

Indian Affairs leak under investigation

Privacy Commissioner looking into leak of confidential letter

by Andrea Buma with CP files

OTTAWA - The issue of systemic problems in the Indian Affairs office has been raised by Reform Aboriginal Affairs critic Mike Scott.

The M.P. said in an interview with the *Teka*, "Indian Affairs has set up a system that is failing on reserves. The system does tend to reward those in power. I believe that Indian Affairs is responsible for problems in fiscal and democratic accountability on reserves across Canada."

The comment was in response to a story, by the Winnipeg Free Press, concerning a confidential letter leaked by the Department of Indian Affairs.

On October 20, 1997 Bruce Starlight of the Tsuu T'ina Reserve in Alberta wrote a letter to the Honourable Jane Stewart, Minister of Indian and Northern Affairs. In the letter Starlight outlined serious concerns with respect to financial matters on the reserve and the conduct of Chief Roy Whitney and some of the Councillors responsible for handling band funds.

In early December, Starlight received a subpoena to appear in court, and a court order restraining him from talking to anyone in the Department of Indian Affairs. Chief Roy Whitney had commenced legal action against Starlight for defamation of charac-

ter.

Starlight's confidential letter to the Minister of Indian Affairs bearing her office's official stamp was attached to the Statement of Claim issued by Chief Whitney's legal counsel.

M.P. Mike Scott says that under Canada's Privacy Act any correspondence directed to a minister must be kept confidential. A formal complaint and request for an investigation was sent by Scott's

office to the Privacy Commissioner, Bruce Phillips, and the situation is now under investigation.

A copy of the complaint obtained by the *Teka* points out that, "to date, no one has been able to satisfactorily explain how Mr. Starlight's confidential letter ended up in the possession of Chief Roy Whitney *without the consent of the*

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author. We are asking on behalf of Mr. Starlight that you commence an investigation into this matter with urgency."

Indian Affairs Minister Jane Stewart has said that she is outraged about the leak and has launched an investigation of her own into how Starlight's letter wound up in the hands of his chief.

It is not the first time such an event has occurred, however. In 1996 Steven Constant from the James Smith Reserve wrote to the Indian Affairs minister. According to Reform Party, Preston Manning leader of the opposition, "ten days later he (Constant) got a call from the band leadership who told him that they had a copy of his letter. They say that they always get such letters. As a result the band cut off Stephen's financial support. His child was taken away from him until a court intervened."

A couple of years ago, Yvonne Hill, a Six Nation Council employee of Economic Development, wrote a letter to Indian Affairs outlining her frustration with a system that wasn't working. A councillor somehow obtained a copy of her letter and

brought it to council, Hill is not sure how the letter ended up in a Six Nations councillor's possession.

Hill says that the result was a public reprimand, and she received a letter from Ken Jacobs then the Six Nations Director of Operations warning her that she was "insubordinate", and was "never to send another letter without council approval".

Hill claims that DIA talked to then-Chief Steve Williams. She then received a letter from DIA telling her to address future job problems to her political leadership, meaning Chief and council.

"The situation became very uncomfortable", according to Hill, "any concerns I had they would just look the other way. It was a lost cause." Hill eventually left the job at SNED after 15 years in the position. She says that she saw nine councils come and go during her tenure at economic development, and has lost her faith in the process. "I don't envy anyone that is a part of that system, says Hill.

M.P. Scott points out that the irony in the situation is that last year Minister Jane Stewart went out west to publicly invite natives to write her about problems they

were experiencing at the grass-roots level. Starlight took her at her word, which prompted him to write his letter.

Scott says, "In my role of opposition critic, I take this matter very seriously. We will fight this thing to the bitter end. We have served notice to the Ministry of Indian Affairs that we will pursue this with vigour, that we will hold them accountable. And we won't stop until measures are taken to ensure that this won't happen again."

Scott says it is very important that people be able to write to government without fear that their correspondence will be circulated all across Canada.

Lynn Boyer, DIA Communication, Ottawa said "it was a breach of privacy and we are concerned and take it very, very seriously and we are looking into finding the leak."

Many Aboriginal people are suggesting an Aboriginal ombudsman be set up to deal with problems between band councils and the people who live on reserves, according to Scott. He suggests that Aboriginal people at the grass-roots level are being left with no one to hear their concerns.