistence farming was not a concept foreign to the Indian people whose survival had always depended on a land based economy. Carter indicated that "by the early 1890s the residents had gone beyond subsistence farming and were practicing commercial agriculture" (1983, p. 3). The Dakota were well equipped to do so since they had accumulated a considerable amount of farming machinery to conduct large scale farming. However, as the people became proficient in their agricultural pursuits, Indian Affairs' officials perceived them as unnecessary competition for their white counterparts. This success would seem to be an ideal situation in which the government could have furthered the assimilation process much more quickly, instead it created a dichotomous situation by arbitrarily deciding that the Dakota could not engage in commercial farming.

The agricultural policy of the Department was to encourage subsistence level farming among the Dakota, producing only for their own needs and not for the market. Disregarding their success at large scale farming, officials instead viewed the Indians as "defying the directives of Department policy" (p. 5). Because the perceived defiance was prominent in the minds of government officials, "the Dakota were effectively restrained from purchasing any more machinery" (p. 5) thereby denying the people "the requirements necessary to form a strong agricultural base..." (p. 8). In addition,

the Dakota were exposed to "rigid supervision of their activities [which also] adversely affected their agricultural enterprise" (p. 3). To add insult to injury, the farm instructor took over the management of the Dakota's financial affairs through the "permit system." The permit was "the piece of paper which the Indian farmers had to have in order to sell his grain or other produce, or to buy stock or implements" (Buckley, 1992, p. 53). The permit system remained in effect from the 1890s to the 1930s as did the "pass system". In effect, as Carter (1983) has stated:

Under the Indian Act the Department could prohibit or regulate the sale, barter, exchange or gift by any Indian or Indian band of any grain or root crop or other produce grown on any reserve in Western Canada. (p. 5)

According to Carter, Department officials believed that the permit system was in the best interests of the Dakota. And although the Dakota initiated protests, "the inquiry they demanded was a dialogue of the deaf: its outcome was decided before it began" (p. 8).

Carter concluded her study with the following commentary: "The official mind of the bureaucracy insisted on looking at natives as lazy, as alcoholics, as chronic complainers, and as easily influenced, despite all the obvious evidence to the contrary" (1983, p. 8).

Overall, the government continued to do what it could to ensure the Indians were economically dependent as time went by. It continued to exploit renewable and non-renewable resources from Indian lands and Indians provided manual labour for jobs that required minimal skills. In addition, economic dependence continued to be

fostered by provisions of the Indian Act which prohibited the placement of reserve property as collateral for bank loans and deterred the development of free enterprise.

According to Barron (1984), what little remained of the Indians' land-based economy came under government "regulation and control" (p. 30). Rather than provide assistance to the Indian people to strengthen their economic base, the government devised policies to destroy their self-sufficient economies, thereby creating dependency on the federal government for handouts.

With the land and economic well-being of the Indian people firmly under its control, the government was "at liberty to implement a series of assimilationist schemes aimed at 'detribalizing' Indian society" (Barron, p. 30). The detribalizing efforts began in the political arena of the Indigenous bands.

Political imposition

An examination of historic Indian-government political relations indicated that the federal government's devolution policy was not a 1970s phenomenon. More than a century ago, through the 1876 Indian Act, the federal government handed some semblance of control to Indian reserve communities, primarily in the area of band governance.

Political control over community matters, as it was perceived by the federal government, meant that the Indian people would exercise the will of government through an imposed electoral system. Despite this "progressive" move in the political arena, authority over Band affairs rested with the Indian agent assigned to reserve

communities, while ultimate authority rested with the Minister of Indian Affairs.

Decisions made by Band councils could be vetoed at any time by the Minister.

Provisions in the Indian Act disallowed the traditional consensual governing structure of the Indian people. In its place, the government imposed a band council system of local government, a political structure that consisted of an elected chief and council. Through this means, the federal government delegated powers to Indian governments to exercise limited powers within their land base, the reserves. According to Frideres (1993), "[t]he actual duties and responsibilities of the council are also specified in the Indian Act" (p. 435).

The process of selecting a chief and council, at first, followed closely the Indian peoples' traditional consensual governing practices. Little Bear, Boldt and Long (1984) reported that in many instances, the band membership selected their chief as they had traditionally selected a chief, although they carried out their selection in the manner set out by the Indian Act. Superficially, it appeared as if the Indians had adopted the conventional system of government; "In fact, they hadn't really adopted the system; they had merely adapted it to their traditional way of selecting chiefs" (p. 184). However, over an extended period of time, the electoral method had become entrenched and today "the electoral provisions of the Indian Act have become institutionalized..." (p. 184). According to Loyie (1992), in most Indian bands across Canada, chief and council are elected by their membership, not necessarily to carry out the wishes of the community members but, to carry out the administrative duties as assigned by the Department.

The overriding intent of the government, through this restrictive method of devolving political control, was to gradually assimilate First Nations into the EuroCanadian political structure. To this end, First Nations were forbidden from exercising autonomy in their political arena.

The historic policy to devolve control to First Nations was short-lived and appeared to have been restricted to the political structure of First Nations. The political arena could be viewed as the first parallel structure established in reserve communities reproduced from the existing dominant political order.

Having established control over the major structural institutions of the Indigenous societies such as their land, economy and political institutions, the government also devised various means to assimilate Indigenous people into the social institutions of dominant society. Education and child welfare institutions were two areas of Indian society profoundly impacted. Assimilation efforts within these two areas have been identified as significant contributors to the over-representation of Indigenous peoples in the present-day criminal justice system (McKenzie & Hudson, 1985). And throughout, conversion to Christianity remained at the fore of assimilating the Indian people.

Christian influence on legislation

While Christianity was not explicitly legislated as the religion to be adopted by the Indian people, the Indian Act of 1880 included provisions that prohibited Indian people from practising their ancient ceremonial rituals such as the Potlatch and

Sundance. Any Indian person caught engaging in such ceremonies was apprehended, convicted of criminal behaviour and jailed. According to Bull (1991),

This control mechanism may have been influential in keeping 'pagans' on the 'straight and narrow path' of Christianity. In this sense, 'religion' was used as the control mechanism for keeping 'pagan' Indian people passive and therefore easier to control. (p. 36)

Evidently, Christianity continued to serve an essential role in civilizing and assimilating Indian people. Being a Christian remained a prerequisite to becoming civilized and thereafter, being assimilated into the established order.

From the point of their arrival, missionaries took it upon themselves to educate the Indigenous peoples in the ways of the Europeans. As westward expansion and the treaty-signing process became part of the Canadian economic and political order, the missionaries' struggle to assimilate the Indigenous people continued. Thousands of miles to the west and four centuries after initial contact between European and Indigenous Nations, the ideology of the Christian missionaries and state officials had not changed one iota. In the west, as they had in the east, religious denominations continued to serve as political agents of the government, and underminers of Indian societies.

Education

Among the many provisions Indigenous nations negotiated through the treaty-signing process was the provision for schools to be built either on or near Indian

reserves (MacPherson, 1991). Indigenous nations recognized that the European immigrants were here to stay, therefore it would seem to be in their best interest to educate some of their own people according to this different form of education. Through this means, the Indigenous nations would be better equipped to deal with the European immigrants since their verbal and written communications seemed to hold little honour. The European immigrants, on the other hand, viewed this request by Indigenous nations, as an opportunity to quicken the assimilation process. Initially, day schools were established; however, they were short-lived because they had little impact in terms of assimilating the Indian children. As a result, another method was devised.

What is now viewed as the most insidious assimilation strategy (although apparently implemented with good intent) was the establishment of the residential school system, formulated by Christian missionaries and supported by government officials under the auspices of education. The residential schools were funded by the government while the Christian denominations managed, administered, supervised, and instructed the Indian children (Bull, 1991). According to Barron (1984), "Officials believed that full assimilation would be possible in a generation or two, and to maximize the impact of the system, laws were passed making attendance compulsory" (p. 31).

More often than not, children were forcibly removed from their families, communities and cultures. The idea was to remove children from their 'primitive' environment, obliterate their cultural heritage and replace it with the values and beliefs of the EuroCanadian culture. Bull (1991) indicated that the purpose was to evangelize,

offer domestic and agricultural training, and educate Indian children in that order. In other words, the sole purpose of the residential schools was to prepare Indian children for assimilation.

While the objective to civilize, Christianize and educate Indian children may have been well-intended, the means to carry out this objective was violent. Removal of one generation of children after another from the communities left a void that could not be filled. The parents, extended family and community members no longer had purpose in their lives, as the roles and responsibilities inherent in the relationship with their children had disappeared. There were very few children left behind for the parents and elders of the community to pass along the cultural traditions, beliefs, values and customs. Consequently, the transmission and regeneration of cultural and social institutions and organization (the clan structure, kinship networks and extended family system) were severely disrupted. Having no recourse to the actions of the church and state, the people were rendered helpless, and eventually, hopeless. In many cases, the adults turned to alcohol to relieve themselves of the pain inflicted upon them.

At the outset, the forcible removal of Indian children from their family and community contributed to the children's experiences of many losses: loss of respectful, nurturing parents; loss of feelings of safety and security; loss of childhood and innocence; loss of love, trust, and joy. In the absence of any connections to their former life, the Indian children were expected to accept and embrace the "superior" culture's way of life. The opportunity was ripe for the missionaries to "steal" the

minds of the children and they might have been effective, had these "educators" valued and treated the children in the manner to which they were accustomed. As Wilkinson (1974) has stated, "If one can alter a people's attitudes, frames of reference, life styles, and values, the people can establish a more profound control than the sword and bullet ever could" (p. 29). Unfortunately, the children were not valued; and, rather than replacing or compensating the losses experienced by the children, the educator's philosophy of "spare the rod and spoil the child" played a prominent role in assimilating the children.

In order to assimilate the children into the dominant culture, the educators devalued the Indigenous cultures, their knowledge, language, values, beliefs, customs and practices. The children were abused verbally as the educators referred to them in derogatory terms such as "savage", "pagan", "lazy", "dirty", and "evil" when they wouldn't or couldn't conform to the expectations placed upon them. They were physically abused for speaking their own language, the only language with which they were familiar. The children were emotionally abused or neglected because their educators did not or could not engage in normal loving, caregiver-child relationships and many of the children were also sexually violated. The abuse remained constant and slowly affected the children's self-esteem, self-respect, self-worth, and self-image.

The children internalized this derogatory treatment and were affected to such a degree that they were ashamed to be Indian; many grew to hate themselves and their parents for being Indian. Many children had learned well that anything associated with "Indianness" was pagan and evil. Memmi (1965) stated that one way in which the

colonized attempts "to change his condition [is] by changing his skin" (p. 120). This behaviour was illustrated in a quote by Pete Hudson, former director of the Manitoba School of Social Work: "People in residential schools tell stories about scrubbing themselves for hours to remove their brown colour, of any trace of being Indian" (Comeau and Santin, 1990, p. 97).

These generations of Indian children returned to their communities as wounded adults. As children and adolescents, they had internalized the brutality they had experienced by those in authority at the residential schools - "people of God". These young adults were returned to their communities virtual strangers, with little or no concept of what it meant to be "Indian". They no longer fit into their communities, since they were unable to speak their language and had little or no familiarity with their cultural values, beliefs and practices. Many of these young people also resorted to alcohol to hide from the unbearable pain that had been inflicted upon them and they often externalized the same brutality they had experienced in residential school to those closest to them.

As one former student of the residential school stated about his experience, "I personally attended Indian Residential Schools for eleven years and on leaving it took me another eleven years to mentally undo the devastation perpetrated therein by religious and other fanatics" (Comeau & Santin, 1990, p. 96). According to Bull, (1991) the impact of the residential school was reported, by those who attended them, as a negative experience "socially, psychologically, emotionally, physically and even spiritually" (p. 10).

Structural and cultural assimilation was most intense during the residential school era; it was an era that lasted from the late 1870s to the early 1970s and involved at least five generations of Indian children. Even though the residential schools were eventually closed across Canada, the legacy of violence created by both the state and the church continues to reverberate in the Indian reserve communities.

Mainstream society just now is becoming aware of the atrocities associated with the wholesale removal of Indian children from their families and cultures, as well as the effects of years of abuse encountered by the majority of Indian students at the hands of priests, missionaries and nuns. As the experiences of many generations of Indian children come to the fore, mainstream society is beginning to understand that the pathology of abuse did not exist in the Indigenous cultures; rather, it lay in the systems and people that perpetrated the abuse.

Unfortunately, attempts to assimilate Indian people into the structure and culture of mainstream society did not end with the residential school experience. The destruction and despair experienced by First Nations were exacerbated by the introduction of another structural institution, the child welfare system.

Child Welfare

The introduction of children's aid societies (or child welfare agencies as they are now commonly referred to) into the Indian reserve communities occurred in the 1960s for three reasons. The primary reason was based on the purely economic argument to reduce the federal government's financial obligation. Secondly, the

government wished to reduce its legislative obligations to the Indian people, as established in Section 91(24) of the Canadian Constitution which states that the federal government is responsible for "Indians and lands reserved for Indians". Finally, the social, cultural and psychological damage to the Indian people that resulted primarily from the residential school era required "fixing". Rather than allow the Indian people to heal the wounds inflicted upon them, the federal government transferred that responsibility to the provincial government in the form of child welfare services.

Provincial child welfare authorities, prior to 1966, had no legal authority to provide services to members of Indian reserve communities. The legal authority was derived from two sources: Section 88 of the Indian Act, and in Manitoba, the 1966 bilateral agreement between the province and the federal government to provide child welfare services to Indian people. Section 88 of the Indian Act stated:

Subject to the terms of any treaty, and any other Act of the Parliament of Canada, all laws of general application from time to time in force in any province are applicable, to and in respect of Indians in the province, except to the extent that such laws are inconsistent with this Act or any order, rule, regulations or bylaw made thereunder, and except to the extent that such laws make provision for any matter for which provision is made by or under this Act.

The bilateral agreement between Manitoba and the federal government

allowed for the full range of child welfare services to be extended to 14 reserves in southern Manitoba by the Children's Aid Societies....Services were

delivered under the mandate of the Manitoba Child Welfare Act and funding was provided by the Department of Indian and Northern Affairs (DIAND). (Levine, 1988, p. 8)

According to Long and Boldt (1988), Section 88 of the Indian Act, in effect, has served "as a legal device to erode Indian special status under section 91(24)" of the Canadian Constitution (p. 7). Since the Indian Act contains no provisions for the delivery of various services such as education, child welfare, health and justice, this section is used to transfer responsibility to the provincial governments for the delivery of services in these areas through cost-shared arrangements. Through this means, Bartlett (1986) reported, "The provincial governments furthered assimilation by applying their standards and jurisdiction to Indians on reserves" (p. 188-189).

Section 88 of the Indian Act, while it might have appeared to be of some value, especially with respect to the provision of child welfare services to Indian reserve residents, proved to be as destructive as the residential school system. The child welfare system, while not explicitly designed to assimilate Indian children into the dominant society, as was the residential school system, basically had the same effect. Child welfare services did not resolve the problems created by the residential schools; these services merely replicated and exacerbated the problems already experienced by First Nations people.

The child welfare legislation, policy and practice was based on traditional mainstream values which emphasized the patriarchal nuclear family unit; they did not recognize or accept the difference that existed between Indian and non-Indian families

(Levine, 1988). Furthermore, social workers employed by the Children's Aid Societies were primarily white and middle-class, and lacked knowledge or appreciation of the ways of the Indian families and communities. Because the Indian ways did not conform to the ethnocentric values of the social workers, they arbitrarily apprehended Indian children from their families and communities and placed them in white, middle-class homes. Once again, under the guise of "protecting" Indian children, these Societies removed children from their communities. The apprehension of Indian children by child welfare authorities paralleled the compulsory attendance of Indian children at residential schools. The "fall out" was replicated for those families left behind and for the children apprehended.

The continuous removal of Indian children from their families resulted in a large over-representation of Indian children in the child welfare system, a phenomenon referred to by Johnston (1983) as the "sixties scoop". This "sixties" phenomenon continued into the 1970s and 1980s.

Finally, in 1982 an investigation in Manitoba into the adoption and placement of Indian and Metis children was conducted by Judge Kimelman. He concluded:

In 1982, no one, except the Indian and Metis people, really believed the reality - that Native children were routinely being shipped to adoption homes in the United States and to other provinces in Canada. No one fully comprehended that 25% of all children placed for adoption were placed outside of Manitoba. No one fully comprehended that virtually all those children were

of native descent. No one comprehended that Manitoba stood alone amongst all provinces in this abysmal practice. (Kimelman, 1985, p. 272)

The children removed from their cultures were placed in non-Aboriginal environments. This is an essential ingredient in arguing that the child welfare system contributed significantly to the assimilation of Aboriginal people.

One year later a House of Commons (1983) report entitled, Indian Self-Government in Canada, better known as the Penner Report, also spoke to the over-representation of Indian children in the child welfare system:

While the disproportionate ratio of children in care remains about the same today, it is important to note that the steady increase in provincial government apprehensions occurred almost simultaneously with residential school closures.
(p. 9)

McKenzie and Hudson (1985), who have also conducted extensive examinations in this area, stated that the over-representation of Indian children in this system was the result of "continuing manifestations of colonialism". These authors argued that the child welfare system, along with the education (and health care) systems, were agents of colonization. All three systems involved the separation of children from their families, communities, and culture as part of the colonialist drive toward assimilation. Levine (1988) concurred:

It is clear that the extension of social services into reserve communities did little to alleviate the problems that Indian people experienced. What was not

forecast however was that the extension of services would act as a catalyst and exacerbate the existing problems. (p. 10)

There is no doubt, as Kellough (1980) suggested, that the state had "achieved almost complete" structural assimilation of the Indian people. The state accomplished this end by severing the relationship Indian people had to their land, forcing them into economic dependence, blocking their political autonomy and forcing them into social institutions such as residential schools and child welfare systems. It is impossible to say which of these aspects created the most damage to the structure and culture of Indigenous nations. However, from an Indigenous perspective, a change in one institution reverberates changes in all others.

Impact of the Assimilation Policy

Assimilation of Canada's Indigenous people into the structure and culture of the dominating society has been a long, slow, multi-dimensional process and a destructive, painful experience for First Nations people. The cumulative effects of long term involvement of the church and state in the lives of Canada's Indigenous people has contributed significantly to the destruction of Indian communities and to their experiences of isolation, alienation, and discrimination. Despite the "benevolent" intent behind the actions of the state and church to protect the Indian people from the "evils" of the dominating society and to assist them to be like their "white" counterparts, the outcome has proved disastrous.

The impact of the assimilation process is easily demonstrated in many reserve communities today. The traditional governing structures, economic livelihood, and social institutions have been virtually destroyed. The cultural and psychological approaches to areas such as health, child care, education, and justice also have been severely impacted through the stringent policy of assimilation. High rates of poverty, unemployment, welfare dependency, family breakdown, alcoholism, violence and suicide are just a few of the issues that characterize many reserves in Canada. This experience has contributed to prolonged feelings of helplessness and hopelessness as each attempt by the Indian people to improve their situation or salvage what remained of the structure and culture of their societies was blocked by the introduction of new legislation, policy or practice.

Federal Government Response to the "Indian Problem"

There is plenty of evidence examined in this chapter to show that as the government's assimilation strategies increased, the economic, political and psycho-social conditions of Indian people worsened. Despite the evidence, overt assimilation strategies continued to be imposed upon the Indian people. However, at the same time, the federal government was seen to demonstrate its concern when it commissioned Harry Hawthorn to undertake a comprehensive study on the conditions of Indian people in Canada.

After an extensive examination of Indian reserves across Canada, Hawthorn released his report in 1966 entitled, A Survey of the Contemporary Indians of Canada.

According to Weaver (1981), Hawthorn "demonstrated that Indians suffered from poverty, underemployment and unemployment" (p. 21) and recommended that the government "improve its development programs...ensure that the provinces delivered services to their Indian citizens...[and] protect their special status", among other recommendations (p. 21).

Despite the Hawthorn recommendations, especially with respect to the protection of the special status of Indian people, Prime Minister Trudeau introduced to Parliament, the Canadian public and the Indian people, his solution to the "Indian problem" with his Statement of the Government of Canada on Indian Policy (Canada, 1969), now infamously referred to as the 1969 White Paper. From Trudeau's perspective, the impoverished social and economic conditions of Indian life was rooted, not in the assimilation policy directed toward the Indian people but, in the "special status" that had been historically assigned to them through the B.N.A. Act of 1867. He also viewed the Indian Act to be the instrument that played a key role in the discrimination against Indian people, while its administering body, the Department of Indian Affairs, was perceived to be a major "stumbling block" that prevented the Indian people from participating as full citizens (Comeau & Santin, 1990).

Within this context, Trudeau devised the 1969 White Paper to eradicate "Indian problems". Trudeau indicated that this would be accomplished through the removal of the special status of Indian people, repealing the Indian Act, disassembling the Department of Indian Affairs, dividing reserve lands into private property for its residents; transferring services for Indian people to provincial jurisdiction, and the

government would no longer recognize the treaty and Aboriginal rights of Aboriginal peoples (Canada, 1969).

For the Indian people across Canada, Trudeau's proposed solution "was seen as an engine of cultural genocide" (Barron, 1984, p. 34). Duran (1977), who had conducted research into the United States "termination" policy and the effect on its Indian tribes stated, "For the Indian people, treaty rights and the federal tie remain the basic guarantees of their right to continue to exist as a people with different traditions and values within the larger Canadian and American societies" (p. 34).

The Indian people across the provinces were unanimous in their opposition to Trudeau's wholesale policy of assimilation. Indian organizations across Canada were offered an opportunity to present rebuttals to Trudeau's policy. In Manitoba, Wabung: Our Tomorrows was the response of the Manitoba Indian Brotherhood (1971).

With respect to responses from the provincial governments, who were expected to pick up federal responsibilities to Indians, Doerr (1973:293) stated:

Indian reaction to the White Paper was so overwhelmingly negative that the provinces were relieved of the necessity of publicly declaring any opposition they may have had to the policy. Subsequent consultations between Chretien and the provinces were carried on privately, so that the public remained uninformed about the extent of provincial support or opposition. (as cited in Weaver, 1981, p. 175)

Inadvertently, Trudeau's White Paper presented an opportunity for Indian bands and organizations across Canada to fight against the very structure that had and continued

to unrelentingly contribute to their devastating situation for more than a century. This move by Trudeau and the heated reaction from the Indian community brought to the fore of mainstream society, the racism, discrimination and assimilation experienced by Aboriginal people across the country.

After considerable controversy and deliberation, Trudeau acknowledged that the White Paper may have been somewhat misguided, but that certainly, it had been offered to the Indian people with good intent. Trudeau formally retracted the White Paper in the spring of 1970 (Comeau & Santin). The Prime Minister's retraction of his White Paper marked the end of the federal government's overt strategies to assimilate the Indian people.

First Nations across Canada continued to press the federal government to recognize their special status within the context of the Canadian federation. Finally, in 1976 the federal government introduced its "new and improved" Indian policy entitled 'New Federal Government-Indian Relationship'. The government had renounced its long standing official policy of assimilation (Weaver, 1981). Weaver stated, "The new policy recognized the continuing special status of Indians, which it described as 'a concept of Indian identity within Canadian society rather than separation from Canadian society or assimilation into it'" (p. 202). Under this new policy, the major goal of the federal government was "to transfer the administration of programs and resources to band governments" (Frideres, 1993, p. 250). However, as the following chapter will show, this transfer or devolution of program administration and resources to band governments did not occur without impediments and serious implications.

Conclusion

This chapter has shown how, through legislation, regulation and practice, the federal government's official assimilation policy was extended to include every aspect of the Indian people's lives. From the earliest days of contact between the European and Indigenous Nations, assimilation of Indigenous people into the structure and culture of the dominating society has been the ultimate goal. In order to speed up the assimilation process, legislation was devised that would inhibit Indigenous people from practicing their traditional way of life within their traditional institutions and cultures. The legislation was introduced to Indigenous Nations in the east and as the Dominion of Canada expanded westward, it was systematically applied to western Nations as well.

The outcome of the federal government's assimilation policy had disastrous effects on the structural and cultural institutions of the Indian societies. The initial difficulties experienced by the first generation of Indian people, as a result of the assimilation policy, were exacerbated repeatedly as the government continued to apply its policy. The problems currently witnessed in First Nation communities are inter-generational experiences that will require many additional generations to resolve.

Familiarity with the historic relationship between First Nations and the federal government provides a critical context from which to question: why, after systematic, methodical and often successful attempts to assimilate Indigenous Nations into the structure and culture of dominant society, was the government now in favour of devolving administrative "control" for social service programs and the delivery of

those services to First Nations? Chapter Three provides a contemporary overview of First Nations struggle to become self-determining by utilising the government's devolution policy.

Chapter Three

First Nations Struggle for Self-Determination

Introduction

As indicated in the previous chapter, the government's policy to assimilate First Nations into the structure and culture of dominant society contributed significantly to the destruction and despair experienced by First Nation communities. The attempt in 1969 by Prime Minister Trudeau to assimilate, wholly, Indians into the structure of the dominant society was met with disdain by First Nations. From that point forward, First Nations began to assert, aggressively at times, their inherent right to be self-determining. Thus, the struggle against assimilation continued, despite the retraction of government's official policy to assimilate First Nations.

This chapter speaks to the dual struggle of First Nations to one, acquire political/constitutional recognition of their Aboriginal and Treaty rights; and, two, their demand for changes in government policy that would allow for comprehensive and culturally relevant programs and services. This chapter then focuses on the federal government's devolution policy and indigenization as a response to First Nations' demands for comprehensive and culturally relevant programs and services through a variety of services.

Political/Constitutional Struggles

The political recognition of their "special status" within the Canadian state by Prime Minister Trudeau enabled First Nations to forge ahead in their struggle to chisel further at the political and legal structures to have their treaty and Aboriginal rights recognized in the Canadian Constitution. Constitutional recognition and entrenchment of these rights would ensure the protection of their special status from future governments in this country (Miller, 1989). Since First Nations had never surrendered their right to be self-governing, this latter struggle included assertion of their inherent right to be self-governing.

In the early 1980s, the patriation of the Canadian Constitution presented an ideal opportunity for Aboriginal groups across Canada to have their rights recognized in the Constitution. After extensive lobbying efforts, Aboriginal peoples were successful in having their rights recognized in the Canadian Constitution. Section 35(1) of the Constitution states: "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed" (Van Loon & Whittington, 1984, p. 725) which ensured that "these rights were placed beyond the reach of parliament and legislatures" (Miller, 1989, p. 239). However, as Miller further stated, since "no one knew what constituted 'existing aboriginal and treaty rights'...a series of conferences would be held with representatives of the aboriginal peoples' organizations to define these rights" (p. 240). Despite the fact that the Special Committee of the House of Commons on Indian Self-Government in 1983 had endorsed the Indians' right to self-government and recommended that it should be

entrenched in the Canadian Constitution, the First Ministers' Conferences held between 1983 and 1987 concluded with no explicit recognition of Aboriginal peoples' inherent right to self-government.

After the Conservative government was elected in 1984, spending on all government programs came under scrutiny. A task force headed by Conservative M.P. Erik Neilsen was mandated to "review a broad range of government programs and to report both on their efficiency and the possibility of shrinking them" (Miller, p. 244). The investigation into the cost of Native programming was carried out in secrecy and concluded:

'Native peoples were in a state of socio-economic deprivation, that government programs had failed to alter this state, that government spending went far beyond the government's legal responsibilities to native people.' It was also found that DIAND perpetuated the problems by providing global programs to Indians and keeping alive the idea that Ottawa bore sole responsibility for native affairs. (Miller, p. 244)

The solutions proposed by Neilsen were not substantially different than those found in Trudeau's 1969 White Paper. The federal government continued to pressure the provincial governments into accepting responsibility for providing services to status Indians on and off Indian reserves.

First Nations' struggle for self-determination dovetailed well into the government agenda to absolve itself of the economic cost and political liability of controlling Indian people. Because it appeared that the government's hidden agenda to

assimilate First Nations, was again coming to the surface, Long and Boldt (1988) argued that "the federal government's drive for increased autonomy and self-government for Indians 'represents a significant step toward total institutional assimilation and undermines the historical special status of Canada's Indians'" (p. 45).

These authors emphasized:

It is our hope that the federal government will disabuse itself of any thought that aboriginal self-government can be a vehicle for a gradual transfer to the provinces of financial responsibility for programs and services for aboriginal peoples. (p. 68)

Once again, the reaction by Aboriginal groups was opposition. Despite the entrenchment of "existing treaty and aboriginal rights" in the Canadian Constitution, and despite their deprived socio-economic state, the federal government continued to deliver blows to the Aboriginal peoples via other means during 1989 and 1990.

In an effort to slash costs further, the government placed a cap on funding First Nation students in post secondary institutions. This cap resulted in a decline in the number of students who could acquire post secondary education and thereafter provide leadership and skills to their community. Miller referred to the government cap on funding post-secondary education "as part of a deliberate policy to limit indigenous peoples' social mobility" (p. 299).

The cap on government funding was extended to slashing funds to Aboriginal media outlets which was interpreted "as a strategy aimed at limiting their ability to protest and criticize" (p. 300). Miller stated:

at best Ottawa was indifferent and insensitive to native peoples' interests; at worst the federal government was seen to be embarked on a deliberate program of limiting their ability to advance themselves, either individually through education or collectively by means of information and political action. (p. 300)

In effect, what this action by the government showed and what the above quote reflected was that the federal government had come full circle from a century ago when the intent of government was to assimilate Indian peoples by limiting their ability to help themselves.

Although the federal government continued to limit the power and opportunities of First Nations people, community support, mass action, and the movement for change continued. For example, ratification of the Meech Lake Accord by all provincial governments presented another opportunity not to be resisted by Manitoba's First Nations. It is the rule of the Manitoba Legislature that unanimous consent of all Members of the Legislative Assembly was required to expedite the acceptance of the Accord. Much to the chagrin of Prime Minister Mulroney and others, Elijah Harper, M.L.A. for the New Democratic Party, refused to consent by his bold response, "No. Mr. Speaker." Miller stated, "On 22 June 1990, at the hands of Elijah Harper and Manitoba's native leaders, the Meech Lake Accord died" (p. 302).

Further examples of the climate for First Nations' self-determination and control over Indian resources were shown in First Nations' claim to lands that had been either negotiated during the treaty signing process and never received or reclaim land that had been expropriated by government illegally. This was the situation that

lead to the crisis in Oka, Quebec, the blockade against clear-cutting in British Columbia and other smaller struggles across Canada over land, treaty, hunting, fishing and more recently, gaming rights.

In addition, the Canadian criminal justice system was undergoing a series of public inquiries into the administration of justice to Canada's Aboriginal peoples across many of the provinces. This included Manitoba's public inquiry into the administration of justice and Aboriginal peoples which also recommended recognition of Aboriginal self-government. Commissioners of the Aboriginal Justice Inquiry, Hamilton and Sinclair (1991) wrote,

While Aboriginal self-government has been recognized in a *de facto* manner by all governments, it needs official recognition so that no further questions need arise as to its existence, or as to the right of Aboriginal people to their enjoyment of it. (p. 641)

Constitutional amendments continued to be discussed across Canada and throughout the provinces. The First Nations Circle on the Constitution and Manitoba's Constitutional Task Force concluded with a recommendation to recognize the Aboriginal right to self-government. Nevertheless, the national referendum held on the Charlottetown Accord, which included the entrenchment of the Aboriginal right to self-government, was not supported by the people of Canada.

In December, 1994, the Department of Indian and Northern Affairs committed itself to dismantle its Manitoba Regional Office, a test case for Aboriginal self-government. One would expect that within a relatively short period of time, it will

become clear whether this gesture was genuine or just another method devised by the federal government to absolve itself of its legal and financial responsibilities to First Nations.

While constitutional discussions have been placed on the "back burner" by the current governing Liberal party, Aboriginal peoples continue to work toward their right to political autonomy. Simultaneously, they continue to negotiate for more control over their lives through the administration of a variety of programs and the delivery of services to their own people.

Devolution policy

The federal government's devolution policy enabled it to transfer to First Nations a number of government programs to administer. While there may be certain benefits to First Nations associated with the devolution policy, it also contains some serious limitations and restrictions. An examination of the academic literature around this policy suggests that it may not be so benevolent. One institution where the devolution policy has a long standing track record in First Nation communities is education.

During the early 1970s, First Nations began to advance proposals to the federal government that would enable them to reacquire control over certain aspects of their lives. One of the first proposals forwarded to the government came from the National Indian Brotherhood (1972). Indian Control of Indian Education proposed that First Nations take control over the education of First Nations people. Their intent was to

acquire greater control over the education of their children. MacPherson (1991)

indicated that from the perspective of First Nations:

Local control of education was intended to cover a wide range of education matters, including budgets, identifying school facilities to meet local needs, the operation of the physical plant, staffing (teachers, administrators, support staff), negotiations with other jurisdictions for additional services, the evaluation of educational programs for Indian students both on and off the reserve, counselling services, cultural programs and adult education. (p. 3)

Their rationale was that

the idea of Indian control of our education was to mark the beginning of the emergence of certain aspects of self-government; namely, the control, administration, and development of education models and programs which would be more in step with Indian aspirations in every aspect of social, political, and economic development and, most important, more "Indian" in curriculum and pedagogy.... (MacPherson, p. 3)

In 1988 the Education Secretariat of the Assembly of First Nations released a document, Tradition and Education: Toward A Vision of our Future. Unlike the guiding principle of "control" in the 1972 paper, the guiding principle in this document was self-government. In order to ameliorate or overcome some of the problems that continued to exist, MacPherson argued that two aspects of education needed to be addressed, "first, recognition of federal constitutional responsibility for Indian education; secondly, movement towards Indian self-government, and with it Indian

jurisdiction, not just control, over Indian education" (p. 5). Nevertheless, limitations continued to exist with respect to curriculum and pedagogy, since the provincial departments of education control these aspects. Larger limitations were attested to by Battiste and Barman (1995) who indicated that the Assembly of First Nations Education Secretariat,

found that Aboriginal communities had limited jurisdiction over education because the federal government had merely envisioned Indian control as administrative control of programs, not the redefinition or restructuring of Indian education. Furthermore, Aboriginal communities had neither the resources nor the authority to evaluate and implement the necessary services.

(p. xi)

This finding by the Education Secretariat supports my argument that "control" envisioned by the First Nations and by the federal government are antithetical to one another. It also remains an effective means by which to assimilate First Nations through devolved education.

After approximately twenty years of devolved "control" in the area of education, the MacPherson report on tradition and education: Towards a vision of our future (1991) reported:

Devolution is the policy of the federal government to devolve, over time, responsibility for the delivery of programs and services to First Nations. It does not include any legislative or administrative changes and, more importantly,

devolution does not incorporate an increase in funding levels for programs involved.... (p. 10)

The perception that the government's devolution policy does not support self-determination seems to be widely held. For example, Comeau & Santin (1990) stated:

Ottawa has offered Indian people bits and pieces of control, some of it in response to native demands, but more of it as a way of satisfying its own agenda of reducing its financial and constitutional responsibilities while ensuring that the division of power remains intact. (p. 4)

Also, Frideres (1993) has stated that,

the policy for devolution (control over Indians moving from the federal Government to the Indians themselves) has transferred only the delivery of services to the band level. The control over the programs, policies and budget still remains with DIAND. (p. 346)

The concerns identified above lead one to question why the federal government would willingly relinquish control over program administration to First Nations that it had so jealously guarded that their control was entrenched in the B.N.A. Act (1867), or why First Nations would agree to administer government programs with such serious restrictions and limitations. One might conclude as Comeau & Santin (1990) have that, "With growing frequency, Indian leaders and scholars have insisted over the past two decades that the White Paper simply went underground, and continues to be the main driving force behind government's native policy" (p. 17). Or, one might conclude as Frideres (1993) has that,

Native programs tend to be short-term experimental or pilot projects, which can be terminated quickly with few problems...these programs have 'therapeutic' value only; because they defuse protest and do not seriously disrupt the status quo, they perform effectively as social control mechanisms. (p. 469)

The conclusions drawn from these sources indicate that the policy to devolve government programs to First Nations appears to be an extension of the government's former assimilation policy because of the inability of First Nations to create any systemic change that would allow for the enhancement or development of their traditional cultural ways.

Indigenization

A natural extension of devolving program administration to First Nations was the opportunity for First Nations to hire their own people to provide services to their own people, a concept referred to as "indigenization". The term, "indigenization" was initially proposed by Havemann, Couse, Foster, & Matonovitch (1984). They define this concept as "the performing of services for Indigenous peoples by Indigenous peoples" (p. xxx). Although Havemann (1988) has applied this concept to the three areas within the criminal justice system, policing, the courts, and correctional facilities, the concept could be applied to other institutions and programs that have been devolved to First Nations. Indigenization, as one aspect of the devolution policy, also appears to have some benefits associated with it for First Nations; however, once

again, closer examination would suggest that its inherent limitations and restrictions are more closely aligned to assimilation rather than self-determination.

Havemann, Couse, Foster and Matonovitch (1984) reviewed, summarized and analyzed the policy implications of the body of research relating to Aboriginal people in Canada in a report, Law and Order for Canada's Indigenous People. Their focus was "upon the imposed legal system", and their goal was to "analyze the motives and underlying assumptions of the 'colonial' system of social control for advocating 'indigenization'" (Havemann, 1988, p. 72). These researchers concluded that "indigenization, i.e., the recruitment of indigenous people to enforce the laws of the colonial power, can rarely be a satisfactory measure" (p. 72). Havemann (1989) has identified a number of factors associated with indigenization that strongly suggests that the outcome of this strategy leads to assimilation rather than self-determination or autonomy.

First, Havemann (1988) viewed indigenization as "a bureaucratic reform measure" (p. 73). Devolving the administration of government programs to First Nations is bureaucratization. With this method of change, there is very little compromise in relation to ideological and organizational change from the dominant system. This type of change is viewed as less "radical" and increasingly has come to resemble dominant forms of authority and organization.

Second, Havemann (1988) stated that, as agents of social control, indigenized personnel, "by definition, must always serve within the imposed system of social control backed by the sovereign power of the state and enforce the...law of that state"

(p. 74). The government programs transferred to First Nations carry with them the laws, policies and practices of the dominant institutions and there is minimal or no regard for cultural differences. An examination of service contracts negotiated with the federal and provincial governments stipulate that services provided by First Nation employees "shall be carried out in accordance with the terms of applicable provincial legislation" (Levine, 1988, p. 47). Consequently, the terms have been dictated at the onset.

Third, Havemann (1988) noted that the burdens associated with indigenization include "personal ones such as the threat to identity and the necessity of managing conflicting loyalties" (p. 72).

Fourth, Havemann asserted that affirmative action programs aimed at increasing the number of Aboriginal staff "may have a 'benign intent' but will actually increase oppression against Aboriginal people because these Aboriginal staff are used to increase the legitimacy of the dominant society's values" (as cited in Nielsen, 1990, p. 116).

Fifth, Havemann (1988) claimed that "the long-term political cost of participating in a hybridized system...may serve to retard the process toward increased autonomy" (p. 72).

Sixth, Havemann (1988) stated that "the indigenization of social control and regulation seems an end in itself rather than a transitional stage towards a more pluralistic...system" (p. 74); and,

Seventh, Havemann (1988) asserted that "...Indigenization serves as a cheap substitute for some measure of autonomy, self-government or, indeed, sovereignty" (p. 74).

Eighth, Havemann (1988) stated that "The appearance of consensual social control is achieved by offering [probations] by indigenous people for indigenous people" (p. 80). When First Nations assume responsibility for the delivery of services to their own people, it appears to "outsiders" that First Nations have done so willingly and without contesting their appropriateness.

An examination of indigenization as it has been introduced into the three aspects of the criminal justice system, policing, the courts, and corrections, will provide a foundation for understanding the factors that Havemann has pointed out. It also provides a foundation against which other institutions and programs can be assessed.

Policing

The introduction of Aboriginal policing occurred during the 1970s with the creation of native constable and tribal policing programs. These programs were introduced to combat some of the racism experienced by Aboriginal people. Harding (1991) noted the justification for putting extra emphasis on overcoming racism within policing:

As the front-end of the criminal justice system, discriminatory discretion in policing shapes everything that follows. If any significant change is to be made

in the steady trend to overincarcerate Aboriginal people, something must change in policing itself. (p. 364)

It appears, despite evidence to the contrary, that if criminal justice officials believe that "problems" exist at the policing level, then it is at this level that the problems will be "fixed". This is supported by Havemann (1989):

Since police define the problems, police solutions are found. Police are the gatekeepers of the criminal justice system; it is largely their activities which dictate the size of the prison population. (p. 61)

Harding (1991) indicated that, unfortunately, the outcome of the Native constable programs "was more criminalization of Aboriginal people" (p. 371). This finding has been echoed by LaPrairie (1990) who refers to the outcome as the "'more police more crime' syndrome" (p. 431). Havemann (1989) stated that this increased criminalization of Aboriginal people was due to the fact that, "Police find crime among indigenous people because, among other reasons, that is where they are deployed to seek it" (p. 62). Havemann (1989) stated that there is an appearance of consensual social regulation achieved when the opportunity to carry out policing services by Aboriginal people for Aboriginal people is accepted.

More to the point, is the fact that Aboriginal police officers are enforcing non-Aboriginal law against their own people. For example, in Manitoba, the D.O.T.C. Tribal Police were instrumental in shutting down a gaming operation in one of its own reserve communities. This situation created enormous dissension and division within and between First Nations, especially when they were trying to become financially

independent on the federal government and recognizing that legally, the province has no legitimate authority in their communities.

Courts

The indigenization of courtroom programs, as a method of dealing with the discrimination and racism experienced by Aboriginal people, was also introduced, since others believed that the mainstream court system was where the fate of many Aboriginal lives was determined. As Jackson (1988) remarked, 'one reason why Native inmates are disproportionately represented in the prison population is that too many of them are being unnecessarily sentenced to terms of imprisonment' (as cited in LaPrairie, 1990, p. 431). This belief was the impetus to initiate the Native Courtworker Program during the late 1970's.

The courtworker program is the principal mechanism used to enhance Aboriginal participation in the court process. According to the Department of Justice (1991), the main objective of this program is

to assist aboriginal people to understand their legal rights and responsibilities and to obtain equality before the law... The courtworker program's service model is consistent with federal policy in that it encourages aboriginal people to be actively involved in the resolution of their own problems. (p. 44)

The courtworker program offers a variety of services such as helping clients obtain legal counsel, providing legal information, explaining legal documents, procedures and

terminology (Jackson, 1989). Despite the benefit of these services to Aboriginal clients, there remains serious limitations with the courtworker program.

Aboriginal people are hired to administer the duties of the court and the bureaucratic nature of the courtworker program ensures that Aboriginal courtworkers virtually have no authority to influence sentences handed down by the judges. The courtworker program has had no impact on injustices that are inherent within the court system. Despite the limitations, Aboriginal courtworkers provide "a friendly face for clients facing what was often perceived as a hostile judicial environment" (Harding & Spence, 1991, p. 52).

The courtworker program functions to serve the needs of the court system and not the Aboriginal clients. Again, the point is that it is still non-Aboriginal laws and procedures which remain intact and are not questioned. One comes to the same conclusions about the reforms that have been initiated within the prison system.

Corrections

According to Nielsen (1990), a number of initiatives have been introduced to address the needs of Aboriginal inmates since the early 1980s. Some of these initiatives include the implementation of Aboriginal spiritual programs, cultural programs, alcohol and drug programs, Native awareness training for non-Aboriginal staff, and affirmative action employment programs.

The justification for hiring Aboriginal correctional officers was that the Aboriginal inmates would respond more favourably to a corrections system that had

more Aboriginal people working in the front lines (Harding & Spence, 1991).

However, since the primary concern of corrections is to regulate and control their clients so that they conform to the rules of dominant society (Nielsen, 1990; Harding, 1991), the indigenization of correctional staff accomplishes very little in terms reducing the incarceration rate of Aboriginal people. Correctional officers also are viewed as perpetrators of oppression and when Aboriginal people take over the role of correctional officers, this view does not change. Aboriginal correctional officers are then viewed as oppressing their own people.

For the mainstream criminal justice system, the indigenization of government programs were to provide "a more effective social control system" (Harding, 1991, p. 370). For Aboriginal people, these changes in the criminal justice system offered "hope of greater understanding of and control over the justice process" (Coyle, 1986, p. 610). To some degree, solutions of this kind appeased those who were being victimized by the criminal justice system, thereby giving the appearance that the system is actively involved in "correcting" the problems. However, solutions of this kind require a deeper and richer understanding.

Chapter Four presents the research methodology used to assess, through a single case study, Dakota Ojibway Probation Service, whether assimilation is an inherent aspect of devolution and indigenization.

Chapter Four

Case Study Method

Introduction

The overall study is focused on the assimilation of First Nations into the structure and culture of dominant society. In Chapter Two, I started with a broad, historical description of how the assimilation process occurred. In Chapter Three, I narrowed my focus and addressed the issue of assimilation in a more contemporary framework. The focal points were the devolution of government-mandated programs to First Nations and the indigenization of program personnel. In this chapter, Chapter Four, I present the research methodology.

I begin with personal and academic rationale for examining assimilation within the context of one-case example. I identify some problems inherent in a single research methodology and endemic to the study itself. I then turn to the literature, focusing on the work of Merriam (1988), to determine the fit between one method of case study research and the issues in this study. A three-stage process of data generation became clearer through an analysis of this fit between research design and the issues. As such, I touch on the research design for this study which included processes for data generation based on document analysis, purposeful sampling through interviews, and my personal knowledge of the case-under-study. This discussion includes the processes employed to reconcile the data that emerged from both the interviews and the supporting documentation with the historical and contemporary conflicts First Nations have faced in their attempts to retain their

cultures. The chapter concludes with some generalizations about possible future use of the data and research design.

Personal rationale for choosing Dakota Ojibway Probation Service

On a personal level, my rationale for examining one case example is based on several reasons. First, it stems from my personal experience, knowledge, and understanding of government policy to assimilate First Nations. Second, it stems from my concern that devolution and indigenization, which are purported to support First Nations' self-determination, in fact, may be designed to do the opposite, that is, assimilate First Nations deeper into the structure and culture of dominant society. Third, I had previous involvement with this case as a researcher during its final program evaluation and so I was familiar with its history and its personnel. Fourth, I also had previous research experience that focused on specific individual cases.

Throughout my years of academic study, I have had a gnawing suspicion that the governments' effort to assimilate First Nations into the dominant society had shifted from an overt policy and practice to one much more subtle. However, there was very little evidence to support my claim. This research study presented me an opportunity to validate or dispel my suspicions. Merriam believes that "research focused on discovery, insight, and understanding from the perspectives of those being studied offers the greatest promise of making significant contributions to the knowledge base and practice of education" (p. 3). I assumed that in this case what would be true of research in education would also be true of criminal justice programs.

Consequently, I believe that my decision to choose the qualitative case study method to access that knowledge may not lead to definitive conclusions, but will serve as a starting point from which others can then continue. As a review of the data analysis shows, I was often actively involved on a personal level.

Academic rationale for choosing Dakota Ojibway Probation Service

On an academic level, I chose to examine one case example, Dakota Ojibway Probation Service, because this program fulfilled the criteria for investigation identified by Kellough (1980) and Havemann (1988). First, the criminal justice system is a foundational institution to the structure of mainstream society and this program was one aspect of that institution. Second, Dakota Ojibway Tribal Council had been mandated by Manitoba Community Services and Corrections to administer this probation program whose financial resources were derived from both federal and provincial governments. Third, the program was staffed by First Nations personnel to provide probation services to their own people. Most important for this study, the design and delivery of the program was purported to be by, for, and to First Nations while, in fact, the power and authority remained outside the control of the First Nations.

The early research in the project began from my belief that Kellough (1980) provided a framework for this investigation. Her conceptualization that historically, assimilation/colonization of Indigenous people occurred on both a structural (institutional) level and a cultural (psychological) level presented a starting point. If

this was how assimilation occurred historically, why could this not still be occurring today? An examination of recent academic literature, which focused on institutions where the devolution policy had been utilised, as a way of accessing "control", seemed to support my contention, at least on a theoretical or conceptual level.

With the belief that organizations and cultures could be analyzed at micro, mezzo, and macro levels which would reveal the levels of assimilation, I searched the academic literature for a suitable research methodology. According to Merriam (1988), "The question of when to use a qualitative case study for research versus some other design essentially depends upon what the researcher wants to know" (p. 29). I wanted to know if there was a means of validating my beliefs about the assimilative process.

Qualitative case study is defined by Merriam (1988) "as an intensive, holistic description and analysis of a single entity, phenomenon, or social unit" (p. 16). Practitioners of qualitative research indicate that this method has been used extensively in the traditional disciplines of social science research, practice-oriented fields as well as thesis and dissertation research (Merriam, 1988; Monnett, Sullivan & Dejong, 1986; Reinharz, 1992; and Yin, 1984, 1989).

Merriam's qualitative approach to case-study

Merriam (1988) emphasizes that case study research should consist of four characteristics: particularistic, descriptive, heuristic, and inductive. These characteristics, she indicates, are "essential properties of a qualitative case study" (p. 11). As the following discussion reveals, an examination of Dakota Ojibway Probation

Service (D.O.P.S.) establishes that the program fits within the parameters of these characteristics.

Particularistic, "means that case studies focus on a particular situation, event, program, or phenomenon. The case itself is important for what it reveals about the phenomenon and for what it might represent" (p. 11). The focus on D.O.P.S. as an interim program is particularistic. The program can be analyzed as a whole event taking place within a finite time-frame, that is, a historical and social context for events that occurred between the 1984 and 1993.

The "descriptive" characteristic means that "the end product of a case study is a rich, 'thick' description of the phenomenon under study" (p. 11) Merriam also stated that this characteristic means "'interpreting the meaning of...data in terms of cultural norms and mores, community values, deep-seated attitudes and notions and the like'" (p. 13). In this case, the descriptive quality provides an indepth description of the program, its nuances and interesting individual facets. The value of descriptive data deepens the reader's understanding. It can reveal what the program meant to those involved; and, it can provide insight into the individual personal experiences. The personal aspect that arises from the descriptive aspects of the program are also referenced in Merriam's suggestion that "[i]t offers insights and illuminates meanings that expand its readers' experiences" (p. 32).

"Heuristic" means to "illuminate the reader's understanding of the phenomenon under study. They can bring about the discovery of new meaning, extend the reader's experience, or confirm what is known" (p. 13). This characteristic may be more a

study of the researcher's response to the case study than anything else. The opportunity to illuminate readers with my understanding is perhaps the most rewarding part of this undertaking. The heuristic value of D.O.P.S. can bring us greater insights to similar programs operating across the country.

"Inductive" for Merriam "means that, for the most part, case studies rely on inductive reasoning. Generalizations, concepts, or hypotheses emerge from an examination of data - data grounded in the context itself" (p. 13). It provides an opportunity to generate knowledge, and to uncover potential differences in the intent of the program. From the inductive characteristic can emerge some extrapolation of ideas, as well as some generalizations about Dakota Ojibway Probation Service.

Deductive aspects also play a major role in the analysis of the study of D.O.P.S. This deductive approach is in keeping with Merriam's statement that, "occasionally one may have tentative working hypotheses at the outset of a case study, but these expectations are subject to reformulation as the study proceeds" (p. 13). For example, the understanding of assimilation, indigenization, and structural and cultural control form a working hypothesis at the beginning of the study. This understanding is first subjected to deductive analysis and then to an inductive analysis. This method of deduction leading to induction could be symbolized with an hour-glass. These broad concepts become more focused as they are applied to Dakota Ojibway Probation Service and then, the study of Dakota Ojibway Probation Service provides an expanded view of the original concepts.

The concepts lend themselves to suggest that care must be taken not to miss the lessons held therein when we are planning other such programs. If we take time to look closely at programs such as Dakota Ojibway Probation Service, we can make decisions based on this analysis which will impact future programs, even systems. This belief in the potential for change, based on data gleaned from a case study, was supported by Patton (1990) who stated that "qualitative data can yield not only deeper understanding but also political action as the depth of participants' feelings are revealed" (p. 19).

Another aspect of the case-study method, as described by Merriam (1988), that I found particularly helpful was its usefulness in identifying problems in the research. These problems were in the design and the detail.

Problems in the research topic and methodology

The very fact that the qualitative case study method has a sound foundation as an acceptable research methodology became problematic for me in this study. One problem was that I approached this study from the perspective of a First Nations' woman. There is a scarcity of research (in any research paradigm) on which I could base my perspectives.

The case-study methodology employed to analyze the case-under-study became the focus for determining the machinations of indigenization and, therefore, the scope of the assimilation processes. However, it was necessary to provide overviews of the historical and contemporary forces that were at work on the case-under-study, and

ultimately shaping the lives of First Nations' people. The historical and contemporary data analysis which formed the first two stages of data analysis supported my contention that programs of this nature, or aspects of it, are assimilative. The extent of the assimilation or the exact processes were left to be discovered in the case-study.

One of the problems, inherent in the study, was the topic itself. Assimilation is an abstract aspect of reality; and as such, it is a concept difficult to measure. With no standardized tests to measure if assimilation can occur through the devolution of government programs and the indigenization of program personnel, it became evident that a qualitative method was required to gather data, to process it, and then to analyze it. For the purposes of this study, assimilation has been defined as the process whereby the dominant group prevents the minority group from achieving the development of their own institutions and culture consistent with their own history.

These confounding aspects of the multi-layered approach required to investigate a phenomenon--assimilation--that may have no measure held many of the similar characteristics as "wicked problems" (Rittel & Webber, 1973, as cited in Alcorn, 1995). These problems have been identified as having the following traits:

There is no definitive information on the problem.

There is no way to know when to stop trying to solve the problem.

Solutions are not true or false, but rather bad or good.

There are no immediate and no ultimate test of solutions.

Every solution is a one-shot operation because there is no opportunity to learn by trial and error, and so every attempt counts.

The problem does not have enumerable (or exhaustively describable) potential solutions, nor is there a well-described set of permissible operations that can be incorporated into solution plans.

The problem is essentially unique.

The problem can be considered a symptom of another problem.

A discrepancy that represents such a problem can be explained in numerous ways, and the choice of explanation determines the nature of the problem's resolution.

The problem solver has no right to be wrong. (pp. 116-117)

One example of a "wicked problem" was the problem which arose from conducting the research itself: if, in fact, there was a process of assimilation taking place, is there enough First Nations' structure and culture immediately identifiable to fill the void that would exist from the removal of policies and procedures based on a non-First Nations' ontology?

An example of the first "wicked problem" inherent in the D.O.P.S. model is that, on its own, the program may look very successful in meeting the needs of First Nations. Another case in point is the reference to "one-shot operations." The D.O.P.S. model was designed to provide one shot. Similarly, the little research that existed was not necessarily transferable to another location.

As such, the topic is confounding because of its abstruse characteristics. Schön (1987) provided an intimation of some of the problems inherent in the topic. He stated:

In the varied topography of professional practice, there is a high, hard ground overlooking a swamp. On the high ground, manageable problems lend themselves to solution through the application of research-based theory and technique. In the swampy lowland, messy, confusing problems defy technical solution. The irony of this situation is that the problems of the high ground tend to be relatively unimportant to individuals or society at large, however great their technical interest may be, while in the swamp lie the problems of greatest human concern. The practitioner must choose. Shall he remain on the high ground where he can solve relatively unimportant problems according to prevailing standards of rigor, or shall he descend to the swamp of important problems and nonrigorous inquiry? (p. 3)

As such, the "prevailing standards" of the case study method formed the basis for the research methodology insofar as these methods were congruent with my perspective as a First Nations' woman addressing an issue that I believe is fundamental in my continuing existence. Schön (1987) refers to one's perspective of this existence as one's "ontological process" or "a form of worldmaking" (p. 4).

Research Design

The case-study aspects of the research design allowed for the collection of different kinds of data--descriptive data and interview data and personal experiences. The bulk of the descriptive data came from various research reports and program reviews and evaluations, and background information such as that contained in the

proposal. These documents were simply read with an eye towards evidence of contradictions between program philosophy and delivery, government and First Nations' interpretations, and overt and covert machinations of assimilation. The interview transcripts were intensely examined for similar contradictions as well as for their value in providing tools for interpreting the underpinnings of the documents. Merriam's (1988) methodology was employed throughout as a general guide.

The personal aspects are included as a means of providing research reliability. Other researchers need to be aware that they may find completely different evidence in the data because they come from a different social and political place than myself. In order to maintain a clear vision of how I dealt with the topic, it is crucial that the reader keep in mind that I viewed the evidence from the perspective of a First Nations woman, who has dealt with the forces of assimilation on all aspects of my being--mental, physical, emotional, and spiritual--even though many times in my life I was unaware of the source or the impact of these forces.

Documentary data

The first method of accessing data was through the accumulation of documentary evidence relevant to Dakota Ojibway Probation Service. These documents included the program proposal, audit reports, progress reports, performance monitoring reports and program evaluation, annual reports, newspaper articles and other related research. "Documentary information", Yin (1984) said, "is likely to be relevant to every case study topic. This type of information...should be the object of

explicit data collection plans" (p. 79). Merriam (1988) cited McMillan and Schumacher (1984, p. 26) 'The purpose of most descriptive research is limited to characterizing something as it is...There is no manipulation of treatments or subjects, the research takes things as they are' (p. 7).

For the reader to understand the nature of the question that led to this study, Chapter Five provides a descriptive, chronological overview from the initial vision First Nations had of providing probation services to their own people to its reality. It describes how probation services were devolved from the provincial Department of Community Services and Corrections to establish Dakota Ojibway Probation Service, the case under review.

Interview data

The second method of research was conducted through the collection of interview data. Interviews were semi-structured and the questions were open-ended; they were designed to elicit information from those individuals who had knowledge and experience with Dakota Ojibway Probation Service. Interviewees included First Nations personnel from D.O.T.C., D.O.P.S., and non-First Nations personnel from Manitoba Probations. According to Yin (1984),

One of the most important sources of case study information is the interview....an investigator can ask key respondents for the facts of a matter as well as for the respondents' opinions about events. In some situations, the investigator may even ask the respondent to propose his or her own insights

into certain occurrences and may use such propositions as the basis for further inquiry. (p. 82-83)

The interview process is a particularly good method of accessing data because, in terms of reliability and validity, it permits researchers to replicate their own or someone else's research. However, Yin (1984) also cautioned that:

the interviews should always be considered *verbal* reports only. As such, they are subject to the problems of bias, poor recall, and poor or inaccurate articulation. Again, a reasonable approach is to corroborate interview data with information from other sources. (p. 84-85)

In this case study, the design of the interview questions were based on the documentation. The documentation was used for the descriptive aspect of this study, and both the documentation and interview data were used in the final analysis.

Another method of dealing with accuracy in data collection is through audio recordings of the interview. Yin concurred, "[t]he tapes certainly provide a more accurate rendition of any interview than any other method" (1984, p. 85). The interviews were conducted to glean information based on the knowledge, experiences, and opinions of individuals who were involved in the establishment and administration of Dakota Ojibway Probation Services.

Interviewers, Monnett, Sullivan and Dejong (1986) indicated, are often more successful if they have social characteristics similar to those of their respondents. For example, if the interviewer's race, ethnicity, age, sex and socioeconomic status are similar or the same as the interviewees, interviewees may be more inclined to trust the

interviewer. The establishment of trust puts the interviewee at ease and enables the interviewee to self-disclose, providing an enhanced depth of response. It is also easier to establish a rapport when the interviewer and participant have mutual interest in the topic area. Rubin and Babbie (1989), on the other hand, stressed that the "interviewer's presence should not affect a respondent's perception of a question or the answer given" (p. 323). On both counts, it is necessary to minimize the biases and yet accurately convey the experiences of those being interviewed.

Permission to interview and use information from the interviews was obtained prior to gathering data from the interviewees. Verbal permission was obtained from an introductory phone call. The initial phone call was followed by a letter (see Appendix A) that described the nature of the study, the voluntary nature of the interview and one's ability to withdraw from the study if one saw fit. Permission was affirmed in a consent form (see Appendix B). Also, permission was obtained from each participant to audiotape the interview. All participants were informed that their names would not be referred to explicitly; however, given their positions and the publicity generated by the media at the time of the demise of the program in 1993, the researcher could not guarantee anonymity. For those who were interested in the findings, the researcher's phone number was provided.

All interviews were audiotaped and transcribed, verbatim. The transcripts were analyzed and interpreted for emerging data that spoke to the assimilative nature of the program. The semi-structured interviews, with open-ended questions, allowed participants to express themselves at great depth and with much precision; it

encouraged free responses without necessary limitations. Participants were able to reveal the full scope and nature of their experiences about what it was like to work in their environment. According to Patton, "open-ended responses permit one to understand the world as seen by the respondents" (1991, p. 24). The facts, opinions and experiences of those involved with D.O.P.S. helped to illuminate the tensions between First Nations and government officials around the initial vision of the program, what each wanted to program to be and do, and the reality of what the program actually was.

Selection of Participants

The individuals interviewed for this case study were purposively selected because each individual possessed intimate knowledge about Dakota Ojibway Probation Service during its developmental and operational phases. According to Merriam (1988), "Purposive sampling is based on the assumption that one wants to discover, understand, gain insight; therefore one needs to select a sample from which one can learn the most" (p. 48). The individuals selected included former Dakota Ojibway Tribal Council personnel, former personnel of Dakota Ojibway Probation Service, and personnel from Manitoba Community Services and Corrections.¹

Interview Questions

¹ The probationers who utilized the services of D.O.P.S. were not interviewed in this research. For information regarding probationers' assessment of the services provided by D.O.P.S., see Bracken (1992), An evaluation of the Dakota Ojibway Probation Service.

Three sets of open-ended questions were generated to conduct the interviews for this study. The documentary sources were used to generate the interview questions. Each set of questions was targeted for specific individuals. There was similarity across the questions, with some variation in a few questions depending on whether the individual's involvement with D.O.P.S. was as former staff of the program, former staff of the organization, D.O.T.C., or staff/former staff of Manitoba Probations. These questions served as a guide for the researcher to seek out facts and opinions and also allowed the researcher to probe into the respondents' own insights around the questions (See Appendix C).

Data Analysis

Merriam (1988) stated that "Several levels of analysis are possible-ranging from developing a descriptive account of the findings to developing categories, themes, or other concepts that interpret the meaning of the data in more abstract terms" (p. xv). A more stringent case is made by Reinharz (1992), who stated that a qualitative research method "looks for specificity, exceptions and completeness" with respect to the phenomenon under study. This approach also allows the researcher to generate inductive theory.

The purpose of this research study was to assess whether First Nations were at risk of covert assimilation in assuming government-mandated programs and indigenizing program personnel. Three levels of the analysis include a descriptive summation of relevant issues in the documents, identifying categories of questions that

needed answers in order to understand the process, and themes that emerged from the critiques of data.

The first level of analysis was purely descriptive as alluded to above. At this level, my focus was on the documentation. The documentation provided the relevant information to give the reader a chronological understanding of: how the government's devolution policy was put in operation; how the outcome was the creation of Dakota Ojibway Probation Service; the subsequent indigenization and training of program personnel; the transfer of government mandate; the evaluations of the program; and, the decision to end the program.

The data that had been generated from the documentary sources and interviews were processed and four major categories emerged. From these categories, a set of four main questions were generated for the analysis of the data from both the primary and secondary sources.

The second level of analysis examined the documentary sources and the interview data in relation to the following four major categories:

- (1) internal view of D.O.P.S. - Aboriginal
- (2) external view of D.O.P.S. - Aboriginal and non-Aboriginal
- (3) indigenization - as representing assimilation
- (4) "Aboriginalizing" - represents self-determination

The third level of analysis took the information from the four questions and applied the study's definition of assimilation. Assimilation has been defined as "the

process whereby the dominant group prevents the minority group from achieving the development of their own institutions and culture consistent with their own history".

The findings provided me with an opportunity to speculate about the implications for the wider segment of the population. The quality of these interpretations can be assessed by the reader, because as stated by Merriam (1988), the interpretation element within case study data depends on the wisdom as well as biases of the interpreter.

Conclusion

This chapter provided the personal and academic reasons for choosing a case study method to conduct this research. The research methodology was presented as a preliminary three-stage research design that included historical, contemporary, and case-study data. A second three-stage data generation process emerged from the primary design, that is, the aspects of the case-study which included the documents, the interviews, and the personal perspectives. The analysis, in turn, was presented as a three level process.

Chapter Five focuses on Dakota Ojibway Probation Service (D.O.P.S.). The chapter is purely descriptive and the information presented is taken solely from documentary sources. It shows how the government's devolution policy was utilized so that a probation program could be established and administered by First Nations.

Chapter Six presents an analysis of the findings from the combination of documentary sources and the interview data. It provides an indepth understanding of

how the devolution of this government-mandated program and the indigenization of program delivery leads to assimilation of First Nations people. This analysis includes a examination of how First Nations people can become unwitting pawns in the incidental, covert, and overt aspects of assimilation.

Chapter Seven is a personal critique of the ground covered in the research. Using the data analysis in Chapter Six, I provide a number of cautions and concerns that require both immediate redress and long-term vision.

Chapter Five

Dakota Ojibway Probation Service: A case example

Introduction

This chapter provides a descriptive account of how, through the utilisation of the devolution policy, Dakota Ojibway Tribal Council (D.O.T.C.) was able to establish Dakota Ojibway Probation Service (D.O.P.S.). The establishment of D.O.P.S. then enabled First Nations personnel to be hired to provide probation services to their own people. The sources referred to in the writing of this chapter include all the relevant Tribal Council and Manitoba Probations documentation such as the program proposal, annual reports, audit reports, progress reports, performance monitoring reports, program evaluation, and other related research.

Background

Dakota Ojibway Tribal Council (D.O.T.C.) was established in 1974. In essence, it was a political alliance between four Dakota (Birdtail, Dakota Plain, Oak Lake and Sioux Valley) and four Ojibway Indian bands (Long Plain, Roseau River, Sandy Bay, and Swan Lake) in southern Manitoba. Although D.O.T.C. evolved as and remains a political organization, it also has taken on the role of negotiating back from the federal government service delivery for First Nations people by First Nations.

Re-acquiring control over their lives emanates from D.O.T.C. (1984) philosophy which stated:

The well-being of Indian people is directly related to the degree of responsibility we take for the chartering of our own future. We know that to chart our course in the future with confidence, we need both active and potential leadership. We believe we have both. We know that sound decisions and policies must be shaped through wisdom and knowledge. We believe our knowledge and our wisdom regarding the needs of our people have been and will continue to be far greater than that of the remote institutions of non-Indian government. Most important in understanding our position, is a sensitivity to our deeply felt need to realize our future through our own efforts. It is the cry of self-determination which reflects the need in all people for dignity and self respect. (p. 1)

Following this philosophy, D.O.T.C. sought to strengthen its concept of self-determination. Negotiations between Tribal Council officials and the federal and provincial governments eventually led to the establishment of D.O.T.C.'s police program in 1977. The negotiating process continued and in 1981, the Tribal Council signed a bilateral agreement with Canada and Manitoba which enabled them to provide child welfare services to its member reserves.

Contained within the bilateral agreement, Canada-Manitoba-Indian Child Welfare Agreement, was an Article which gave D.O.T.C. another opportunity to expand its control to include the provision of probation services to their juvenile population. Quoted in Bracken (1987), Article 4 of the Agreement provided

the mechanism and guiding principles and related financial arrangements for the provision of Indian Child Welfare and related Family Services and the integration of Indian Juvenile Probation Services to Indian residents on reserves. (p. 4)

The historic and ongoing relationship between First Nations and the mainstream criminal justice system had been fraught with racism and discrimination. According to the Dakota Ojibway Tribal Council (1984), there were several other reasons supporting their need to be able to provide probation services to their own people. For example, they cited criminal justice statistics as ample evidence of the over-representation of First Nations in federal and provincial prisons and that, in fact, these statistics were showed a worsening of this situation. They also stated that residents of their member communities expressed dissatisfaction with the services provided by provincial probation services. Their concerns were that non-Native probation officers assigned to their communities lacked knowledge of cultural differences, values, and customs, and their inability to speak and understand First Nation languages was a major barrier. These issues served the basis for D.O.T.C. to seek out alternatives to the mainstream probation services that would help to alleviate these problems.

Dakota Ojibway Tribal Council Advisory Board

After numerous informal discussions between D.O.T.C. and the provincial government regarding the possibility of devolving probation services to the Dakota

Ojibway Tribal Council, the D.O.T.C. Advisory Board was created. The Advisory Board consisted of the D.O.T.C. Tribal Administrator, a representative from Dakota Ojibway Child and Family Service (D.O.C.F.S.), representatives from the D.O.T.C. reserves, a Band Councillor, two representatives from Manitoba Probation Services, and consultant, Denis Bracken. Bracken was hired as a consultant by D.O.T.C. and thus worked for them during the negotiation process.

The Advisory Board explored the feasibility of devolving probation services from Manitoba Probation Services to Dakota Ojibway Tribal Council. In 1984, the Advisory Board agreed that devolution of probation services was feasible and devised a workplan on how D.O.T.C. could assume the mandate to deliver probation services to its reserve residents. The workplan also considered the resource requirements, funding sources, and the program objectives.

The objectives for D.O.T.C.'s probation program included:

1. To deliver a full range of community-based services to all D.O.T.C. communities in accordance with Provincial/Federal legislation and department standards, guidelines and directives to be provided by Indian people under the direction of a Board of Directors.
2. To increase the level of community participation in the criminal justice system by developing education programs with appropriate active committees in each D.O.T.C. community.

3. To increase the current level of probation services available to D.O.T.C. community residents by improving the quality of service delivery together with intensifying accessibility and accelerating its acceptability.
4. To eventually have a reduction of recidivism and incarceration of D.O.T.C. community residents by offering a much improved service.
5. To work with other D.O.T.C. program staff, band staff, committees and police in order to develop a cultural compatible prevention program that will actually assist in achieving objective 4.
6. To eventually establish an encompassing Parole Program which is culturally compatible to serving the people of Dakota Ojibway Tribal reserves. (D.O.T.C., 1984, p. 3)

According to Bracken (1987), the workplan suggested "a gradual transfer of probation mandate which envisioned various steps: establishment of the agency, development of training plans, funding arrangements, staffing and training, formal transfer of mandate, and feedback/evaluation" (p. 5).

In order to legitimize the efforts of the Advisory Board, the Position Paper of D.O.T.C. Probation Advisory Board (D.O.T.C., 1984) required political support from both, D.O.T.C. Board of Directors and the Minister of Manitoba Community Services and Corrections, and financial support from the provincial and the federal governments.

Internal/External Political Support

The Position Paper of D.O.T.C. Probation Advisory Board, received the support of the D.O.T.C. Board of Directors and the Minister of Manitoba Community Services and Corrections. The position of the government-of-the-day (New Democratic Party) was to support First Nations as they strove for self-determination and self-government. Although supportive, the provincial government was quick to respond that it was not prepared to assume any direct constitutional responsibility for the provision of services to status Indians. Nevertheless, the government "was prepared to pass on its mandate for the administration of justice to the Tribal Council in the areas of probation services and crime prevention for reserve residents" (Bracken, 1987 p. 5).

External Financial Support

In terms of financial support, the Minister of Manitoba Community Services and Corrections agreed to contribute funds at the same level it had formerly allocated to the provision of probation services to the Tribal Council reserves. The Minister also agreed to provide additional funds to assist in the developmental stages of D.O.P.S.

The financial contribution from the province was insufficient for D.O.T.C. to operate the kind of program it had proposed. Up to this point in time, the Department of Indian and Northern Affairs (D.I.A.N.D.) had jointly funded various Indian police projects and in light of Article 4² of the Canada-Manitoba-Indian Child Welfare

²Article 4 provided "the mechanism and guiding principles and related financial arrangements for the provision of...the integration of Indian Juvenile Probation Services to Indian residents on reserves...(Bracken, 1987, p. 4).

Agreement, with respect to its commitment to probation, it appeared inevitable that the D.I.A.N.D. would provide the additional necessary financial resources to establish the probation program. Unforeseen circumstances, however, complicated the situation for D.O.T.C.

In 1982, the federal government had passed the Young Offenders Act (Y.O.A.) and responsibility for its implementation laid entirely within the jurisdiction of the federal Solicitor General. In effect, this jurisdictional arrangement gave the Department of Indian and Northern Affairs an opportunity to back out of its commitment to fund any Indian operated probation program since the Indian Act contained no provision to provide these services. According to Bracken (1987), D.I.A.N.D. officials forwarded correspondence to the Tribal Council which stated "the only two bodies with a mandate and the authority in the field of Juvenile Justice are the Department of the Solicitor General and the Provinces and Territories" (p. 6). With the D.I.A.N.D. reneging on its commitment, D.O.T.C. needed to seek out alternative sources of funding.

Fortunately for D.O.T.C., the Solicitor General's Department was appropriating funds for pilot projects that would aid in its implementation of the Young Offenders Act. D.O.T.C. initiated meetings with an official from the Policy Branch-Young Offenders and thereafter submitted a proposal, Juvenile Justice Project, "as part of an overall Dakota Ojibway Probation Services, to handle juvenile offenders" (Bracken, 1989, p. 7). Negotiations between D.O.T.C. and the Solicitor General resulted in an agreement to fund D.O.T.C.'s proposal through the implementation plan under the

Young Offenders Act. D.O.T.C. was awarded funding for a two-year demonstration project, with the possibility of negotiating third year funding. An additional grant was received from the Canadian Employment and Immigration Commission to cover staff training and development.

There were many internal and external factors that influenced the decision of the Solicitor General's Department to fund D.O.T.C.'s proposal. The Department was interested in innovative ways of dealing with young offenders. It was particularly interested in the use of Native probation officers who would be reserve-based, and their use of culturally appropriate methods could serve to reduce the chances of re-involvement by young offenders. Financial resources were available under the Y.O.A. implementation plan, and the project would be cost-shared with the provincial government. In addition, the objectives, as laid out in the Position Paper of the D.O.T.C. Probation Advisory Board, indicated the willingness of D.O.P.S. to meet the service standards of the regular Manitoba Probation Service. However, it should be noted that, unlike Manitoba Community Services and Corrections, the Solicitor General's Department did not acknowledge D.O.T.C.'s rationale for submitting their proposal as an initiative toward self-determination.

Another source of funding was available from the federal Solicitor General under the implementation plan of the Young Offenders Act. The project, Working Together, was Manitoba's official strategy for its implementation of the Young Offenders Act. This project provided funds to regional probation offices to hire a facilitator who would facilitate community involvement in the alternative measures

aspect of the Y.O.A. Manitoba Probation Services applied for and received this additional resource. According to Bracken (1989), "all Manitoba Probation offices had received funding for a full or half-time community facilitator. D.O.P.S., however, did not" (p. 14) even though D.O.T.C.'s proposal Objective #2 stated explicitly that it intended "To increase the level of community participation in the criminal justice system by developing education programs with appropriate active committees in each D.O.T.C. community" (D.O.T.C., 1984, p. 6).

Bracken (1989) reported that "senior people in the corrections bureaucracy at the time felt that '[D.O.P.S.] had gotten enough already' and therefore should not receive any of the project resources" (p. 14). Consequently, D.O.P.S. probation officers were expected to deliver full-time probation services in addition to serving as full-time community facilitators. This decision by Manitoba probation officials highlighted their lack of respect or understanding of First Nations cultural needs but, more important, it was clearly an arbitrary decision to exclude D.O.P.S. from receiving federal funds to implement the Young Offenders Act.

Devolution of Probation Services to D.O.P.S.

The agreement between Manitoba Community Services and Corrections and the Dakota Ojibway Tribal Council clearly stated that the provincial probation system had transferred its jurisdiction, for the delivery of probation services to the participating reserves of Dakota Ojibway Tribal Council, to Dakota Ojibway Probation Service (D.O.P.S.). In effect, this meant that 'provincial legislation, laws and standards shall

govern the probation services provided' by Dakota Ojibway Probation Service (Bracken, 1986, p. 9). Therefore, D.O.P.S. would deliver a full range of probation services (as outlined in the Manitoba Probation Service Standards Manual) that normally was offered to all citizens of the Province of Manitoba. The only difference was that D.O.P.S. could administer "culturally appropriate" dispositions, although these dispositions had not been determined at the outset.

In March, 1985, Dakota Ojibway Probation Service was established and a director, a secretary and five probation officers were hired to staff the probation program. However, the transfer of probation services did not occur smoothly.

A former provincial probation officer was hired to provide the training. The probation officers were deployed in July of 1985 with continued in-service training until March of 1986. Issues with respect to cultural context became immediately apparent. Bracken (1989) noted that the decision to hire the former probation officer had been an error, since this individual served as a probation officer in the early 1970's and there had been major changes to the youth justice system since his years of service. His method of training was seen as obsolete and he did not have a strong appreciation of the cultural needs of the agency, clients or communities served by D.O.P.S. Consequently, as Bracken stated, "the actual pre-transfer training fell well short of what had been previously recommended" (1989, p. 12). Although Probations was not happy with D.O.T.C. hiring this individual, they felt that they should not interfere with D.O.P.S.'s decision-making about who they hired to do what (Bracken, 1989).

Furthermore, secondment of an employee from Manitoba Probation Services was to occur to fill the position of associate director; however, for reasons undetermined, this never occurred. Instead, D.O.T.C. received the approximate dollar value of the secondment as an added part of the funding from the province.

All of the cases which fell within D.O.P.S.'s jurisdiction were taken over by the probation officers. The transfer of cases involved meetings between provincial probation officers and D.O.P.S. probation officers. These meetings were designed to bring D.O.P.S. staff up-to-date on the cases they would be assuming. Transfers included individuals who were being currently supervised, offenders and accused who were in custody, and any court requests for reports which were made on or after July 1, 1985. Requests for court reports or alternative measures prior to July 1 were completed by the provincial probation officers and were not transferred. Native probationers who were supervised by provincial probation officers were advised in advance that their cases would be transferred to D.O.P.S. as of the transfer date.

D.O.P.S. received its referrals in the same manner as referrals were received by the mainstream probation system. Referrals could be made by the R.C.M.P., D.O.T.C. Police, the crown, and the court, particularly if an offender was suitable for alternative measures. Referrals also came from other provincial probation offices in Brandon, Portage la Prairie, and Winnipeg, and this occurred when a D.O.T.C. Reserve resident committed an offence in one of these urban centres.

D.O.P.S. probation officers, under the supervision of the Director, provided the full range of regular probation services such as attendance at youth court, preparation

of court reports, supervision, alternative measures, fine option, parole supervision, and restitution. In addition, provisions in the Young Offenders Act allowed for the use of alternative measures such as pre-disposition reports, diversion, screening, sentencing/alternatives, and interim release. The probation officers also volunteered as coordinators of the youth justice committees.

From 1989 to June, 1990, D.O.P.S. came under the supervision and direction of Dakota Ojibway Child and Family Services in order to stabilize and to provide guidance to the program. The program initially had been located at Yellowquill College in Portage la Prairie; however, due to reorganization, it was relocated to D.O.T.C. main office in Brandon to strengthen the program by a process of networking with the D.O.T.C. Tribal Police and the Dakota Ojibway Child and Family Services.

The program had survived many ordeals and obstacles and this was acknowledged in the 1990-1991 Annual Report of Dakota Ojibway Tribal Council:

Since the beginning the Dakota Ojibway Probation Services has a great deal of difficulties in surviving and has suffered its fair amounts of growing pains, but through the efforts of the Dakota Ojibway Tribal Council as they strive for self-determination, the Dakota Ojibway Probation Services has survived its ordeals and obstacles as it is once again functioning as it was meant to function. (p. 4)

Certainly, Dakota Ojibway Probation Service had experienced a number of difficulties throughout its developmental and operating phases; however, their determination to succeed overcame much of the difficulty.

Community Participation

Dakota Ojibway Probation Service utilized the local committees of Dakota Ojibway Child and Family Services, D.O.T.C. Police, Native Alcohol and Drug Abuse Program (N.A.D.A.P.), outreach workers, and education staff. Informal resources included immediate and extended family, friends, and elders. Each of the formal service providers acted in an advisory capacity to the local probation officer by providing information and advice relevant to the probation officer's duties on the reserve.

A primary concern of D.O.T.C., during its establishment of Dakota Ojibway Probation Service, was the need for cultural sensitivity on the part of probation officers working with Native people. The probation officers working for D.O.P.S. had thorough knowledge and understanding of their community, culture, resources and band members. They knew their clients, had regular formal and informal contact with them, and were able to articulate the needs of their clients. All D.O.P.S. staff spoke either the Dakota or Ojibway language, so these languages were an active part of the probation program in the communities. The opportunity for probationers to communicate with probation officers in their first language was very important. Working use of the languages also facilitated communication between probation

officers and the extended family of probationers, particularly elderly family members, as well as other community members, when the probation officers were seeking information to prepare court reports or to implement alternative measures.

The development of a disposition within the context of an alternative measure promoted involvement of the young offender in some culturally appropriate way on the reserve. This took the form of accessing elders where possible, or simply spending time with the elder. The probation officers were aware of and utilized those aspects of their culture which could assist probationers and the reserve communities at large in dealing with crime.

One Director - Two Masters

The agreement between the Province and D.O.T.C. transferred its mandate to D.O.P.S. Because D.O.P.S. was expected to operate within the provincial department mandate, its Director was expected to maintain a close working relationship with Manitoba Probation Services Directorate and Senior Probation Officers which included attending Area Directors meetings. In addition, because D.O.P.S. was a D.O.T.C. program, the Director was answerable to the D.O.T.C. Board of Directors and was expected to participate in meetings with other D.O.T.C. program directors. The Director was also expected to liaise with the police, the courts, and correctional institutions.

Difficulties arose in trying to operate a culturally appropriate probation program within a non-native justice system. Mainstream levels of the criminal justice

system such as the police, the courts and correctional institutions were not set up to accommodate traditional Native methods of dealing with offenders. Criminal justice officials were apprehensive to accept the culturally-oriented dispositions because they lacked the understanding of the underlying dynamics of the dispositions.

Conflict arose due to a fundamental difference between D.O.P.S. and Manitoba Community Services and Corrections primarily because each was founded on and operated according to different philosophies. Hamilton and Sinclair, the Commissioners of the Aboriginal Justice Inquiry (1991), examined this conflict in their reference to the meaning of justice from the perspectives of the non-Aboriginal and the Aboriginal peoples:

At the most basic level of understanding, justice is understood differently by Aboriginal people. The dominant society tries to control actions it considers potentially or actually harmful to society as a whole, to individuals or to the wrongdoers themselves by interdiction, enforcement or apprehension, in order to prevent or punish harmful deviant behaviour. The emphasis is on the punishment of the deviant as a means of making that person conform, or as a means of protecting other members of society.

The purpose of a justice system in an Aboriginal society is to restore the peace and equilibrium within the community, and to reconcile the accused with his or her own conscience and with the individual or family who has been wronged. This is a primary difference. It is a difference that significantly challenges the appropriateness of the present legal and justice system for

Aboriginal people in the resolution of conflict, the reconciliation and maintenance of community harmony and good order. (p. 22)

Despite the fundamental differences between Dakota Ojibway Probation Service and Manitoba Community Services and Corrections, D.O.P.S. continued to try to be a viable program, providing services to its people.

Provincial evaluations

Since its inception, Dakota Ojibway Probation Service was audited on two occasions, June, 1986 and July, 1988 and underwent performance monitoring in August, 1986. These reviews were conducted by Manitoba Probation officials. Summaries of each audit report, and the performance monitoring report indicated that Dakota Ojibway Probation Service had adhered to Manitoba Probation's standards, policies and procedures. In June, 1989 and again in March, 1992, Bracken conducted an impact study and a full-scale evaluation of D.O.P.S., respectively, with positive results.

D.O.P.S. was originally funded as a two-year pilot project with the possibility of negotiating third year funding. Since that time, D.O.T.C. had not only negotiated third year funding, but, thereafter, also negotiated an additional two-year funding arrangement. D.O.P.S. had also negotiated and entered into an agreement with Correctional Services of Canada to provide parole supervision for D.O.T.C. residents released on parole. And again, in 1989, D.O.T.C. and the provincial and federal governments signed a three year agreement and funding was secured until June, 1992.

Given the time, effort, and resources put into research and in particular, the Aboriginal Justice Inquiry (1991), it would have been appropriate for the Dakota Ojibway Probation Service to build upon the findings and recommendations outlined in the Inquiry report.

Unfortunately, the opportunity to strengthen the probation program was not to be realized. Despite the findings and recommendations of the Aboriginal Justice Inquiry and the positive evaluation of D.O.P.S. by Bracken (1992), the federal government withdrew its portion of the financial support to the program in July, 1993. The program had reached its end. The reasons put forth by the Solicitor General's department were that D.O.P.S. was designed as a pilot project; furthermore, it was not envisioned as supporting First Nations' self-determination.

This chapter provided a descriptive overview of Dakota Ojibway Tribal Council's utilisation of the government's devolution policy to establish Dakota Ojibway Probation Service. Criticism of the inadequacies and the inappropriateness of mainstream probation services generated a demand for the creation of Aboriginal-specific services. Despite the fact that Dakota Ojibway Tribal Council was successful in obtaining the mandate from the mainstream criminal justice system to operate Dakota Ojibway Probation Service; in effect, Dakota Ojibway Probation Service paralleled the existing mainstream probation service, albeit with First Nations' staff and services in First Nations' languages. Howse and Stalwick (1990) indicated that a "reform" of this type is disturbing, since it has the potential to "become a form of First Nation social control similar to what the dominant society had previously inflicted on

indigenous people" (p. 105). Based on the information gleaned from relevant government and organization documents, it is obvious that First Nations "negotiated" control over only what the federal government was prepared to relinquish and for how long. The bottom line is that the power remained in the hands of the federal government.

Chapter Six

Dakota Ojibway Probation Service: Data Analysis

Introduction

To this point in this study, the main areas of discussion have centred around an introduction to the concepts of assimilation and indigenization, the forces of ethnocentrism and assimilation that have historically been brought to bear on Aboriginal peoples, how these forces are still at work in today's society, a method for examining these forces in one case, and finally, a description of the case under study. In Chapter Six, the information in the first five chapters will be drawn together to illuminate the intricacies of the tapestry of the forces of assimilation. By the end of this chapter, the way in which this tapestry forms a pall that shrouds First Nations culture is revealed by tracing the paths of these forces of assimilation.

This Chapter provides an analysis of the documentation and interviews and integrates my own personal experience with the issue under investigation. My experience is usually presented implicitly, rather than explicitly. However, it is important to note that in the analysis I, because I am First Nations, can provide a special insight and there is also a danger of bias in my analysis. So, ironically, the same personal experience that lends insight carries inherent danger of clouding the analysis.

The interviewees are identified by a pseudonym or their relationship to Dakota Ojibway Probation Service (See Appendix D for a description of the interviewees who

are identified here as Abel, Betty, Carla, Dave and Edna). As stated throughout, for the purposes of this study, assimilation refers to the process whereby the dominant group interferes and prevents the minority group from achieving the development of their own institutions and culture consistent with their own history.

Honigmann's (1982) three elements of case study analysis (as cited in Merriam, 1988) are "discovering what occurs, the implications of what occurs, and the relationship linking occurrences." These three elements are used as a means of a starting point in order to trace the threads of assimilation that run through this tapestry. A dozen, or so, instances of "what occurs" (i.e., depending upon whether one counts only categories or includes subcategories) are presented below as points of departure to further the investigation of the forces of assimilation. An additional instance of "what occurs" is presented as a point of departure for future research possibilities.

First Nations sense of control

One of the things that occurs is First Nations are given the sense that they have control. This semblance of control was discussed in Chapter Two in relation to the establishment by Indian Affairs of a democratic political structure in the First Nation reserve communities which was, in fact, a pseudo-self-governing system that operated under the aegis of the Minister of Indian Affairs, who could override any chief and council decision.

The analysis of the interviews showed that this semblance of control existed within the context of Dakota Ojibway Probation Services. Although D.O.P.S. was presented as a First Nations controlled program, in fact, it was Aboriginal in name only. One of the First Nation interviewees, Carla, who had intimate knowledge of both non-Aboriginal and Aboriginal-controlled organizations, said about D.O.P.S. that:

I think, to be accepted as a probation service, to be accepted by the province, we wanted so much to be part of the gang. In order for us to be part of the gang we have to kind of abide by [their standards, policies, and procedures]. But we were always told that we could change it; we were always told that. Now I don't know if that's in writing, but we were told we could be creative, we could be innovative, we could try different things. It just didn't work.

Carla's point that *It just didn't work* underscores the thesis in this study that the government's policy of devolution is "a wolf in sheep's clothing".

In reality, First Nations had no autonomy to affect policy (affect policy means to design the program, change the program, drop parts of the program, or introduce new parts). Carla reported on instances where D.O.P.S. staff tried to proceed from a First Nation stance. In relationship to the non-Aboriginal judges, with whom D.O.P.S. staff had to work, she related:

I don't think we got the support...we met with the judges, we tried to meet as many of the judges as we could, to speak to them about what we were doing. And they'd say, 'Yeh, yeh, we'll support it.' But when it came to court time, when it came to actual court, they wouldn't; they would just throw away our

papers. And yet, they would say to our faces, 'Yeh, we support.' But as soon as it comes out, they'd laugh at you. And that didn't...go too well with our probation officers...They didn't give us a chance; they just wouldn't allow... you know we tried to come up with innovative projects, innovative ways of doing things, gave the recommendations...I guess it's that old attitude... 'You couldn't do it, you can't do it. You're Native, you can't do it.' And we tried so hard to prove we could, but it just didn't work.

This off-handed treatment is the same attitude that Loyie (1992) reported in his investigation of the relationship of Indian Affairs staff to First Nations. In fact, as an historical example in Chapter Two showed, there has been a consistent attitude by the non-Aboriginal governments and courts that First Nations are little more than a nuisance (Bowles, Handley, Hodgins & Rawlyk, 1972).

The implications of this reaction by criminal justice officials to First Nation culturally-oriented recommendations resulted in First Nation probation officers putting forth presentence recommendations in line with those provided by mainstream probation officers. At the same time, other judges expected to see culturally-oriented recommendations. As Bracken (1989) reported, one judge commented that, "since D.O.P.S. probation officers first began he ha[d] not seen any 'real new initiatives' put into presentence reports" (p. 26). In situations such as this, a dichotomy is created when First Nations believe they have the authority to change the type of presentence or predisposition recommendations and are encouraged to do so; and yet, are rebuked for doing so by another division of the criminal justice system. Consequently, the

probation officers acquiesced and put forward dispositions they thought would be acceptable to the judges.

A variation of this semblance of First Nations control was indicated in a review of the Position Paper of D.O.T.C. Probation Advisory Board (1984), that was presented to the Dakota Ojibway Tribal Council, Board of Directors and the Minister of Community Services and Corrections. The proposal showed that the intent was for First Nations to have the opportunity to change the system to suit their needs. The proposal stated:

However, it should be recognized that in keeping with the concepts of Indian self-government and self-determination, the D.O.T.C. supports the right of any of it's (sic) member bands to develop their own autonomous probation service should that be the wish of their Chief and Council in the future. (p. 10)

One of the interviewees, Edna, a non-Aboriginal senior government bureaucrat, affirmed that the First Nation probation officers had no opportunity to affect the service delivery and, in fact, "there was an expectation from the Province" that D.O.P.S. focus on the delivery of the provincial probation model.

The conflict between the semblance of control and the actual control was evident to Edna. In reference to doing a service review of D.O.P.S., she stated,

I felt hamstrung by the thing at the time. I guess, in retrospect, knowing on one hand that this was supposed to be different. On the other hand, the only set of tools I had to evaluate it with was the tools I knew from the traditional probation service. There didn't seem to be anything available to me or that I

understood or could use; or that might have been on my own, you know, my own inadequacies, in that sense, at that point,...that I could use to help look at this with different eyes.

Edna's inadequacies were not a reflection of any personal character shortcomings, but rather an indication of the general inability of mainstream government bureaucrats and the judiciary to consider that First Nations have the ability to design, deliver, and evaluate their own programs. She went on to say that "it would have been difficult, extremely difficult" to change any part of the provincial system. The conflict experienced by Edna was exacerbated by government and judicial officials stated support of First Nations control. For example, one interviewee, Betty, a senior government official, stated,

I think in the [New Democratic Party] there was strong agreement that the Aboriginal community, by and large, had been treated badly historically, but that the solutions had to be empowerment and more shared resources and opportunities to work out their own destinies.

Clearly, in this situation, the philosophical stance of the government-of-the-day was contradicted by the policy and practises of its bureaucrats.

This conflict is further evident in an interpretation of the locus of control presented by one of the First Nation interviewees. Carla pointed out that First Nations entered into an agreement with the provincial and federal governments with the expectation that they would have the opportunity to change the program to meet the unique cultural and structural attributes of their society. Edna's (and the government's)

inability or unwillingness to relinquish the evaluation process to First Nations people, in spite of Carla's (and the other First Nation participants') belief that they were being given control, is an example of Kellough's (1980) presentation of the machinations of structural and cultural colonization (i.e., assimilation). One can see structural assimilation taking place because this was a formal process; and, one can see cultural assimilation because of the impact on First Nation beliefs, as well as the psychological impact.

One of the First Nation interviewees, Abel, discussed the implications of this semblance of First Nations control when it was translated into practice. He stated that:

the probation officer is not given the freedom to work with the individual. The probation officer is put in the role of confinement, of controlling the individual, preventing circumstances of the individual so that he does not get involved with the law again...a super-snitch. If a person is violating his probation order, he has to report that; he is obligated to report that to his supervisor. Then the supervisor can yank that person...So what do they become? Extensions of the court, extensions of the penal system. The people are not in jail, but they might as well be in jail. The cost saving to the government is that they are not in jail; they are out here. They are still causing problems...the program is trying to control the individual.

Abel illuminated the threads that tie the occurrence of the semblance of control and the implications of the misinterpretation of who affects that control. He explained how these threads lead to assimilation. He stated:

if we're not making up the rules, somebody else is. And as soon as we adopt their rules and abide by their rules, we are co-opted into that. Assimilation begins to happen. We're beginning to think like them...With this probation program, again, we are co-opted into their system.

Tracing these threads, which illustrate the structural/rules and cultural/thinking, allows us to see Kellough's (1980) concept of both structural and cultural colonization (assimilation) in action.

The danger, that Abel identifies, is that in delivering a program by First Nations to First Nations, the First Nations community will begin to think that this is an Aboriginal program. The people delivering the program can also fall into this trap. The insidiousness of this situation is two-fold. The first is that, if the program is successful, First Nations are not likely to question the underlying principles and as such, be lulled into believing that it is an Aboriginal program. On the other hand, if the program is not successful, First Nations will be in a quandary as to why a program that they believe is based on Aboriginal principles is failing them.

In actuality, what has happened is that First Nations have assimilated the thought process that underscores the program. The realization from the previous discussion, that although D.O.P.S. was Aboriginal in name only, giving First Nations the sense that they had control formed the basis of a "wicked problem" (Rittel & Webber, 1973, as cited in Alcorn, 1995) that needed to be resolved before First Nations could understand the implications of what was occurring (i.e., the problem can be considered a symptom of another problem).

Illusion of control versus indigenization

Another occurrence was in creating the illusion in the larger First Nations population that this was a First Nations' program (i.e., indigenization). Part of the basis of this belief is evident in the comments of the probationers interviewed in Bracken's (1992) program evaluation. Bracken related the comment of one First Nation woman who stated:

I found it a lot easier to talk to [the First Nation probation officer], to relate to him because like I was from here and he was from here and he kind of understood my situation as to what happened, and I don't know if a white person would have understood the situation...because Indian people tend to be more warm and open to you and they'll sit and listen to you, whereas a white person might just rush you out of their office...They don't do the overall part of understanding you and talking to you and he took the time to do that when I came in to see him.... (p. 32)

Bracken also stated that "Virtually all those interviewed expressed *satisfaction* with the fact that their probation officers had been Indian people and...someone who spoke their own aboriginal language" (p. 32, emphasis added). The insidiousness of the assimilative forces, that manifest themselves as a wicked problem, is evident in their "satisfaction" (i.e., solutions are not true or false, but rather good or bad). It becomes too easy for First Nations to believe a program run by First Nations is an example of Aboriginal culture when there is a significant increase in the level of satisfaction due to the semblance of First Nation control.

The satisfaction derived from the successes of operating a First Nations controlled probation program impacted both the First Nation and mainstream communities. As one interviewee, Dave, a government bureaucrat, stated:

Sure there was some shortcomings. I mean, which program doesn't?...I seem to recall that, in fact even some of their success rates were, I think particularly for youth offenders were one time recognized as being higher, recidivism rate for youth, I think, had shown quite a decrease...I also think it really bridged a lot of things - like saying, can it be done? I think there was a fair amount of skepticism in saying, yeah, it can be done. So I did think it helped, that impact and I think it gave the communities themselves a feeling of yeah, it can be done. I think it was very positive that way.

When the general First Nations population succumb to the illusion that First Nations have control of these programs, any failures within the program are then perceived to be First Nation failures. As a wicked problem, this is stated as "The problem solver has no right to be wrong." The insidiousness of this illusion becomes evident when we begin to believe that we can't manage "our" own programs and so we blame ourselves for the failures, rather than finding fault with the structure.

Although history can provide many instances where First Nations had internalized their perceived failures, the most damning evidence comes from the experiences of children who were forced to attend residential schools. Studies (Bull, 1991; York, 1990; Comeau & Santin, 1990) refer to many instances where children blamed the "bad" things that were happening to them on their parents, culture, race,

and heritage for their failure to be "white". Within the context of D.O.P.S., this perceived failure was also evident. As one First Nation interviewee, Carla, stated:

I was very confused, stuck in the middle, you can't go anywhere, you try, you feel like a failure, you feel like you failed...because of the lack of support. Like I didn't do what I was supposed to do; yet, I wanted to do it so much. So I think your confidence level and your whole morale just goes down and down and down and down...I feel bad about things. I still carry that along with me wherever I go because I had so much hope and I dreamed alot about how we were going to...I guess my dream was that there would be no need to send anybody to jail anymore...because we would learn; we would do the mediation; we would come up with a whole different way of sentencing people. We would go into the communities and we would have our elders, our people...I felt somewhere along the line my spirit died, I really did. My enthusiasm died. When I left, I felt my spirit died, I did, it wasn't there anymore. After a while it gets kind of, can't feel that compassion anymore.

The poignancy of Carla's lament for loss of morale, self-confidence, and spirit demonstrates the odiousness of the forces of assimilation. Carla was trying to deal with her failures in the program structure when, in fact, the problem lay elsewhere. Neither she, nor any other First Nation involved in D.O.P.S. could affect the policies and procedures dictated by the government. This further example of a wicked problem is only one of the barriers First Nations face when trying to "Aboriginalize" devolved programs.

Loss of a First Nations vision

Another thing that occurs over a period of time is, as First Nations struggle to administer devolved government programs, they lose sight of what is Aboriginal. This is even more dangerous in successful devolution where people are less likely to be critical of the program. For example, Bracken (1992) cited a First Nations probation officer who stated that the ability to speak his own language on the reserve he served was viewed as an "Aboriginalized" aspect of the program. According to Bracken, this probation officer viewed language as "a major asset in dealing with the probationers and their families on the reserve". He added that,

For all the probation officers, the understanding of what it means to be an aboriginal person was the key to being able to work successfully with their clients. This knowledge was expressed by one worker in this way: '... you've got to know where the person is coming from. Being an Aboriginal person, you can kind of determine whether that person is following his culture, and is into the cultural things, the traditional practices of the native people, or are they integrated into mainstream. You've got to kind of feel around, develop an understanding...In order to work in between the Aboriginal people and the mainstream society, you have to understand both concepts and try to integrate the two so that they'll understand each other.' (p. 23-24)

What is evident in the above comments is that the workers are assuming that because they have an understanding of First Nation language and culture, and that they can deal with the clientele in a more respectful manner, they believe that they are

delivering an "Aboriginalized" program. In fact, they are delivering an imposed program (indigenized) in a manner that is more respectful of the clientele than when it was delivered by non-Aboriginal probation officers. Being able to move to a First Nations' style of delivery from a non-Aboriginal style of delivery does not make a program an "Aboriginalized" program.

The devolution, in the case of D.O.P.S., was only to the extent that First Nations were allowed to deliver a non-First Nations' program (albeit, with increased success). The implication of successful devolution is that it yields less criticism from First Nations. The program is readily accepted and there is no need for change. Over time, the program becomes institutionalized; and once institutionalized, assimilation occurs.

Many First Nation leaders recognize the inherent danger in assuming control of devolved programs but feel handicapped to affect the programs or the delivery. One of the Chiefs interviewed by Loyie for his 1992 thesis, stated that:

We concentrate in the fantasy of the programs. Somebody got this, somebody got that, but we never look at how we treat one another. Those issues seem to get pushed aside because everything has to go back to money again. If you took away all the programs I bet you this community would straighten up pretty damn quick - when you take away all those free things that we get. But the free things that we get now will be price tagged - all the bad things - because it's free, something we didn't earn. And it's not our system, we're just

running a system that's foreign to us. (Calvin Morrison cited in Loyie, 1992, p. 150)

In relation to losing sight of what is Aboriginal, Morrison added,

But you know when we look at a lot of the way we do things [now] - we do so many things in the whiteman's way. We don't even understand what it is to be an Indian anymore. Like sometimes when you go to a meeting there are all these people that say that they are traditional people or they're Indians or whatever. And yet when you close your eyes all you can hear is like white people talking because they talk in the whiteman's way. (cited in Loyie, 1992, p. 142)

When we can no longer differentiate between the foreign system we are being given as our own and what is truly ours, we will have become assimilated.

The dilemma and confusion facing First Nations in determining the level to which they can "Aboriginalize" a program is propagated by the duplicity of contradicting government statements and policy. One interviewee, Betty, stated that she supported innovation:

You can be innovative especially if the system rewards it. So, I think that's...a lot of it depends on the leadership. And usually the people who want to follow the rules and not be innovative, are insecure. So, it's a question of building peoples' security. I guess there's no easy way.

On the other hand, First Nations are faced with the reality that any changes in the program or the delivery need the approval of the same government bureaucracy that

only pretends to relinquish control. However, from the outside and from the statements of government representatives, it would appear that the program was an Aboriginal program.

The frustration of having to work in this "fantasy program" was articulated by one of the interviewees. Carla's anguish in trying to "Aboriginalize" D.O.P.S. delivery is evident in her comment about the need for a different "way". She stated:

I felt the struggles of our people over the many years of working with them being caught in that whole 'Well, you know you've got to go by the legislation here. You know if you don't, you're breaking the law'...it was always that message that has been given to us...When I first started working in the agencies, it was always that, 'No, you've got to follow the book...you've got to do things our way or else you're not part of us'. God, the damage we've done in the past, even us, the damage we've done to our own people. I think we need to really start looking at different ways.

The different way that Carla espouses is the First Nations "way" of doing things; the alternative is assimilation. The underlying problem facing Carla and First Nation administrators is that "there is no definitive information on the problem" because First Nations people are not given the latitude to determine their own way.

First Nation struggle for identity

In assuming the responsibility to administer government-mandated programs, First Nations struggle to maintain a sense of identity. Governments, on the other hand,

are in a no-lose situation. The various levels of government and government agencies are able to maintain authority without having to assume responsibility. This creates an even greater problem for First Nations as any failures are perceived to be First Nations' failures, which, again, leads to the mistaken belief that we can't even manage our own programs. As discussed above, the wickedness of this situation is that, in time, First Nations come to believe this falsehood. It becomes a self-fulfilling prophecy.

Nowhere is indigenization and assimilative policies, that put the onus on First Nations to be the vehicle for their own assimilation, so clear as in the area of child welfare. Betty stated that the policy of her government was to hand over the day-to-day operations to First Nations while maintaining the structure and the authority. Responsibility fell to which ever First Nation organization was delivering the service. Betty stated,

that was the model in mind and we set up community-based boards that required a representative grouping to try and open the doors for Aboriginal people themselves to be part of the management of these committees. And then we set up the training and the hiring of affirmative action. (emphasis added)

As such, the authority remained with the government while the responsibility was devolved to the First Nations organizations. D.O.P.S. was one of those organizations as its original mandate was to deal with young offenders.

Hiring First Nations under affirmative action programs and training us according to the standards established by mainstream social services is merely

replacing the "white" faces with "brown" faces. This is a classic example of indigenization. This process does not require any change to the fundamental structure, nor the ideological or political assumptions. In fact, the process helps to reinforce the assumptions. Thus, the programs become an extension of the bureaucracy.

Degrees of control

One of the occurrences has to do with the degree of control one has over the decision-making process. Within this occurrence, there are three aspects which must be discussed. The first aspect deals with the degree of control First Nations had over the devolution of a government-mandated program. The second aspect deals with the degree of control over the decision-making process in relation to funding the program; and, the third aspect deals with the degree of control over the decision-making process in relation to mandating the program. Control of decision-making in these three aspects had significant bearing on D.O.T.C.'s initial vision of D.O.P.S. and the reality of D.O.P.S. As Wikstom (1989) pointed out, "Controlling funding, the development of programs and ultimately the demise of programs is in the hands of government. This control doesn't mean government denies citizen input but it ensures that it is constrained" (p. 89). The following discussion around the first aspect illustrates how D.O.T.C. was "constrained" in its decision-making which had significant bearing of the initial vision of D.O.P.S. and the reality of D.O.P.S. The second two aspects, funding and mandate, are then discussed, respectively.

Control of devolution

Dakota Ojibway Probation Service was envisioned by D.O.T.C. First Nations as an entity that would be similar to, yet different from, the probation services that were offered by the Province. D.O.P.S. was also constructed from a different philosophical stance in that First Nations felt empowered to take on this task as part of their inherent right to be self-determining. Based on information gleaned from the documentation, it was clear that the fate of D.O.T.C.'s vision was in the hands of government decision-makers right from the start. D.O.T.C.'s vision, while it might not be clearly articulated in the following quote, was filled with passion and suggested a deep sense of responsibility by one First Nation interviewee to help her people. Carla stated:

I had so much hope and I dreamed alot about how we were going to...I guess my dream was that there would be no need to send anybody to jail anymore...because we would learn; we would do the mediation; we would come up with a whole different way of sentencing people. We would go into the communities and we would have our elders, our people...

On the other hand, D.O.P.S.'s fate was very clearly articulated by the government. Federal bureaucrats were not interested in the vision of D.O.T.C., but were interested in their own ability to successfully implement federal legislation, the Young Offenders Act. In order to do this, government saw D.O.T.C.'s proposal as an innovative venture.

Bracken's (1989) impact study revealed these differences of vision. He added that D.O.T.C. had been clear, throughout, in their argument that control over justice programs was just one more step in "the progression toward self-government". He

provided excerpts from correspondence between D.O.T.C negotiators and the Solicitor General's consultant that highlighted these differences:

I have become increasingly concerned...that the primary D.O.T.C. agenda is one of control over probation. Our primary interest is in developing a reserve-based response to Young Offenders Legislation that emphasizes the development of screening, alternative measures, judicial interim release, appropriate court reports, and sentencing alternatives. (A. Smith to R. Roulette, June 29, 1984, emphasis original)

Our meetings over the past few months have left us with no illusions about the interest of your department in the D.O.P.S. proposals: to develop 'a reserve-based response to Young Offenders Legislation' as you aptly put it. We are in complete agreement that as a result of information finally revealed to us at the meeting of the 28th, future discussion with you must focus on those issues if the proposal is to proceed. (R. Roulette to A. Smith, July 17, 1984) (p. 8)

These differences not only highlight a difference in vision but also exemplify the "take-it or leave-it" attitude of government.

The historical equivalent to "negotiating" control over Dakota Ojibway Probation Service was the treaty negotiations. The situations represented "two different views of what was taking place by two parties operating from distinctly different power positions" (Kellough, 1980, p. 346). Clearly, the power did not lay in the hands of Dakota Ojibway Tribal Council to make its own decisions. Therefore, from the

outset, it was necessary for D.O.T.C. to compromise their vision of a First Nations' probation service if they wanted to operate D.O.P.S. When the power to make decisions rests external to First Nations communities, the power to define their reality also lays outside the community.

Control of funding

The second aspect within degree of control over the decision-making process deals with the financial resources to administer devolved programs. Economic dependence on government, a "fact of life" for most First Nation communities, is rooted in the government's archaic policies which prevented First Nations from achieving economic independence and prosperity. Being in a state of economic dependence contributed to government's ease of assimilating First Nations (Barron, 1984). Economic deprivation continues to impede First Nations economic self-sufficiency today; and as such, it remains one of the forces that lures First Nations, albeit reluctantly, into accepting devolved government programs. The conditions attached to government funding had serious implications for D.O.P.S. staff, especially when they felt an urgency to provide culturally-oriented services.

As our history showed in Chapter Two, government enforcement of its "permit system" against First Nation farmers contributed significantly to their economic deprivation (Carter, 1983). The First Nation farmers' lack of sophistication in regard to the British political system forced them to adapt their business styles to the system imposed by Indian Affairs. One year these farmers were successful entrepreneurs in an

open market system; the next year, they were subsistence farmers in a system that required them to have a permit to sell their goods. Undoubtedly, in the last hundred years, First Nations have developed a sophistication of the Canadian government and economic systems; however, they are still being forced to adopt the system imposed by a foreign government (i.e., Canadian). Although First Nations are now aware of the forces of assimilation that accompany participation in this imposed system, they must do so in order to share in the economic resources even at meagre levels (Long & Boldt, 1988). For instance, one First Nation interviewee, Abel, pointed out that he was well aware of the implications of accepting the responsibility of a devolved program without gaining any measure of authority.

Again, somebody else set the standards....not the chiefs. In order to acquire this program, we have to sing and dance to their tune, so to speak, because they are the ones providing the dollars. They are the ones that are setting the standards and we have to meet their standards. We might have had a higher standard and we can have a higher standard from what they had; but, we have to meet their minimum standards.

We are not only forced to accept a program that carries the forces of assimilation, but we have to accept it knowing that if we could create our own program, it would be at a substantially higher standard than that being imposed upon us.

In order for First Nations to operate D.O.P.S., they were dependent on government to provide financial resources. Their dependence on external resources was a major factor which contributed to D.O.T.C.'s acceptance of the criteria established

by government. For example, one of the interviewees, a former D.O.P.S. employee, stated that if D.O.T.C. did not accept the criteria established by government then, they would not be able to access the financial resources. She said "It's always that money, that piece of candy that they have dangling in front of us." As such, First Nations are faced with the dilemma of accepting the underlying, assimilative agenda of the government in order to access the requisite funds to deliver programs.

Government restrictions on the way First Nations could utilize the finances also created many problems in the type of service D.O.P.S. could provide. For example, one of the interviewees, Edna, a former government bureaucrat, stated:

I think because the funding arrangements were so cumbersome, perhaps, there wasn't a lot of room for creativity left over, not just in terms of the dollars that were given, but the way they were given and how. It seemed to me, they had to account for each line....I know, I work in government and I know there is limitations to what you can do. But I thought it was so restrictive. They had no room to kind of do things differently, to hire different people, to purchase, for example, service on the reserve. That would make more sense. There was just no flexibility in the amount and in the way it had to be reconciled; that was problematic.

Edna's statement demonstrated how wicked problems are manifested; First Nations were forced to be the purveyor of government forces of assimilation.

What is evident from Edna's statement is that First Nations were forced to deliver a program with no "definitive information on problems" arising from delivery,

and as such, no way to know when a problem was solved. Solutions were merely reactions that were seen as "good or bad" but, there was no way to determine validity. The problems, with which they were forced to deal, were symptoms of other problems over which they had no control. For example, as Edna stated, there just "wasn't a lot of room for creativity." Every solution was a one-shot operation.

The funds allocated to First Nations to operate government-mandated programs also created an opportunity for some First Nations to gain employment in these programs. As indicated above, many First Nation communities are void of an economic foundation; therefore, job opportunities are created where none exist. This fact, in and of itself, is alluring to the community. However, the number of job opportunities were minimal and the type of employment was restricted. Although the job opportunity was short-lived, successful acquisition of one of the jobs created tension and division within the community.

As in the larger society, some individuals in First Nation communities got a job with D.O.P.S. based on who he/she knew (nepotism) and not based on the credentials he/she possessed. Because of this, one First Nation interviewee expressed disappointment with the hiring process. She stated that,

there's a lot of nepotism...and so the quality of people that we got, I would say that ninety percent was good; ten percent, well it wouldn't have been someone that I would have picked because of the qualifications, personality, characteristics, all of that...So that itself left a bad taste with myself and the Province.

Lack of control within the program over the hiring process also caused an increase in tension for those individuals who felt obligated to provide the very best services from individuals competent to do so. For example, in a program based on First Nations' values, the credentials mentioned above might not be an issue. A traditional program might look towards hiring a counsel of elders rather than somebody whose knowledge system, whether adequate or inadequate, was based on some European academic model.

The jobs provided a short-lived opportunity to escape the poverty but created dissension between community members. Unfortunately, the economic gain for individual First Nations, through programs and jobs was too minimal to be of any long term benefit to him/her or for the overall community. In addition, First Nations dependence on the money derived from these jobs undermined opportunities and capacities for becoming economically independent. It is also important to note that regardless of how we acquire financial resources, through government-mandated programs or through social assistance programs, in reality the resources are still handouts from government and they can be cut back at the discretion of government officials thereby rendering us even more dependent than we are already.

The long term implications of our dependence on government programs to bring in economic resources to our communities forces us to choose between two "evils." We can either escape from poverty situations on a short term basis by acquiring the resources or acquire the resources at the cost of retaining and strengthening our culture. In either case, it undermines our cultural patterns of sharing

that have traditionally bound community members together. An historical analogy was when some First Nations sold their land to the government so that they could feed their children. According to Kellough, "This move divided the reserve between those who wanted to stop the starvation of their children and those who saw the long term implication of the sale" (p. 348). Historically, we lost our right to the land at the cost of feeding our children; today, do we lose what remains of our culture at the cost of feeding our children? How does one choose between the two? In essence, neither is a "choice".

The power exerted by government to coerce First Nations into submission through their economic dependence had serious implications on retaining and/or strengthening cultural traditions and practises. For example, Loyie's (1992) interview with a Chief from one First Nations community showed that coercion of this nature, over a period of time, has had negative repercussions in terms of understanding what our individual roles were in our traditional societies. He stated that,

The money has blinded us in our communities. We forgot what's important like, caring about one another, children, the elders...I was talking to a lady one time she was a grandma and she said 'I don't want to be called an elder because I don't know what that is. I'm a grandma. That was my purpose is to be a grandmother. And that's what I like being called. An elder is a title. A lot of people don't even know what an elder is. Even myself.' (p. 142)

If we compromise our culture and its traditions or acquiesce to government methods in order to access financing, the non-Aboriginal government's authority is legitimated

(Kellough, 1980). However, a more serious consequence is that gradually, we come to accept the non-Aboriginal government's way as our own. Alienation from who we are or once were is exemplified in the above quote when the elderly First Nations woman no longer knew what it meant to be an elder. To deny herself her rightful status in her community presents a very bleak future for First Nations culture and for my sense of self as a First Nations woman who has to interact with the larger Canadian society and would choose not to assimilate in order to engage in this interaction.

Control of mandate

The third aspect within degree of control over the decision-making process deals with the operating mandate. The issues addressed under this aspect include: dependence on government mandate to deliver services, the standards established for service delivery, the hiring of personnel, the training of personnel to provide service delivery, and the length of time this mandate is utilized to carry out the functions of the program. The implications of these issues to First Nations also will be discussed.

In Manitoba, First Nations do not have "legitimate" authority to deliver social services within their own "jurisdiction". The control devolved to First Nations has been based on the delegated authority model (Taylor-Henley & Hudson, 1992). Delegated authority to administer programs and deliver services is usually transferred through bi-lateral or tripartite agreements between the federal and provincial governments and First Nation communities. Authority is delegated to First Nations from the provincial government in the areas where the federal government has no

legislative authority to provide services to First Nations. The federal government, however, is responsible for the financial contribution of the agreements. Federal transfer payments and provincial mandate are transferred together, both external sources of power. As already attested to, the negotiating power of First Nations is minimal or non-existent in relation to the power of the federal and provincial governments; therefore, First Nations must accept conditions applied to the agreements. Having minimal "power", First Nations are coerced into meeting criteria established by both governments.

In the case of Dakota Ojibway Probation Service, Manitoba Community and Youth Correctional Services transferred its mandate so that D.O.T.C. First Nations could provide probation services to their own people. Like the funding agreement, the operating mandate was very restrictive. The agreement between the Manitoba government and D.O.T.C. made it clear that 'provincial legislation, laws and standards shall govern the probation services provided' by D.O.P.S (Bracken, 1986, p. 5). This expectation was affirmed by one interviewee, Dave, a senior probation personnel. He stated:

In order to access a program...for the province to transfer the mandate based on you doing it by established practices...we have procedures and policies in place...Most of what we do, as most agencies,...are based on correctional research and they're certainly based on what other jurisdictions are doing. In looking at the agreements, they were certainly based on, 'you will provide... the agreements were pretty clear, the same standards as what we did...' I think the

overall thing is that, one, the community needs to be protected...that's the primary goal; the other one, you don't want the offender to re-offend.

D.O.T.C. wanted to protect its communities against offenders and also wanted to prevent offenders from re-offending, as would any community. D.O.T.C. wanted to fulfill these two obligations; however, the methods they would utilize to address these issues was different, culturally and community appropriate.

Dave justified the government's position in having D.O.P.S. follow the same standards established by Manitoba Community and Youth Correctional Services because they were based on academic research. In relation to Dave's justification, and in support of the argument that this program was assimilative, Harding (1991) has pointed out that:

It is important to recognize how policy and program-related research usually reinforces underlying political and ideological assumptions. If the assimilation of Aboriginal people is desired, then certain approaches to research, policy, and program will tend to follow. (p. 367)

Assimilation as an outcome, clearly articulated or not, intentional or otherwise, will occur if First Nations must adhere to the standards established by the dominant society for the dominant society.

In recalling what senior probation officials were told about D.O.P.S. in its early stages of development, Dave indicated that they "knew that it would be a Native controlled agency" and he was hopeful "by having Aboriginal staff that there would be positive aspects to that." He commented further:

Whether or not the intentions were to replicate what we were doing or to enhance or improve the cultural appropriateness of working with offenders, that was never really stated clearly in my mind. In retrospect, I think that it was probably based more on trying to replicate what we were trying to do, trying to write reports, court reports with the standards, supervision with the same standards; and, I don't think, in hindsight, that there was probably enough emphasis or enough flexibility maybe at the initial part, to encourage more incorporation of the Aboriginal culture and how probation services in a Native community should operate.

The expectations of Manitoba Community and Youth Correctional Services for Dakota Ojibway Probation Service clearly indicated that there would be no room for or tolerance of a First Nations probation program that operated according to different standards. The expectations, and the actions that often accompany such expectations, contributed significantly to D.O.P.S.'s failure to provide services appropriate to the culture, even before it had a chance to prove itself. It was apparent that senior probation officials wanted this "Native controlled" agency to provide services in line with mainstream probations. With this mind set, probation bureaucrats controlled D.O.P.S. and ensured that it would abide by the standards and guidelines established for service delivery.

One interviewee, a former government bureaucrat, stated that right from the start, the one thing that was well articulated in the agreements was that D.O.P.S. would maintain the standards and guidelines which had been established by

mainstream probation services. This is a classic example of indigenization. In reference to D.O.T.C.'s agreement to maintain the standards, Edna emphasized, "That to me, I think was sort of their demise, in a way, because they were so hamstrung with just learning that [mainstream regulations]." One First Nation interviewee, Carla, clarified the reason for that articulation. She stated that D.O.T.C. included this objective in their proposal because, without it, the proposal would not have been accepted. This example also served as another case where, in their desperation to regain control of their lives, First Nations allowed themselves to be used as brown "pawns" serving mainstream bureaucracy and as such that bureaucracy's values, beliefs and customs. According to Carla:

The standards were so rigid. I wanted to change forms, I wanted to change this, and I wanted to change that. But because we were caught between two worlds...You have a book that tells you how to do your job and this is what you've got to do because if you don't do it, you're not going to get the money. You've got to abide by the standards. Now standards don't always meet the needs of the First Nations community and how they want to do things and how they want to be different. I think we were really caught by the book, by that legislation. I think because we were so enthusiastic, because we wanted to do things right, we stuck with the book. We did try and change some things like sentencing but, like I said, we were shot down anyway.

The restrictions and the cultural bias inherent in the standards and the guidelines also affected the ability of D.O.P.S. to take into account the diversity and differences of

cultures within its own organization and the people who would be receiving probation services. Upon reflection, Carla, stated:

We didn't take that into account, that each community is different. We just went in there and everybody is going to be treated the same because the book tells us that. Long Plains is different. Swan Lake is different, Sioux Valley is different; we didn't do that....We knew they were different, but we just treated them the same and yet, they weren't.

Having no recourse to acknowledge the differences within and between First Nation communities resulted in D.O.P.S. probation officers providing "mainstream" services without regard for the fact that every brown-skinned community is not the same. In reality, the services were not relevant to any First Nation.

This lack of recognition of cultural differences between and within First Nations and between First Nations and other Aboriginal groups is a reflection of Canadian society's ignorance. Society's perception that all Aboriginal people are the same, is ethnocentric, to say the least, but more accurately, racist. It leads society into believing that we don't really know what we want because there are so many different "voices" coming from the Aboriginal community. This was confirmed by one interviewee, Dave, a non-Aboriginal senior government bureaucrat, who stated:

I think there's been a tendency in my estimation to lump Aboriginal people...There are a lot of differences amongst Aboriginal groups and sometimes if Aboriginal groups are seen to have two or three voices on issues, we're saying, 'look at them they can't even agree.' That to me is totally unfair

but yet that's part of being self-determining; self-determination allows variances in opinions between a group. We do it.

This lack of knowledge and understanding of Aboriginal cultures was attested to by one other interviewee. Edna, a former government bureaucrat, stated: "I know that [non-Aboriginal ignorance of First Nations] because it took us a long time to even get any Native awareness training within the judicial circle." The lack of knowledge and understanding of cultural differences within and between Aboriginal groups on the part of "outsiders" pressures Aboriginal groups to present a united front on issues. While a united front is sometimes advantageous; it also is dangerous when we do it at the cost of denying our differences.

Two other factors which contributed to Dakota Ojibway Probation Service utilizing conventional standards and guidelines was that Manitoba Community and Youth Correctional Services had no vision for an Aboriginal probation service, and provincial probation bureaucrats were ultimately accountable for D.O.P.S. According to Edna, a former senior bureaucrat,

All [the province] could have a vision for was probation service...I guess it's the underlying values that people have, they just saw another opportunity....So I just don't think there was a vision for [an Aboriginal probation service] or an acceptance of that.

Having no vision for an Aboriginal probation service left provincial bureaucrats helpless since they had no expertise to oversee an Aboriginal probation service. Without the expertise, and being ultimately accountable for D.O.P.S. served as

barriers. The only visible means of distinguishing D.O.P.S. from other provincial regions and still be deemed an Aboriginal probation program was if it was managed by First Nation employees.

Although Manitoba Community and Youth Correctional Services had transferred its mandate to D.O.P.S. to provide culturally appropriate services, ultimately, it was senior probation bureaucrats who were accountable for the program. One interviewee, a senior probation bureaucrat was certain of who was ultimately responsible. He emphasized,

if something goes wrong, I'm the one who's accountable...although I support and encourage those aspects of doing things differently, there's still an accountability beast for all of us. They've been delegated a mandate to supervise offenders and in ensuring that society is protected and that offenders are given ways to stop their re-offending behaviours.

One way to ensure that nothing went wrong with the program, from the perspective of government, was to have D.O.P.S. follow provincial standards and guidelines. That way if something did go wrong, the responsibility could be seen to be First Nations' responsibility and not the province's.

Administration of government-mandated programs from First Nation communities set the stage for another aspect of indigenization to occur, i.e., the community hired First Nations to replace those non-Aboriginal probationers who had formerly provided services to First Nation communities. However, for First Nations to provide probation services, they had to be trained to do so. Those First Nations hired

to deliver probation services were trained according to the standards established by Manitoba Community and Youth Correctional Services because, according to Dave, a senior government bureaucrat,

We had already taken the position that the provincial training that we offer our staff, our own training opportunities, whether it is on court reporting or on domestic violence issues, sexual offender programming,...the training has always been available to the staff of D.O.P.S.

The position taken by provincial bureaucrats meant that First Nation individuals had to be trained to deliver services in a way foreign to their understanding or way of life to be considered legitimate. Being trained according to predetermined standards, procedures, guidelines did not allow for the integration of cultural methods of service delivery. As indicated previously, when the probation officers did attempt to utilize cultural approaches, they were often chastised by the judges for putting forth recommendations which were in line with the culture of their community.

Despite the fact that all D.O.P.S. staff could speak their First Nation language, this had very little impact on their ability to provide culturally appropriate services. Beyond the use of language, there was nothing within D.O.P.S. that would indicate this was an Aboriginal program. In essence, it was, as one member of the judiciary indicated in Bracken's impact study (1989),

It (alternative options) is virtually non-existent in the reports that I've got. It is sad. It makes them just another agency. It is almost as if you have central probation services and setting up a service on the reserve. (p. 26)

The implication was that D.O.P.S. was basically an extension of government bureaucracy (Havemann, 1989).

Training probation officers to take over responsibilities that had formerly been carried out by non-Aboriginal probation officers not only replicated the conventional approach to probations; it also presented other difficulties for D.O.P.S. For example, one First Nation interviewee indicated that although the training that the probation officers received was good for basic services, the trainer was a non-Aboriginal person who lacked knowledge of First Nations' communities, customs, and traditions. The documentation also indicated that the individual recruited by D.O.T.C., to train the First Nation probation officers, was not familiar with the current ideology underlying the Young Offenders Act and probations, in general. In reality then, the probation officers had been trained in service delivery from a different era and from a different culture. Carla emphasized that, "it just didn't pan out the way I have envisioned it...So that itself was a flaw." Clearly, the wrong person was hired from both the perspective of Aboriginal culture and training to adhere to conventional probation standards. A senior bureaucrat interviewee, Edna, agreed with Carla. She affirmed,

They should have received a different type of training where they were facilitators, problem solvers, not to solve the individuals' problems, but to help the individuals solve their own problems. I feel that the training that they took was more related to how to do presentence reports and how you deal, what are the court procedures and what are the administrative programs.

The services provided had been predetermined and designed to fit prescribed policies and standards thereby undermining the strength and stability of the individuals, the community and their culture.

Unfortunately, this was a group of First Nation individuals who were trying hard to meet the expectations of conventional probations, while simultaneously trying to integrate a First Nations perspective. It was important to appear competent against the conventional standards and guidelines because it was from that perspective that D.O.P.S. was being measured. Consequently, First Nations staff were pressured to assimilate conventional probation standards and guidelines just to show that they could.

The long term implications of First Nations delivering services according to foreign standards creates confusion, compromise, conflicting loyalty, and gradually assimilates a foreign ideology and methods which simultaneously displaces the First Nations' perspective. These implications have been attested to by Loyie (1992) in his study of the impact of the Department of Indian Affairs in First Nation communities. In First Nation communities, where the cultural foundation is strong, serious implications can arise. For example, dissention is created in communities where "traditionalists" strongly favour doing things the Aboriginal way because of the long term implications. Tension is created within communities when their own people become part of the dominant system, learn the ways of the dominant system and then apply these same ways on to their own people. In essence, through this process, we

become agents of the government much like the former Indian agents assigned to our communities.

Within the context of Dakota Ojibway Probation Services, for those probation officers whose cultural foundation was strong, providing government services clearly was a conflict for them. As one interviewee, Edna, a senior bureaucrat stated,

The whole notion of being a "heavy" when using probation in a very [conventional] sense in a community when you're part of that community and you're Aboriginal, I think it was very dysfunctional. I just felt there was always a tension. I'm not sure the tension was well identified but, there was a tension. I never said that at the period of time when D.O.P.S. wanted to go out and do their own thing...But on the other hand, then there was always this sort of gnawing thing, 'Well, gee, they're not what the mainstream service does'. They probably felt that too when, on one hand there was this sort of expectation and evaluations came at a time when there was that tension.

In First Nation communities where the cultural foundation is tenuous, the implications are much more serious. Introducing programs and service delivery of a foreign nature distances or alienates First Nations from their culture, beliefs, values, and practices. The intent should be to strengthen the cultural foundation, not to challenge it. In the case of D.O.P.S., the introduction of foreign programs and service delivery was happening before the establishment of Dakota Ojibway Probation Service. D.O.P.S. was, in fact, a continuation of this process.

The flimsier the cultural foundation and strength an individual possesses, the easier it is to accept what is being offered. In many instances we have learned to be helpless and hopeless and have expectations that others will solve our problems. The picture that is painted is that we can't even look after ourselves. This was articulated by one interviewee, a senior government bureaucrat. Dave stated, "Other communities are not as receptive to that yet. They're still, 'What are you going to do about it?' and wanting to move the problem elsewhere rather than trying to work out the problem themselves." Whether a community is strong in its cultural foundation or has a tenuous foundation, the situation created by devolving programs and indigenizing program personnel is, intentional or otherwise, one of divide and conquer.

Another issue that requires attention is the claim by First Nations that they take "control" of government mandated programs only on an interim basis. Interim basis means until Aboriginal self-government becomes a reality. This same position was stated by Commissioners, Hamilton and Sinclair (1991) in relation to Aboriginal justice and has also been reported by Taylor-Henley and Hudson (1992) in relation to child and family services. Taylor-Henley and Hudson stated that,

Our document searches revealed that at the time of negotiating and signing the Tripartite Agreement the Chiefs were quite clear that it did not involve a transfer of control as they already had the inherent right to control Indian child welfare. In their view, it merely involved a transfer of cases hesitantly taken on by the province in the past. They reluctantly acknowledged provincial law as an interim measure as it was the only available legal framework (p. 17).

If we are going to take control of government mandated programs on an interim basis, this process should accelerate, not inhibit, self-determination; and, the process should strengthen First Nation culture, not weaken it. Unfortunately, no time parameters have ever been established that would constitute this method of control as falling within a finite time frame. Consequently many programs devolved to First Nations are well into their second and third decade. Does this constitute an interim measure? Failure to recognize the implications of this concern will result in serious consequences for First Nations in their ability to retain their unique cultural traditions, values, beliefs and customs. The devolved programs and services which currently parallel those of the existing dominant institutions emulate and entrench their flaws and have not produced the desired outcome of First Nations self-determination. They do however, become entrenched and institutionalized within the fabric of First Nations culture.

One should expect that having a contingent of First Nation probation officers with their own program, within a First Nations organization might have some influence on the criminal justice system. Minimally, they should have had an opportunity to "voice" their concerns to the system. Unfortunately they were buried so deep within the existing bureaucracy, their presence was barely noticeable. Individuals who were hired to provide front-line service were not in a position where they could influence any decision-making, even about their training. As McKenzie (1985) has asserted, "The successful application of an assimilative strategy depends upon the location of power and decision-making authority within the dominant society" (p. 276). Clearly, in each of the three aspects discussed in this section, the location of power

and decision-making authority did not lay with the First Nations probation staff. Therefore, to reiterate, "When the power to make decisions rests external to First Nation communities, the power to define their reality also lays outside the community."

Working in a foreign system

Another occurrence is the enormous amount of energy that is expended by First Nations on government mandated programs and service delivery. More often at the receiving end of these services, First Nations are now required to learn the foreign concepts of "justice" and process by which the services were to be delivered. Although assimilation had taken its toll on First Nation societies, to some degree many First Nations have retained their worldview which was and remains antithetical to the dominant worldview. First Nations worldview, its knowledge base and methods of learning, and methods of relating to one another remain intact. Trying to integrate foreign concepts into First Nations worldview required a deeper understanding than rote learning. This process is analogous to the process of learning for children who attended school during the early period of residential schools. According to Kellough (1980),

The Indian child first learned the English alphabet and recited scriptures, but he never got beyond the words to the concepts which they contained....When the texts were repeated often enough, they remembered the different combinations

of sounds on each page. The books became codes the children must learn to decipher (p. 363)

For First Nation probation officers, the Criminal Code and other legislation became their codes; the Manitoba Probations Services manual outlining the operating procedures were defined in the books and First Nations were trained to follow it. There was a superficial understanding of the rules but no depth of understanding was accomplished because the concepts were too foreign to grasp within a short training period. In order for us to be effective in a foreign system, we must be socialized in that system so that it makes "sense" to us.

The expectations that teachers had of children in residential schools was similar to the expectations of some members of the judiciary and the legal profession of the First Nation probation officers. According to one study, Bracken (1989) reported that some members of the judiciary and the legal profession expressed the opinion that the reports written by the First Nation probation officers "were too short", "there was a lack of imagination put into the presentence reports" and, "many of the reports submitted were similar to each other" (p. 26). These opinions are indicative of the probation officers' unawareness of the legal concepts and their meaning, but given enough time, their rote learning would lead to an "absorbtion" of the foreign concepts and their meaning at the cost of displacing their own concepts and meaning of justice, much as we have done with our languages. Needless to say, we now understand the concepts of the foreign language to the point that many First Nation languages have become extinct. Bracken also reported that the judges stated that,

it was of utmost importance that probation officers receive extensive training in writing effective probation reports for the courts. The credibility of the probation officer is at stake if the reports are not properly done....This judge felt that if the notion exists that native workers do not need the same kind of education or qualification as other services there is going to be a problem and they will deliver a second class type of service. (p. 27)

Our inability to "fit a circle into a square" was viewed as our failure. Unfortunately, the attitude that seems to prevail among bureaucrats is "we tried to help them but look what happened". Too busy trying to squeeze cultural differences into a system that did not acknowledge, much less value, their differences required a tremendous amount of time and energy, only to yield frustration, confusion and conflict for D.O.P.S. staff. Our "failure" takes the heat off of government because they have been seen to offer us help, to no avail.

Community leaders, then, do not have the time for self-government issues as they and their staff have to channel their energy away from government decision-making and government agendas so that they can learn to operate within a foreign system. Therefore indigenization of government programs and probation officers was a subtle method of diverting First Nations away from self-determination efforts. Diverting the eventual goal of self-determination, through the provision of increased jobs in the current system, also promoted an individualistic ethic rather than an emphasis on collective or community benefit.

Indigenization: Take it or leave it

Another occurrence is when an "opportunity" is presented by governments to which First Nations must respond quickly or the door to the opportunity closes. In situations such as this, no forethought is allowed, only reaction time. Some of the issues included for discussion are: consultation within First Nation communities, consultation with other segments of the criminal justice system such as the judiciary, the legal profession, and conventional probation services. The quick response to this opportunity had serious implications for which D.O.P.S. First Nations, later, had to bear the consequences.

As indicated previously, Dakota Ojibway Tribal Council started on its path to self-determination in 1974. According to one First Nations interviewee, "D.O.T.C. was always up there, making headway, making paths for other people to come along and do the same." Therefore, acquiring control of probation services was a natural step on this path to self-determination.

The lack of commitment to or lack of acceptance of D.O.P.S. was attributed to the three interested parties for different reasons. Some of the difficulties D.O.P.S. staff encountered were attributed to the provincial bureaucrats, especially senior probation officers. In relation to these individuals, one First Nation interviewee felt strongly that some probation officers had purposefully sabotaged D.O.P.S.'s efforts to takeover probation services whenever possible. She stated, "There was those individuals who went out of their way to ensure that, 'No, this is not how you do it; this is how you do it; no, you can't get that.'...there was a lot of that." Other interviewees, government

bureaucrats, confirmed that there was some difficulty with provincial probations staff. For example, one interviewee said, "I didn't get a sense that maybe their senior probation officers were accepting." Still another interviewee affirmed, "There was some concerns as to... 'are they going to do it the same way we are? Are the standards going to be met? Are they going to maintain the level of service in professionalism?' - there were some concerns about that aspect." One interviewee, Edna reported that she recalled hearing "some of the senior probation officers who were involved in the beginning... 'Oh, now that we've got this D.O.P.S., we'll have to make sure they are trained like us." One First Nations interviewee stated, "But the resistance was very, very strong from the established agencies; they were very, very strong. I felt it, I felt it personally many times."

Another deliberate effort to sabotage D.O.P.S. occurred during the initial stage of training probation officers. The Solicitor General's Department had allocated funds to each province so that it could develop a strategy for implementation of the Young Offenders Act. In Manitoba, the "Working Together" project was the strategy that would be utilized. It was "an attempt to implement a program of extensive citizen participation in the administration of the federal Young Offenders Act" (Ryant & Heinrich, 1988, p. 6). Although this project was funded by the federal government, and each regional probation office in Manitoba received funds to carry out the strategy, senior probation bureaucrats of the Department of Community Services and Corrections purposefully excluded D.O.P.S. from receiving the funds to carry out the implementation strategy of the Young Offenders Act within the D.O.T.C. communities.

According to Bracken (1989) "senior people in the corrections bureaucracy at the time felt that '[D.O.P.S.] had gotten enough already' and therefore should not receive any of the project resources" (p. 14).

Other difficulties were attributed to the federal government. One First Nations interviewee referred to the lack of support from the federal government despite the fact that it had provided funds so that D.O.P.S. could be established. She stated:

There was also the federal people in Ottawa who were playing a lot of games also. I felt that there could have been more support from them, a more aggressive approach to trying to negotiate on our behalf but they kept a very low key...they weren't very aggressive. And I thought, 'Well geez, you know, these are the people that we were supposed to be getting so much of our funding from, why are they not speaking on our behalf'...I always felt there was no support from the federal people.

Other difficulties were attributed to the leaders of the First Nation communities.

According to one First Nation interviewee,

The chiefs really wanted the program and they really wanted it to work. I know they did...In their hearts, they really wanted their own people to deliver their services. But you know what failed them was their lack of knowledge about probation services. They just did not have a clue what this was all about, what it entailed and what it involved. And because when you're ignorant to things, you're going to just say whatever you want to say and do what you want to do. So that was a big downfall for the chiefs.

The barriers such as the lack of support and outright sabotage from provincial senior probation officers, the lack of support from the funding department, D.O.P.S. staff being told by the provincial minister in charge that, according to Carla, "No it can't be done; no you can't; this is law, you can't change law", the lack of support and lack of knowledge on the part of the chiefs were paramount in the difficulties experienced by D.O.P.S.

According to a senior bureaucrat, D.O.P.S. was supposed to be a creative project; it was going to somehow to make a difference. However, she said about the initial negotiations between the federal and provincial governments,

[The federal government] relied on the province to tell them how it had to be done. It was sort of a dichotomy. I always thought it was. And, therefore, what did probation use? What did the Province use? They used what they knew, which was not a cultural-based model...the Province would go with the standards they knew; and yeah, there would be some accommodation kind of thing for Native service but; they could have went with that, you know. So the "status quo" kind of remained there and the Feds, on one hand they were pushing for creativity, and on the other hand...they were sort of letting the Province, I thought, kind of dictate. I don't think they knew really what to do with this. It was sort of new for them as well, for the Federal people. So part of that was maybe a Native agency had to prove itself before it could do it differently.

When government mandated programs such as Dakota Ojibway Probation Service are assumed by First Nation communities, the leaders need to be cognizant of exactly what it is they are assuming responsibility. One First Nations interviewee stated that "My perception was that the Chiefs wanted this program and they got it and they ran with it without making any changes to it." According to another First Nations interviewee,

In retrospect now when I think about things, things could have been done a little bit slower. But because the Chiefs were very anxious to get the program under their belt or under the umbrella of D.O.T.C., and of course, not knowing what probation services was all about, wanted to take over the services very quickly. So, the program was developed and was starting to function.

This left very little time for consultation with the community to determine their level of support and acceptance of the program. In terms of consulting the First Nation communities, one First Nations interviewee said,

something that we failed...was that community consultations. There was not enough community consultations, although we tried...you'd go out there and nobody shows up. And I think we gave up too soon. I think we should have continued going and going and going until we got everybody consulted...had people understood what it is that we were trying to do, there might have been more, the program might have continued.

Although attempts were made to consult First Nation communities, lack of financial resources, time, effort and energy made it extremely difficult for the First Nation

probation officers to not only do their job but to educate the community as well. The task of educating the community might have been easier had D.O.P.S. received the financial resources to carry out the "Working Together" project.

The entire criminal justice system should have been educated about D.O.P.S. Unfortunately, there was no time or resources provided for this to occur either. As a result, the courts and the community were not consulted to any degree that would have benefitted the staff and the probationers. As one interviewee, a government bureaucrat stated, "If you look at the criminal justice as a whole and corrections as being part of it,...if you are going to change one, you have to make sure that the other parts of the system are aware..." of the changes and how each part will be affected by the change. He went on to say,

There's a need to educate the other parts of the courts, the crown, prosecutions...So if they were barriers, yeah, I think, you know, all of a sudden you've got a Native probation agency that's supposed to do things differently. Well, what information was provided to the courts, what information was provided the crown attorneys in terms of what they were going to do, what were they going to look like? Yes, there were some barriers there.

Unfortunately, in this situation, the onus was placed on First Nations to disseminate this information to the members of the legal profession and the judiciary. According to Bracken (1989), "The crown felt that it was up to the native probation officer to guide the court in the direction of traditional native culture and it is through the probation officers that crown attorneys and judges can learn" (p. 32). Barely having time to learn

about probations and having to educate others created a stressful situation for the probation officers.

There are nine occurrences that have been identified up to this point in this chapter and their implications have been addressed. There is at least one additional occurrence that I believe is also a factor of assimilation. Unfortunately, I am unable to explore this occurrence within the scope of this paper; nevertheless, it is crucial that this occurrence undergo some investigation.

The final solution: Assimilation by propaganda control

The occurrence is that government may be creating an illusion in the non-Aboriginal population that First Nations have control over their lives. Maybe it speaks to the issue of government propaganda about giving us control and when we falter or fail, we have failed in the eyes of government and in the eyes of society. An example of this duplicity is government turning over control of education dollars with no provisions for the burgeoning First Nations population. First Nations are left with the impossible task of providing for three, four, and sometimes five times as many students with no increase in funds. Perhaps this is proof enough to suggest that the government sees itself fit to take care of us. Certainly it takes the heat off of government because they are seen to be giving us control.

Individuals who are unaware of the accurate history of Canada and how it has affected Aboriginal people; individuals who are unaware of the degree of control governments have over the lives of First Nations; individuals who are so embedded in

the structure and culture of their own society, are individuals who are virtually blind and will not recognize the implications that this government-created illusion will engender. Government propaganda controls this level of awareness in both the Aboriginal and non-Aboriginal populations. As a previous First Nations researcher, Loyie (1992), pointed out government controls, or at least influences, elections at the band level through timely release of propaganda.

Although D.O.T.C. First Nations wanted to be in control of a probation service that would fit the cultural needs of their community residents, once its proposal was presented to government bureaucrats, First Nations "vision" of a culturally-oriented service was displaced with a program and service that reflected only what the provincial bureaucrats knew about probations. Under the subliminal control of government, the cultural element had lost its visibility, aside from the "brown" faces who could speak their own First Nation language. D.O.P.S.'s eventual demise can be attributed to the lack of legitimate control over programs, resources, and service delivery, the lack of a comprehensive policy in the area of service delivery and the division created in First Nation communities. Within this chapter, there were clear illustrations of how far removed First Nations were from the power sources both historically and today. The decision-making aspect in relation to both, the financial mandate and the operating mandate, left First Nations in a situation facing structural and cultural colonization (assimilation). With no room to manoeuvre, with little bargaining power, the ability of First Nations to retain or strengthen their culture within a government mandated program did not look too promising.

Summary of Data Analysis

When these preceding examples and comments were considered in light of the four questions in the introduction to the background of the study (i.e., Chapter One), we began to see the insidiousness of the forces of assimilation.

- (1) To what extent do Aboriginal people, internally, see the program as an Aboriginal program.
- (2) To what extent do external (Aboriginal and non-Aboriginal) viewers see the program as Aboriginal?
- (3) To what extent has consideration been given to "indigenizing" the program?
- (4) To what extent has consideration been given to "Aboriginalizing" the program?

However, the first issue is the analysis itself.

The worth of the tools for analysis in Merriam's case study model was shown to be useful in the first case-in-point: the semblance of First Nations control leading to assimilation. For example, this model allowed for the identification of (A) what occurred (government control), (B) the implication for what occurred (First Nations responsibility for failures), and (C) the relationship between occurrences (First Nations and mainstream society's misinterpretation of Aboriginal culture and values). The following points, drawn from the analysis based on (A), (B), and (C) answers, in part, various aspects of the four questions. The relationship of data to question is demonstrated with the relevant question, 1 to 4, shown in brackets.

As the data in "A First Nations sense of control" presented above showed, that in relation to the four questions, front-line First Nation workers realised they were

caught in a situation where the D.O.T.C. negotiators considered the program to be an Aboriginal program (1), the government said it was an Aboriginal program (2), clients viewed the program as an Aboriginal program (3), the program was staffed by First Nations (3), but the workers themselves understood that First Nations control was a chimera (1). An analysis of the data further showed that non-Aboriginal people expected "new initiatives" based on First Nations' values (2) (4), while First Nation staff felt compelled to follow mainstream models (3). Government leaders vacillated between "Aboriginalizing" the program (4), and merely staffing the program with First Nations (3).

Features that arose from the data discussed in "illusions of control versus indigenization" showed that in relation to the four questions under consideration, First Nation communities thought the program was an Aboriginal program (2); the happier First Nations were with the delivery, the more likely they would accept a non-Aboriginal program as their own (2) (3) (4); and, mistakes for which they had no control were assigned to and internalized by First Nations (1) (2) (3) (4).

A third feature that arose from assessment of occurrences, implications of occurrences, and relationship between occurrences was the loss of a vision of what is First Nations. This loss of vision prevented First Nations from critically analyzing the program and by default, accepted the program as their own (1) (2). The ability to conduct business in a First Nation language led to a further blurring of this vision (3) (4). As the data in this section showed, even when various First Nation leaders and front-line workers became aware of the chimera of First Nations control, they felt

helpless to affect the program (1), (2), (3), (4). This sense of helplessness led to frustration and anger, and even self-recrimination (3).

A fourth feature that arose from the use of Merriam's case study was the continuous historical to contemporary struggle by First Nations to maintain a sense of self. The data in this section also showed how governments abrogated responsibility while they tenaciously hung on to authority (1) (2) (3) (4). Child welfare policies and affirmative action were analyzed to determine the exact nature of indigenization (1) (2) (3). Again, by default, the question of "Aboriginalizing" was addressed (4); in this case, no action was the answer to the question.

A multi-faceted fifth feature which arose from an analysis of the data looked at the "degree of control" First Nations had over the decision-making process. The data in the first facet, degree of control within the devolution process, showed how First Nations' vision of an "Aboriginalized" program (1) (4), was "overshadowed" by the vision of governments who were primarily interested in "innovation" so long as it was carried out within their established parameters (2) (3). The data in the second facet, degree of control over funding, showed that dependence of federal funding affected First Nations ability to operate the kind of program they desired (1) (4); simultaneously, government control over the allocation of financial resources determined the kind of program First Nations would operate (2) (3). The data in the third facet, degree of control over mandate, showed that First Nations could operate D.O.P.S. (1) (3), but it would have to abide by the standards established by the provincial government (2) (3). Even though First Nation employees attempted to

integrate cultural aspects into the program (1) (4), external viewers believed more conventional training was required (2) (3). Beyond the utilization of First Nations staff and languages (4), there was nothing to indicate that this was a First Nation program (3). The reverberations experienced by First Nation probation officers from the First Nation general population (2) conflicted with the practises of conventional practises which the probation officers were expected to uphold. Successful devolution of government mandated programs, over an extended period of time, become entrenched and institutionalized but does not produce the desired outcome of First Nations self-determination (3).

As the data in the sixth feature, "Working in a foreign system," showed, First Nation probation officers knew this was not an Aboriginal program (1) because they had to learn foreign concepts of justice, foreign standards and guidelines and then try to integrate their culture. Non-Aboriginal viewers outside D.O.P.S. were aware this was not an Aboriginal program because of the effort required to "train" First Nation probation staff in foreign operating procedures (2) (3).

As the data showed in the seventh feature, "Indigenization: Take it or leave it," several parties -- from conventional senior probation officers to senior federal and provincial government bureaucrats (2) -- interested in D.O.P.S. would not accept it as an Aboriginal program. Regardless of the effort put in by First Nations staff to be successful in the eyes of conventional probation staff (3), regardless of their effort to introduce cultural elements into the program (4), First Nations staff resigned themselves to the fact that D.O.P.S. would never be a program controlled by First

Nations (1). Meanwhile, government bureaucrats and senior government officials believed that the only way to carry out business was to indigenize D.O.P.S. (3).

The last feature, "Assimilation by propaganda control," requires additional exploration. This exploration is crucial because if an illusion is created by government which leads the general non-Aboriginal population to believe that First Nations are in control of their lives, the government can more readily absolve itself of its legal, financial, and moral responsibilities to First Nations. Moreover, they can absolve themselves without interference by the non-Aboriginal population since this population would be of the impression that First Nations had assumed responsibility in areas that the federal government can never forfeit such as its responsibilities for Treaty and Aboriginal rights.

At the beginning of this chapter, I cautioned the reader to be aware of any bias that might come through the writing or interpretations of the data because of the fact that I am a First Nations woman. In reviewing the presentation of data and summary, I believe I have been fair in my comments. However, in this review, I had difficulty not expressing my anger and frustration.

I believe it would be a naive reader who does not see the insidiousness of the forces of assimilation at play as First Nations try to struggle out from under structural and cultural colonization (assimilation). I also find it hard to believe that at least at some levels of government there is not a conscious awareness or strategy to further assimilate First Nations through devolution and indigenization. To believe that government is acting ingenuously and altruistically would be to deny the historical and

contemporary data presented in Chapters Two, Three, and Five; and the voices of First Nations presented in Chapter Six.

Chapter Seven

Findings, Recommendations and Conclusion

Introduction

Chapter Six ended with a summary of the data in relation to four questions that had been used throughout as a means of determining the forces of assimilation at work through devolution and indigenization. I also concluded Chapter Six with some comments on my feelings that emerged from an analysis of the data. In this chapter, I present a more structured review of the findings, conclusions and recommendations. Finally, I conclude with a few personal comments about the problems I experienced in identifying a research methodology and presentation format that would not conflict with my values, as a First Nations woman.

Structured review of the findings

The findings in this study are based on a review of the historical and contemporary relationships between First Nations and various provincial and federal governments: both the political and service (bureaucratic) levels. Dakota Ojibway Probation Service was examined as a case-in-point. Although these findings do not prove that assimilation is an outcome of every case of devolution, the data support the contention that in the case of D.O.P.S. assimilation through devolution and indigenization was both covert and overt, and in line with non-Aboriginal (i.e., government, bureaucracy, judiciary) aspirations for the assimilation of First Nations.

The findings provide sufficient evidence to demonstrate how the federal and provincial governments interfered and/or prevented the First Nations of Dakota Ojibway Tribal Council from self-determination as they attempted to gain control over Dakota Ojibway Probation Service. The attitudes, behaviours, and actions of government officials, in their attempt to put the policy of devolution and indigenization into practise, fit well with the definition of assimilation utilized in this case study. In this study, assimilation referred to the process whereby the dominant group interferes and prevents the minority group from achieving the development of their own institutions and culture consistent with their own history.

The ten "occurrences" in Chapter Six, identified from an analysis of the data, formed a framework which was then utilized to assess how devolution and indigenization promoted assimilation. What was revealed to me was that assimilation can take place on many levels, and under a number of factors that could be present, either individually or in any combination. The presence of so many of these factors indicated that assimilation had occurred within D.O.P.S. There may be other occurrences that might be added to the list generated from this study. Through the study of this case, one of the sheep has been exposed as a wolf in sheep's clothing.

Concluding Remarks

A few of the conclusions drawn from the data are presented here as examples of the various facets of assimilation, under study: devolution, indigenization, and structural assimilation and cultural assimilation. These examples have been culled from

the myriad of possibilities for their ability to show the many sides of the forces of assimilation.

The devolution of educational programs and child welfare programs were discussed with some detail because these are two areas where First Nations have assumed the most control to date. Although, as noted above in the findings, a case cannot be made that assimilation occurs in each instance of devolution, comparing the situations in education and child welfare to D.O.P.S. indicates a definite pattern. Some salient aspects of this pattern are presented below in point form:

- (1) First Nations leaders who are vying for self-government are enticed to adopt the delivery of services to First Nations.
- (2) The leaders and First Nations communities are given to believe that they will have structural and cultural control.
- (3) The First Nations claim ownership and receive responsibility but authority remains with the level of non-Aboriginal government that controls the funds.
- (4) Leaders are frustrated by their inability to affect the issue of governance.
- (5) First Nations communities see their leaders as inept because the quality of service does not change and in fact often denigrates because unknown to the general communities (First Nation and non-Aboriginal) resources that were available to the government bureaucracy as a service deliverer are not transferred with the programs.
- (6) The program(s) is seen as a First Nations program although First Nations have had no opportunity or authority to change the structural or cultural aspects of the program.

(7) Failures are seen by First Nations communities and the non-Aboriginal community as the inability for First Nations to control the delivery of their own programs.

(8) First Nations leaders find themselves forced to spend enormous amounts of energy dealing with program issues rather than pursuit of self-governance that will allow true First Nations structural and cultural control of programs.

These and similar conclusions have also been identified by other First Nation researchers.

Loyie (1992), in his examination of the impact of devolved programs and the situation of First Nations that face program responsibility without authority, concluded:

Bureaucracies...[are] antithetical to the culture of First Nations and the continued use of bureaucratic structure for governance will only continue to destroy First Nations culture. The impact [of bureaucracy] on First Nations and their organizations has been devastating. Models of control, coercion, and domination have been established...and copied by dysfunctional First Nations leaders who now use the system...to control others. At the community that system has done incredible harm to people who have had to live under its yoke.... The federal and provincial governments are not willing to take responsibility for the widespread harm caused to First Nations people. (p. 120)

An additional ninth point to those given above, that was also identified by Loyie, is the inimical character of governments and their officials who sell the programs to First Nations leaders under the guise that there will be a transfer of the control of the

mandate that the program operates under. As discovered in the interviews for the research for this study, as well as the data presented by Loyie, First Nations leaders are usually aware that they are buying a "wolf in sheep's clothing" but are in a weak negotiating position.

The "negotiations", between the federal and provincial governments and the D.O.T.C. First Nations, for control of D.O.P.S. implied that D.O.T.C. First Nations had some power to negotiate for a service that would better meet the needs of First Nations. However, it was only after First Nations compromised their position and agreed to maintain the status quo, that governments agreed to transfer the financial resources and mandate. However, as this study has shown, and the examination of the devolution of education and child welfare, as well as the case presented by Loyie (1992), the transfer of mandate becomes ephemeral as soon as First Nations try to assume control.

The devolution policy alluded to "control" and not to a "semblance of control" over the management of programs and the provision of services. The illusion created, that First Nations would be in control of probations, presented some difficult situations for individuals working in the program and for community residents being served by the program; therefore, it is crucial to emphasize the inherent danger in such policy and practises. This manner of acquiring "control" furthers the assimilation of First Nations into the dominant institutions.

Recommendations

Throughout this study assimilation has been shown to be a many faced beast. The discussion surrounding "wicked problems" (Rittel & Webber, 1973, as cited in Alcorn, 1995) showed the difficulty in suggesting solutions to problems that were symptoms of other problems or for which there was no definitive information. The following recommendations are provided while being mindful of these wicked problems and dangers of pursuing tangents that become evident in examining assimilation in light of devolution and indigenization:

- (1) We must be patient. It is too easy, after years of oppression, to grasp at any semblance of control over our own lives. For example, there were no definite time parameters established that would denote an "interim basis." We need to remember at all times: Do not take interim; how long is it? what are the dangers? how can one conduct long range planning?
- (2) We must support our leaders. Rather than demanding that our leaders accept devolved programs, we must encourage them to hold out for true First Nations governance.
- (3) We need to develop a First Nations research base. Loyie (1992) and others, including some of the First Nation interviewees for this study, have begun the process of delineating a First Nations epistemology and ontology.
- (4) "Aboriginalized" programs must be delivered based upon First Nations epistemology and ontology. This will mean much more preparation at the community level before we assume control of a non-Aboriginal program. This preparation must

follow our own ideals which include involving and consulting elders at the community level.

(5) We must encourage and support our leaders to employ traditional values in their negotiations with non-Aboriginal governments and bureaucrats. Again, we must include a process that employs the wisdom of our elders.

(6) We need to be mindful that because First Nation communities differ, a master plan of action cannot exist, except at a general policy level. Each community must be allowed considerable freedom to interpret conditions and to use techniques and methods with which the community is familiar to solve problems.

(7) We must be mindful of the intricacies of structural and cultural assimilation. Changes in policy, programs and service must be conducive to the culture/community which is being served.

(8) We must not be wooed into believing that brown faces are going to make a First Nations program. In all cases, we must note that indigenization is one of the most insidious aspects of assimilation because we hold ourselves responsible for failures over which we had no control.

(9) Changes that emphasize the collective interests of the First Nation community in terms of healing the community and its residents should be considered and acknowledged as innovative and culturally appropriate services.

(10) We must recognize in hiring and training First Nations personnel that each of us has endured four hundred years of assimilation policies and unconsciously have accepted many of the values of the dominant society. As such, First Nations agencies

must develop their own hiring criteria: i.e., expertise is not always a degree or diploma but rather personnel who hold traditional values, customs, languages, spirituality. These individuals will be the creative policy makers working toward autonomy.

(11) We must not be swayed in our resolve to negotiate a fair and equitable share of the resources available to non-Aboriginal governments and bureaucracies. The clearest example of First Nations' dependency is in the area of finances. Due to our financial dependence on federal and provincial governments, First Nations are in positions where they are coerced into compromising the kind of control they desperately require to remain culturally distinct societies.

These recommendations are only a few of the immediate areas that need to be addressed to stop the forces of assimilation that are destroying First Nations. These recommendations, even in part, will lead to a re-emergence of First Nations values. Loyie (1992) concluded his study with the following comments:

Out of this system of values First Nations people will emerge with their system of governance. As a system of governance evolves theorists or philosophers can debate whether it is bureaucracy or some other term. (p. 122)

Noting the importance of highlighting values leads to another recommendation which is that we must find our own terms. To name one's world is to own it.

Regardless of whether it remains the intent of governments to assimilate First Nations, by what ever means available to them, it is our responsibility as First Nations to use the control gained thus far to begin an evolutionary process rather than to entrench ourselves in the devolution process. It is an outcome which will denote self-

determination and a visionary initiative. Transformation from these deeply entrenched structural and cultural institutions will become the point at which First Nations can move from devolution to evolution of autonomy.

A final, thirteenth, recommendation is one that deals with perhaps the greatest barrier facing First Nations. We must be aware of the "Indian industry" that employs thousands of non-Aboriginal people. It is not in their interest to see us successfully take over our own programs and administer them in a manner that they see as "foreign." Jobs in First Nations programs that run on First Nations values would, of course, go to those most qualified for the jobs.

In the past, control over First Nations culture was maintained by those controlling the structure. In the case of D.O.P.S., the province controlled First Nations culture or prevented the integration of culture into the program. As Kellough (1980) stated:

The continuance of cultural colonialism is dependent upon structural colonialism...While the overthrowing of colonialism must start with the consciousness of a large number of Indian people, the avoidance of further cultural colonialism is only possible with the ending of structural domination. The insidious colonization of experience can be stopped only after the structure of their society is transformed...Without economic power, Indians will remain subject to the control and pity of their fellow Canadians. With the need for economic power, the recognition of aboriginal rights to land and resources becomes paramount. (p. 369)

It appears impossible to implement an approach grounded in the philosophy, traditions, values, beliefs, and practices of First Nations, within a structure heavily grounded in a European philosophy. Therefore, ideally, the will of the First Nations working in devolved programs can force an evolution from that system to one entirely autonomous. Economic independence, now in development strategies and inherent land rights, can be a foundation on which to build Indigenous models of justice, education, and child welfare.

Personal observations

I think it is reasonable to assume that D.O.P.S. can be used as a model against which other interested First Nations can begin to examine their own programs. In their self-determination, they can accept or reject my findings. Certainly there is opportunity for other First Nations to rebut my findings by accepting that "Yes, elements of 'our' program are assimilative, but not as assimilative as they once were, therefore, we will continue to support the program despite its assimilative features, but only after making an informed decision that the benefits outweighs the costs." In this manner, they may be able to compensate in areas to reduce the possibility of assimilation.

This paper was presented, not to be critical of the steps taken by First Nations, rather it is offered to provide First Nations with some information upon which to base future initiatives with respect to the social policy. With the knowledge generated from this study, social scientists, also, can be influential in creating a policy climate in

which First Nations' communities might be able to make their own decisions about the reclaiming of institutions within their own jurisdictions.

At times, I felt that in dealing with this data and presentation of information, I was acting out the same indigenization that I was investigating. My fear was that I would forget, or some other person (Aboriginal or non-Aboriginal) would come to believe, that this thesis is, in fact, a non-Aboriginal document produced for an institution that contributes to the structural and cultural colonization (assimilation) of First Nations.

This is not to say that the process has not been educational, nor am I rejecting the value of post-secondary study based on a western European model. As Loyie (1992) stated "[First Nations] Leaders do not want to bring back the old but fuse a system of values that respected life, the earth, and all people regardless of their race, colour, or creed back into their life systems" (p. 122). We do not want to isolate ourselves from Canadian society, nor do we want to reject out-of-hand all that is not traditionally First Nations. We only want to make the choice. To do otherwise is assimilation.

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Appendix A: Letter of Introduction

March 14, 1996

Interviewee

Job location

Address

Town, MB

Postal Code

Dear

I am a graduate student enrolled in the Faculty of Social Work at the University of Manitoba. I am currently in the process of conducting research for the completion of my Masters thesis and as part of the requirements, I would like to conduct interviews with individuals who were involved in Dakota Ojibway Probation Services.

My primary interest lays in the experiences of those individuals who had intimate knowledge and experience in the establishment and management of this program.

I would like to conduct these interviews during the week of March 25 and March 29, inclusive. If you are not available during this time frame, I am able to accommodate your schedule. I will telephone to confirm a time and place to conduct this interview.

The interviews are strictly voluntary and the data collected will be confidential. For your information, Denis Bracken, Assistant Dean for the Faculty of Social Work is supervising my research.

Yours respectfully

**Yvonne Pompana
Instructor**

YP:mf

Appendix B: Consent Form**CONSENT FORM**

I _____, agree to participate in the research study conducted by Yvonne Pompana, a student in the MSW Program at the University of Manitoba. I am aware that the purpose of this research study is to fulfill Yvonne Pompana's requirements for the Degree of Master of Social Work. I understand that the nature of the study is to examine Dakota Ojibway Probation Services, formerly an Aboriginal-controlled probation program. The interview questions will attempt to gain insight into the assimilative and/or autonomous nature of the devolutionary process which was developed as a proposal by Dakota Ojibway Tribal Council, written within the parameters of the Manitoba government policy and administered by Dakota Ojibway Probation Service.

I understand that the interview will last approximately ninety minutes, will be audio taped and will be used solely for the research study. The audiotapes will not be shared with any person.

Recognizing that the pool of participants for this research is relatively small, I am aware that confidentiality, in the strictest sense, cannot be guaranteed. However, I understand that names, dates and any identifying features will be changed so that my participation will not be detected. I understand that information from this research will be kept in the strictest confidence, and I will not be identified by name. I have been assured by the researcher, Yvonne Pompana, that my participation is completely voluntary and I have been assured that I may decline to answer any question, and that I might choose to discount or discontinue the interview at any time, without consequence.

If I am interested in the findings of this research, I can contact Yvonne at work 1-204-668-8160 or at home 1-204-269-4329. By signing this form, I agree to participate in the research study.

In the event of any complaints about the procedures used in this project, I am aware that I may contact Denis Bracken (204-474-9264) Thesis Advisor to Yvonne Pompana, Faculty of Social Work, University of Manitoba.

Signature_____

Date_____

Appendix C: Interview Questions

INTERVIEW QUESTIONS - DAKOTA OJIBWAY TRIBAL COUNCIL

- 1. During the developmental phase of D.O.P.S., what did you envision would be different about this program than mainstream probation services?**
 - Was there anything unique about D.O.P.S.?**
 - Was this program a step toward self-determination or was its purpose to provide culturally-sensitive services? Did it work? Yes/No? Why/why not?**
- 2. Did you encounter any kinds of struggles/compromises in getting D.O.P.S. established? What were they? How did you deal with these struggles/compromises?**
 - Training modules for the probation officers? any cultural input into the training of staff? what were your expectations?**
- 3. One of D.O.P.S.'s objectives indicated a willingness to meet the mandate/standards of the mainstream probation services. What were the reasons for including this in the proposal to the government?**
- 4. Was D.O.P.S. designed to provide input into the operational and/or decision-making policy of Manitoba probations?**
- 5. Were there times you had to make compromises to deliver the program? Describe.**
- 6. Had you ever experienced any stress or confusion about being accountable to Manitoba Probations? community residents? How did you deal with the stress/confusion?**
- 7. At any time did you ever feel you were operating on the principles of a different culture? Were any of these principles consistent or inconsistent with what you set out to do in the beginning?**
- 8. According to the evaluation contract, D.O.P.S. delivered probation services within a relevant cultural context. How did this occur, both formally and informally?**
- 9. Did Dakota Ojibway Tribal Council have any kind of control over D.O.P.S., its operations, its budget?**
- 10. Was Aboriginal control exercised within D.O.P.S.?**

11. In your own words, how would you define the term **assimilation** as it relates to First Nations people? Do you see assimilation occurring? How?

In retrospect, do you think that D.O.P.S. or any aspects of it reflected assimilation? In which ways?

12. In your own words, how would you define the term **self-determination** as it relates to First Nations people? Do you see self-determination occurring? How?

In retrospect, do you think that D.O.P.S. or any aspect of it reflected self-determination? In which ways?

PROVINCE OF MANITOBA - INTERVIEW QUESTIONS

1. During the developmental phase of D.O.P.S., did you envision it would be different than mainstream probation services? How? What impact did you think it would have for you or for First Nations people?
 - Was there anything unique about D.O.P.S.?
 - A step toward self-determination or provision of culturally-sensitive services? Did it work? Yes/No? Why/why not?
 2. Did you encounter any kinds of struggles/compromises in getting D.O.P.S. established? What were they? How did you deal with these struggles/compromises?
 - Training modules for the probation officers? any cultural input into the training of staff? what were your expectations?
 3. During the negotiations between D.O.T.C. and the Province to establish D.O.P.S., what was the program designed to explore what could/couldn't be done with an external agency or was it perceived that Manitoba Probations was relinquishing control?
 4. According to Dakota Ojibway Tribal Council, D.O.P.S. was considered a separate program within its organization; yet, it was also considered one of the provinces 13 district probation service branch offices. In your mind would this present any benefits and/or obstacles to D.O.T.C.? Manitoba Probations? Was D.O.P.S. primarily accountable to D.O.T.C., Manitoba Probations, and/or community residents? Why was the program set up in this way?
 5. Are you aware of any difficulty/benefit that the established standards and guidelines of Manitoba probations created for D.O.P.S.?
 6. According to the evaluation contract, D.O.P.S. delivered probation services within a relevant cultural context. How did this occur, formally and informally?
 7. In your own words, how you would define the term **assimilation** as it relates to First Nations people? Do you see assimilation occurring? How?
- In retrospect, do you think that D.O.P.S. or aspects of it reflected assimilation? In which ways?
- In your own words, how you would define the term **self-determination** as it relates to First Nations people? Do you see self-determination occurring? How?

Upon retrospect, do you think that D.O.P.S. or aspects of it reflected self-determination? In which ways?

INTERVIEW QUESTIONS - DAKOTA OJIBWAY PROBATION SERVICE

1. Did you encounter any kinds of struggles/compromises in getting D.O.P.S. established? What were they? How did you deal with these struggles/compromises?
 - Training modules for the probation officers? any cultural input into the training of staff? what were your expectations?
2. Were there any aspects of the program that you did have definite control over? What were they?
3. In terms of making decisions about the program and its services, did someone have to approve your decisions? What did this mean to you? Did you ever feel your partnership with Manitoba Probations couldn't be challenged?
4. Over the period of time that D.O.P.S. was operating, was there ever any move to shift more control to D.O.P.S.? By the province? By D.O.T.C.? Why/why not?
5. What effect, if any, did the program have on efforts to move in the direction of self-government? Were there any improvements in the quality of life for the people in the communities? For whom and in what way?
6. Were there times you had to make compromises in your program? Describe.
7. According to the Manitoba government, D.O.P.S. was considered one of its 13 district probation service branch offices; any benefits to this arrangement; financial, administrative, resources?
8. To whom were you accountable? Manitoba Probations? Dakota Ojibway Tribal Council? Community residents? Did this accountability ever create any stress or confusion?
9. According to the evaluation contract, D.O.P.S. delivered probation services within a relevant cultural context. Did this occur? Formally? Informally?
10. In your own words, how you would define the term **assimilation** as it relates to First Nations people? Do you see assimilation occurring? How?

In retrospect, do you think that D.O.P.S. or any aspect of it reflected assimilation? In which ways?

In your own words, how you would define the term **self-determination** as it relates to First Nations people? Do you see self-determination occurring? How?

In retrospect, do you think that D.O.P.S. or any aspect of it reflected self-determination? In which ways?

Appendix D: Background to Interviewees

Interviewee 1 Abel 96/03/26

This interviewee was a D.O.T.C. senior personnel at the beginning and through most of D.O.P.S. He was extremely knowledgeable about the inner workings of D.O.T.C., the pertinent federal and provincial participation and their respective laws and regulations and spheres of influence and authority.

Interviewee 2 Betty 96/03/27

This interviewee was a senior member of the provincial government at the inception of D.O.P.S. She was responsible for federal-provincial negotiations regarding D.O.P.S. Most of the provincial participants were responsible to her, and her department provided the provincial funds and set the guidelines for the program.

Interviewee 3 Carla 96/03/29

This interviewee was a First Nations woman hired by D.O.T.C. to manage D.O.P.S. She was extremely knowledgeable about the machinations of the provincial departments that had formerly held responsibility for the delivery of probation services. She had first-hand experience in the delivery of the program and experienced the frustrations in trying to effect or adapt D.O.P.S.

Interviewee 4 Dave 96/04/10

This interviewee was in charge of the provincial probation department that had formerly provided probation services to the communities in question. He served as a provincial intermediary for most of the tenure of D.O.P.S. His department provided training to provincial probation officers and extended an invitation to D.O.P.S. staff to participate in the provincial training.

Interviewee 5 Edna 96/04/16

This interviewee was a senior bureaucrat in the provincial probation services. She was originally involved at the juvenile level in a parallel program and later took on a more senior role. She provided mentorship to the D.O.P.S. director who replaced Interviewee 3. She was also responsible for providing training to the D.O.P.S. probation staff and monitoring D.O.P.S. She conducted an evaluation of the program shortly after it began.