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**CANADIAN BROADCAST STANDARDS COUNCIL  
B.C. REGIONAL COUNCIL**

CFUN-AM re the *Pia Shandel Show* (Native Land Claims)

(CBSC Decision 98/99-0147)

Decided October 14, 1999

S. Warren (Chair), H. Mack (Vice-Chair), R. Cohen (*ad hoc*),  
D. Cooper, M. Loh and D. Millette

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**THE FACTS**

The *Pia Shandel Show* is a morning talk show broadcast on CFUN-AM (Vancouver). On July 7, 1998, the host chose to discuss the native land claims issue. She began the discussion as follows:

**Pia Shandel:** First, we pay for them take us to court. Then, we give them the land and a whole bunch of money. Now, we train them to manage its resources. Have we forgotten anything? Is there anything left that we could give to 3% of the population? 3% of the population, our aboriginal brothers and sisters? We're going to re-write history. Now, what are we going to leave in the 19th century and what are we going to deal with in the modern world? Well this is [unfinished sentence].

[...]

All right, this is the way it looks to me. Basically we have 3% of the population, the aboriginals of Canada, claiming, at least in British Columbia, about 110% of British Columbia. And we have a coalition of the federal government and the British Columbia government just determined to give it all away and you and I are paying for it. O.K., so first of all, we have paid for the Indian bands' legal expertise to take our land away from us. So we paid for that. Is this making any sense to you so far? Like does it have any common sense attached to it? And then, of course, they win because we paid for them to have the best legal help and our will is for them to win because we are consumed with guilt about the 19<sup>th</sup> century explorers and the residential schools and all the ca-ca things that have happened. So there are bad things that happen to everybody in all cultures in society. Are we going to revisit history? Anyway. So we paid for their lawyers to make the land claims and then we give over the land, plus money, some percentage of the land, the negotiations are all really basically were about how much land are we going to give you and how much money are we going to give you to deal with that land. And nobody knows. Nobody can really tell, what the result is going to be. All of a sudden, resource companies have to

negotiate with Indian bands and, you know, governments are going to be out tremendous numbers of tax dollars that provide services for everybody. And we've paid for this process of a give-away to a tiny percentage of the population on the basis of, you know, things that happened over a century ago.

Now, the latest little twist is, now that we're giving it all away, now we realize that, of course, our aboriginal population is completely unable to deal with this complex new situation, completely. I mean you and I couldn't deal with it either. So we're now going to put millions of dollars into training to help them to figure out how to deal with this windfall. Have we forgotten anything? ...

You know, to me, this just doesn't make any sense, does it make sense to you? Is this the way to be dealing with the social problems, the economic problems, the integration problems, that our aboriginal culture has? I don't think so. To re-write history, to turn ourselves inside out? To compensate for something, you know, explorers did two hundred years ago? To compensate for the mess of the residential schools, which is already being compensated for to the tune of multi-millions of dollars in different ways. You know, why don't we just bankrupt the country, hand it over and we could all leave. Where are we gonna go? Maybe south of the border. I just don't get it. Can guilt be so profound that we're prepared to throw this country into the mess that it's going to be in for who knows how many decades trying to sort out this, this situation that does not make any sense.

Throughout her show, Ms. Shandel continued to argue that the First Nations peoples are not capable of dealing with what they are asking for. Her arguments included the following points:

And we've already seen examples of where self-government on reserves is incredibly corrupt: Band councils holding almost fascist power over their people; money being concentrated in the hands of the few. We are going to see a very, very disconcerting spectacle as we watch self-government and Indian sovereignty fragment, ethnic, tribal, aboriginal sovereignty breaking this country up even more than it is.

[...]

We are giving away control to children, and I don't want to sound racist here but I mean to people who are ill-prepared to deal with it. And that is why, the government in the middle of this total negotiation has decided that they'd better throw some more millions of dollars in towards training aboriginals to deal with this.

[...]

We've created a dependant child in the aboriginals and an abhorrent child and it's absolute madness. It's the same as if you were a parent and you'd spoiled rotten one kid as opposed to the others and that kid just kept doing the bad things. And you kept rewarding them for it. That's what we've done with our aboriginal population out of some ill placed guilt about something that our forefathers did in their explorations and in their settlement of this land.

[...]

Only in Canada would we be so consumed with guilt about the actions of our forefathers in settling this country that we would give it away now to people who are ill-equipped to do so after many generations of a ridiculous dependency and a bad attitude towards the whole of Canada as it exists today.

Now all of this has opened up after the Delmaguk decision which sort of said that aboriginals have a certain kind of a claim to land, not the kind of claim they wanted, but, you know, basically in the 19th century they were doing certain things on their land that gave them a special bond with the land and therefore anything that was done with the land ever since had to be negotiated through them. Like they're really well equipped to deal that, right? This brand new thing in the world. They can't even keep their people fed and alive and off the bottle and not committing suicide. Come on, the problems are very real that are there and it's not your fault and it's not mine.

[...]

But you know, you put all this special case, all this spoiling, all this dependency continuation and still don't you find that aboriginals have a very bad attitude towards the rest of Canada? They still feel like victims. [...] But they have mismanaged their own largesse. You know, the mistakes that the government have made are real. The mistakes that the aboriginals made are also real.

## **The Letter of Complaint**

A listener sent the following letter, dated July 7, to the CRTC's Vancouver office, which forwarded the complaint to the CBSC in due course (although much later in the process than usual):

[On July 7] Pia Shandel made a number of racist statements during her talk-show. I made a note of one of them: "Indians are children and not capable of governing themselves".

This statement alone is so shocking to be beyond belief. If the year was 1898 and not 1998, no one would be upset, perhaps!

I believe similar statements have been made about black people over the centuries.

Pia Shandel went on, in this vein for 30 minutes, spewing her racist, evil venom on public airwaves.

Please obtain a transcript of this broadcast and take the legal action required to give remedy to first nations people who have been so maligned.

I do not believe that this is the first broadcast of this nature that Pia Shandel has made, however, since I am a visitor I have no concrete proof that this is the case.

I do believe that Pia Shandel's broadcast on July 7<sup>th</sup> is a clear case of inciting race hatred, hence a breach of all legislation of the province and the nation and the CRTC

## **The Broadcaster's Response**

The Vice President and General Manager of CFUN-AM responded to the complaint with the following letter dated September 11:

This letter is in reference to your correspondence dated July 7, 1998 to the CRTC regarding the Pia Shandel radio program.

In your letter you noted that Ms. Shandel stated that, "Indians are children and not capable of governing themselves". After reviewing the tape of the program for July 7, 1998, we cannot find this statement.

This particular program dealt, in part, with the complexities of the native people's negotiations on land claims in British Columbia. Ms. Shandel made the point that the issue was so complex that no one seemed to be able to understand the ramifications of the agreement.

Ms. Shandel noted, "...our Aboriginal population is completely unable to deal with this complex new situation...I mean you and I couldn't deal with it either".

It was not our intention at CFUN, nor Ms. Shandel's intention to malign First Nations' people. Ms. Shandel's point was that neither Aboriginal, nor anyone else could understand the complexities of the land claims agreement.

## **The Ruling Request**

The CRTC forwarded the complaint and all its related correspondence, including a tape of the broadcast in question, to the CBSC on November 13. The CBSC then assumed the complaints resolution process and afforded to the complainant an opportunity to request a ruling from the B.C. Regional Council. The complainant did so by returning her signed Ruling Request on December 8.

## **THE DECISION**

The CBSC's B.C. Regional Council considered the complaint under the Canadian Association of Broadcasters' *Code of Ethics*. The relevant clauses of that Code read as follows:

### *CAB Code of Ethics, Article 2*

Recognizing that every person has a right to full and equal recognition and to enjoy certain fundamental rights and freedoms, broadcasters shall endeavour to ensure, to the best of their ability, that their programming contains no abusive or discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, marital status or physical or mental handicap.

### *CAB Code of Ethics, Article 6, Paragraph 3*

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of the broadcast publisher.

The B.C. Regional Council members listened to a tape of the broadcast in question and reviewed all of the correspondence. While the Council was uncomfortable with some of the statements made by Ms. Shandel during her discussion of the native land claims issue, it finds that these statements were mitigated throughout the entire discussion and thus did not breach the human rights provision of the Code.

### **The Freedom to Express Political Opinions**

The CBSC *always* begins its assessment of complaints with the bedrock principle of freedom of expression as a foundation. As will be noted below, other Canadian societal values may occasionally require protection in the face of this basic right; however, in the Council's constant review of challenged circumstances, this principle is never more inviolate than when the type of expression targeted by the complaint is of a *political* nature. As stated by this Council in *CFUN-AM re The John and JJ Show (Immigration Policy)* (CBSC Decision 97/98-0422, May 20, 1998), "the freedom to criticize Government policies and practices is a core example of freedom of expression, in some senses the very *root* of that right in a democratic system." The Quebec Regional Council reinforced this point in *CIQC-AM re Galganov in the Morning* (CBSC Decision 97/98-0473, August 14, 1998) when it stated that

of all of the categories of speech, none can be worthier of protection than that speech which can be described as *political*. After all, the freedom to express political views is at the very root of the need for a guarantee of freedom of expression in the first place. It is *that* speech which has historically been the bridge to democracy.

This is not to say that freedom of expression has no limits when the expression can be characterized as political. The Quebec Regional Council made this point in the *CIQC-AM* decision referred to above:

As Section 1 of the *Charter* provides, these freedoms are "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." Although the Codes administered by the CBSC are not subject to the application of the *Charter*, the Council has always proceeded with its deliberations on the basis that freedom of expression is fundamental to the rights of the broadcasters but that even they fully expect that the Codes they have created are of the nature of those reasonable proscriptions which *ought* to apply in the free and democratic society of which they are a part.

Correspondingly, the Council must, in this case, weigh the host's entitlement to freely express her political opinion on the native land claims issue with the right of First Nations peoples not to be abusively discriminated against over the airwaves. It is, after all, on the micro level a fundamental right which they have under Clause 2 of the *CAB Code of Ethics*. Nor should it be forgotten that, on a macro level, *all* Canadians have that fundamental right that none among their number shall be abusively discriminated against on the basis of colour, racial or ethnic origin and so on. In the end, it is the fabric of the entire Canadian polity which is weakened when such discrimination is practised and tolerated. Where a broadcast commentary fails in that respect, it fails the primary broadcast journalistic

requirement set out in paragraph 3 of Clause 6 of the *Code of Ethics* which mandates that the presentation of opinion, comment or editorial on the airwaves be “full, fair and proper”.

### **Abusively Discriminatory Comment**

The Council acknowledges that the subject-matter dealt with by host Pia Shandel on the challenged show risks giving rise to discriminatory comment. The *native* land claims issue is first and foremost attached to the entitlements, if any, of a group characterized by their ethnic origin. Moreover, the political circumstances in which the native population finds itself today are tinged, if not fraught, with principles of ancient conflict, historical inequity, and the measure of the balancing of the rights and interests in a multicultural society, with the inevitable intermingling of guilt and other sensitivities. It is not easy, in such circumstances, to ensure that the commentary of hosts and callers will adhere strictly to the political issues, without straying and crossing the line into commentary about the ethnic group itself.

While such commentary would be *discriminatory*, it has long been the principle of the CBSC that not all discriminatory comment will violate the human rights provision of the *CAB Code of Ethics*. In order for a comment to fall afoul of the Code, it must not only be discriminatory, it must be *abusively* so (see *CFTO-TV re “Tom Clark’s Canada”* (CBSC Decision 97/98-0009, February 26, 1998)). In *CFRB re Ed Needham (OWD Publication)* (CBSC Decision 92/93-0096, May 26, 1993), the host discussed a booklet entitled *Words that Count Women In*, published by the Ontario Women’s Directorate. The Ontario Regional Council concluded that

the host used abusive, degrading and discriminatory language when referring to women, in particular, when he claimed that, “A lot of women nowadays will vomit this one at you ... >why do you feel threatened?’ ... This is their favourite little way, because they can’t think and they can’t argue properly -- these radical feminist nutcakes .... Don’t even respond to that ... Don’t talk to the dumb stupid idiots.” The host added, “That’s how these crazed, unhappy, twisted creatures who turn out this kind of swill are. These are unhappy people, hard to get along with in the world, can’t find a real job, so they turn to producing this kind of nonsense. You know, it’s a shame. They need help. They really need help.”

In *CHOM-FM and CILQ-FM re Howard Stern Show* (CBSC Decision 97/98-0001+, October 17-18, 1997), the Quebec and Ontario Regional Councils jointly concluded that the September 1997 broadcasts of *The Howard Stern Show* contravened the *Code of Ethics* and *Sex-Role Portrayal Code*. On his premier show, Stern made several comments about the French in France and in Canada which outraged both Francophone and Anglophone complainants and were found to breach the *CAB Code of Ethics*.

The CBSC has no hesitation in finding that, in this case, the expressions “peckerheads”, “pussy-assed jack-offs”, “scumbags”, “pussies”, “Frig the French” and “Screw the French” are ... abusive.”

In *CFUN-AM re The John and JJ Show (Immigration Policy)* (CBSC Decision 97/98-0422, May 20, 1998), the B.C. Regional Council dealt with a complaint about a discussion of Canada's refugee policy in light of a crime committed by a man who, despite an earlier deportation order, had remained in the country because China had not yet issued the necessary travel documents. A listener complained that comments made by the hosts about Canada's open-door immigration policy "cast suspicion on all immigrants" and were "irresponsible" as they "encourag[ed] hatred and violence". The Council found no Code violation.

The Council considers that in the circumstances, John and J.J.'s discussion of Canada's refugee policy, and of the specific case of Wing Fu Hau, did not cross the line into *abusively* discriminatory comment. Specifically, the Council considers that the hosts' use of an analogy to "garbage" and "refuse" did not constitute a breach of the Codes. The analogy was not, in the Council's view, used to discriminate against all refugees but rather to make the hosts' point concerning flaws in Canada's "open-door" refugee policy. The Council notes that, while freedom of expression has its limits in Canada, the freedom to criticize Government policies and practices is a core example of freedom of expression, in some senses the very *root* of that right in a democratic system. Unless, therefore, the exploiter of that right to challenge Government policies has overstepped another equally basic standard, such as, for example, the right of members of an identifiable group to be free from abuse, that right to challenge will be sustained. In this case, the Council finds that the exercise of their freedom of expression by the hosts, John and JJ, must outweigh any danger, as suggested by the complainant, that the references "cast suspicion on all immigrants."

While many of Ms. Shandel's comments were discriminatory and left the Council uncomfortable, specifically the references to First Nations' peoples as "children" and "an abhorrent child" and the contention that "[t]hey can't even keep their people fed and alive and off the bottle and not committing suicide", the Council is unable to conclude that these comments were *abusively* discriminatory in the context in which they were presented. The Council considers that the host's comments in this case were in no way as hateful and venomous as those uttered by Ed Needham and Howard Stern in the cases referred to above. In fact, the Council notes that the overall effect of the discriminatory comments was tempered by such inclusive references such as "our aboriginal brothers and sisters" which served to defuse the we/them polemic of the discussion and the acknowledgment that the land claims create a "complex situation" which "you and I couldn't deal with it either".

Moreover, although the Council recognizes that the native land claims issue is a highly controversial one and one on which the expression of opinion will often be divisive; discussion of the issue cannot, nor should it, be avoided. Silence on controversial issues is never in the public interest.

It should also be remembered that, in this case as in many others, a group which is an identifiable minority is not thereby exempt from criticism simply because its members may fall under the provisions of the human rights clause. This includes the First Nations peoples. To the extent that they publicly espouse a point of view and take part in the politics of their issues, they invite comment, *which will not be judged unfair on that account alone*. In *CJXY-FM re the Scott and Lori Show* (CBSC Decision 96/97-0239, February 20,

1998), a morning show host used the single word “Wackos” to describe the Southern Baptists who had voted at their recent convention to boycott Disney for its relationship with the television series *Ellen* on the grounds that the star of the show, both in real life and her on-air persona, was gay. The Ontario Regional Council did not find the comment to be “anti-Christian”.

The decision in this matter ultimately turns on the Council’s understanding of the use by co-host Lori of the term “Wackos”. It is only if the epithet were directed at the Southern Baptists by reason of their *religion* that the Council could find that the broadcaster was in breach of the Code. If the epithet were, on the other hand, directed at the admittedly religious group by reason of something other than their religion (race, national or ethnic origin, colour, age, sex, sexual orientation, marital status or physical or mental handicap not being relevant to this matter), then the conclusion would likely be different. In the view of the Council, the epithet was not directed at the religious group by reason of anything other than the group’s stated boycott of Disney by reason of their association with the television series *Ellen*. That stance by the Baptists was, in the Regional Council’s view, an economic action regarding a political issue. There is, of course, no doubt whatsoever regarding the entitlement of the Southern Baptists to hold and to express its views on controversial matters of a political or publicly controversial nature. The point is only that, if they choose to do so, they render themselves fair game on the public playing field of political controversy. They cannot expect that they have the right to *publicly* express controversial political opinions and to be sheltered by reason of the fact that they are a *religious* group from the resulting fallout from the ideological seeds which they have sown.

Here, too, the Council finds that the host’s comments were, to a very considerable extent, fair and reasonable even when ethnically oriented, rather than targeted on the precise political issue of land claims. With the exception of the unfortunate statement “They can’t even keep their people fed and alive and off the bottle and not committing suicide”, there is considerable balance in the piece and, as a result of that overall context, the Council is unwilling to find the broadcaster in breach for this particular comment although it would have been better for everyone had it not been made.

### **Full, Fair and Proper Presentation**

In addition to the requirement that commentary be free of abusively discriminatory comment, the third paragraph of Clause 6 of the *Code of Ethics* requires “full, fair and proper presentation of [...] opinion, comment and editorial”. In *CKTB-AM re the John Michael Show* (CBSC Decision 92/93-0170, February 15, 1994), the Ontario Regional Council determined that the numerous misstatements of fact and inaccuracies made by the host constituted a breach of Clause 6(3) of the *Code of Ethics*. The Council stated:

The CBSC is conscious of the importance of free debate and the entitlement of a host to express politically contentious points of view on air. That liberty does not, however, extend to the expression of gross and multiple misstatements of fact which are calculated to distort the perspective of the listener. Mr. Michael expressed his opposition to the official government policy of bilingualism and stated “nor could I give a damn if Quebec stays in this country or not.” He added, among other things, that “We no longer wish to kneel and bow to this one province.” With these political perspectives, the Council takes no issue. The host also opined



that Quebeckers control the civil service and generally wielded enormous political power within Canada. These opinions may or may not be sustainable but they are at least legitimately debatable.

The CBSC does, however, not believe that the public debate in Canada is furthered in any way by the broadcast of such accumulated misinformation as was emitted by Mr. Michael on June 1. To provide an inexhaustive list of such misinformation, it is not true, as Mr. Michael alleged, that: Canada alternates Prime Ministers from English-speaking Canada to French-speaking Canada; all of Canada's government buildings are in Quebec; Canada's civil service is all in Quebec; this country's headquarters is not *in reality* in Ottawa; English is not spoken in Cabinet meetings (much less that it is not spoken "in the inner circles of the [other] governments of this country"); ninety per cent of Cabinet Ministers are French-Canadians; ambassadors of Canada going abroad do not speak English; ambassadors to "important" countries are always French-Canadian; and so on.

The Council does not consider that any of Ms. Shandel's discussion of the native land claims issue fell below a reasonable level of accuracy. The Council finds no breach of Clause 6 of the *Code of Ethics*.

### **Broadcaster Responsiveness**

In addition to assessing the relevance of the Codes to the complaint, the CBSC always assesses the *responsiveness* of the broadcaster to the substance of the complaint. In this case, the Council considers that the broadcaster's response addressed fully and fairly all the issues raised by the complainant. Consequently, the broadcaster has not breached the Council's standard of responsiveness. Nothing more is required.

*This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.*

**Appendix A of the CBSC Decision 98/99-0147  
CFUN regarding the *Pia Shandel Show***

Below is a partial transcript of the discussion broadcast as part of the *Pia Shandel Show* which aired on July 7, 1998:

**Pia Shandel:** First, we pay for them take us to court. Then, we give them the land and a whole bunch of money. Now, we train them to manage its resources. Have we forgotten anything? Is there anything left that we could give to 3% of the population? 3% of the population, our aboriginal brothers and sisters? We're going to re-write history. Now, what are we going to leave in the 19th century and what are we going to deal with in the modern world? Well this is [unfinished sentence].

I have avoided quite frankly dealing with the aboriginal land claims treaty issue because it is so complicated. It's there for the lawyers and the negotiators. It's big bucks, right? They make it so complicated, all these expensive negotiations, all these legal arguments, that for you and me it almost seems like an impenetrable wall of disinformation. And, you know, I've been following this story and, can I get to the nub of this? Can I get to the heart of this? And it gets more and more difficult, you know, 60 different bands negotiating different treaties and then there's the federal government and the B.C. government. And basically I've decided, to heck with it, I'm going to broad brush this today. And you tell me what you think.

All right, this is the way it looks to me. Basically we have 3% of the population, the aboriginals of Canada, claiming, at least in British Columbia, about 110% of British Columbia. And we have a coalition of the federal government and the British Columbia government just determined to give it all away and you and I are paying for it. O.K., so first of all, we have paid for the Indian bands' legal expertise to take our land away from us. So we paid for that. Is this making any sense to you so far? Like does it have any common sense attached to it? And then, of course, they win because we paid for them to have the best legal help and our will is for them to win because we are consumed with guilt about the 19<sup>th</sup> century explorers and the residential schools and all the caca things that have happened. So there are bad things that happen to everybody in all cultures in society. Are we going to revisit history? Anyway. So we paid for their lawyers to make the land claims and then we give over the land, plus money, some percentage of the land, the negotiations are all really basically were about how much land are we going to give you and how much money are we going to give you to deal with that land. And nobody knows, nobody can really tell, what the result is going to be. All of a sudden, resource companies have to negotiate with Indian bands and, you know, governments are going to be out tremendous numbers of tax dollars that provide services for everybody. And we've paid for this process of a give-away to a tiny percentage of the population on the basis of, you know, things that happened over a century ago.

Now, the latest little twist is, now that we're giving it all away, now we realize that, of course, our aboriginal population is completely unable to deal with this complex new situation, completely. I mean you and I couldn't deal with it either. So we're now going to put millions of dollars into training to help them to figure out how to deal with this windfall. Have we forgotten anything? Is there anything else we could give them? How about our first born? Would you like my first born? You know this is really an amazing situation. And only in Canada, really, could you have something where primordial guilt is so profound that we are prepared to fragment and fracture our society. You talk to the average aboriginal, are they really that excited about having band councils running their lives? We're going to have a whole self-government going on here. Not only are we paying for this mess, without any idea of how it's going to resolve itself, but we're giving away our

sovereignty. We're going to create [unfinished sentence] We fought the French for so long to create a separate sovereign nation and we're giving it to the aboriginals who have much less of a case to set up self-government. So you are going to have a situation now where we are going to be dealing in court with all of the aspects of this situation *ad nauseam in perpetuum* because there are a million ways in which this just isn't going to work. It just isn't going to work. And now, on top of it, on top of it, the native bands have refused, after all this windfall giveaway that they are all getting, slowly bit by bit as each one is settled, you know what? They are refusing to say that a settlement is a settlement is a settlement and it's over. So not only are we giving away the store, we're giving it away to people who say "Oh by the way, if later on down the road we're not content with everything you've given us, we can take you to court again, and by the way, you'll probably have to pay for that too."

You know, to me, this just doesn't make any sense, does it make sense to you? Is this the way to be dealing with the social problems, the economic problems, the integration problems, that our aboriginal culture has? I don't think so. To re-write history, to turn ourselves inside out? To compensate for something, you know, explorers did two hundred years ago? To compensate for the mess of the residential schools, which is already being compensated for to the tune of multi-millions of dollars in different ways. You know, why don't we just bankrupt the country, hand it over and we could all leave. Where are we gonna go? Maybe south of the border. I just don't get it. Can guilt be so profound that we're prepared to throw this country into the mess that it's going to be in for who knows how many decades trying to sort out this, this situation that does not make any sense. 1 877 PIA TALK.... Are we being snookered or what?

...

**Pia Shandel:** We've heard the news, let's talk about it. The native land treaty claims process is nuts as far as I am concerned. This is not the way to integrate 3%, our aboriginal population, into our society as a whole. This is madness personified. First, we pay every band that wants to make a claim to fight us, to get the land away from the Canadian citizen as a whole. Then we give them the land, plus money, because we didn't give them all the land. And now, the latest thing is that we're giving them money to learn how to manage what they've managed to take away from us with our ever so willing cooperation. Aren't our governments crazy? And there are all sorts of problems here. There is no end to the negotiations. The Indian bands will not accept that any settlement is a final settlement and we are not insisting on it. Why don't we just lie down and die while we are at it. And we've already seen examples of where self-government on reserves is incredibly corrupt, band councils holding almost fascist power over their people. Money being concentrated in the hands of the few. We are going to see a very, very disconcerting spectacle as we watch self-government and Indian sovereignty fragmented, ethnic, tribal, aboriginal sovereignty breaking this country up even more than it is. We will have no one to blame but ourselves, we paid that 3% of the population to snooker us, and we're going to be dealing with this nightmare for generations to come. It ain't gonna work. And you know what? There's no turning back, cause our liberal government, I mean small "l" whatever their party's name is, are just so dumb. They just have no guts, they've gotta go with the flow and they use our money to make themselves feel good and we're gonna have a nightmare on our hands. Let's take your calls. What do you think about the land treaty claims process, Delgamuk and everything else? Ralph, welcome to the show.

**Ralph:** Good morning. Bogus, I just think it's bogus. These people want land, where's mine? If they get everything, what do I get, if anything?

**Pia Shandel:** Snookered.

**Ralph:** We're all human beings like they are, where's our little piece of the pie? I mean we're all born on this earth. No one's got any greater thing today when they're born except

to say "you're gonna receive something while the other guy isn't." I don't see the fairness, I really don't.

**Pia Shandel:** It's historical, what cultural ethnic group does not have in their history some massive injustice?

**Ralph:** Not everybody but a lot of them do, sure. But how far back do we go to compensate? And should we? This is a long time ago. When I say long, I mean a long time ago.

**Pia Shandel:** That's right, and we have been trying through one means or another very unsuccessfully in this country to make a special case out of Indians. And I say it's time to forget all that hooey and spent some of the funds going toward creating this fragmented parallel government and ridiculously unworkable situation. Is it to improve the law of natives to bring them into society as a whole and then sink or swim?

**Ralph:** Would you think that they would have the power to, if they were given the 110% of B.C. like you say, you think they'd have the power to group us all together and get rid of us? I don't think so. If they ever got their reserve, not to generalize everybody, but got their reserve and you just have to look how they've maintained their won little chunk there. It's appalling. I think in most cases it is appalling.

**Pia Shandel:** You're right, there's absolutely no evidence that the aboriginals of Canada are ready for this responsibility, absolutely none. In fact, on the contrary, there are so many problems already existing that have not been dealt with effectively. And there's a culture steeped though many generations of saying "The government's gotta do for me because they did me wrong now I continue to do myself wrong and do my family wrong and my community wrong and you've gotta fix it. You guys." And that's why the government's doing this big giveaway, they hope that this problem's gonna get off their back, well it's not!

**Ralph:** But hasn't the government already given them a little bit, like no taxes? If memory serves me correctly, they don't pay any taxes, they have no problem robbing our fish stocks, and I mean it's robbing. Did you ever see what they pull out of the nets down there?

**Pia Shandel:** Yeah, it is just appalling.

**Ralph:** That's just one little point that's ludicrous. They don't have to pay any taxes, they have their little chunk already. But like you say there's only 3% of them, this just doesn't make sense to me.

**Pia Shandel:** Oh no, it's absolutely bizarre. We've institutionalized segregation and now we're going to throw billions of dollars at it and do a massive land giveaway. And now we're gonna watch the mess that will ensue. And you know what will happen? The private sector will make co-ventures with these natives and the Indians and within one generation, all that land and resources that was given to them, they will have badly and poorly negotiated their way right back to the reserve, right back into poverty. And a few big resource companies will be laughing all the way to the bank. And government will have no resources, no tax revenue from that base. We are giving away control to children, and I don't want to sound racist here but I mean to people who are ill-prepared to deal with it. And that is why, the government in the middle of this total negotiation has decided that they'd better throw some more millions of dollars in towards training aboriginals to deal with this. I mean is this a ridiculous situation or what? I think it's absolute madness, thank you for your call. ...

**Pia Shandel:** Hi Tony.

**Tony:** Hi, Good morning, thank you very much Pia.

**Pia Shandel:** My pleasure to have your call on the air.

**Tony:** I get really frustrated when I see how we've helped these people from cradle to grave all the way through their life. I went through nine or ten years in University and all I can see around me was the native community. Their education was paid for. Their daycare was paid for. They can take taxis to University and back. All of their medical, dental bills were taken care of. All their text books. And you know, where's the balance? They're Canadian, I'm a Canadian, why don't I have the same kind of life that they do?

**Pia Shandel:** Yeah! Because of something that happened 200 years ago? Because of history? History is full of injustice.

**Tony:** How long do we have to keep paying for this? A good friend of mine was a negotiator with the native land claims and he retired from the federal government and now they hired him to represent them. And he said we've just opened up the gates of hell, actually, for the next 100 years.

**Pia Shandel:** Oh he sees that because he's on the inside of the negotiations. He's an intelligent person. He can see what a mess we're making.

**Tony:** I would love to look down on the States to Quebec and see a lot of unfortunate gloom for Canada in the next 20 years.

**Pia Shandel:** We've opened Pandora's box here and there's no end to it. The Indians are refusing to say that a settlement is a settlement. They wanna keep doing this and they're not prepared. And we can ill afford it and it's madness anyway.

**Tony:** You know, every part of their life is abusing the system. In the native game and the lawyers game. When I was hunting on Vancouver island I was going through this one area, and we came across this conservation officer, me and my buddy, he said the night before or a couple of nights earlier the natives had pit-lamped this whole valley with these huge beamed lights to kill deer and I'm saying to myself, well how can they get away with that? They didn't have 10,000 candle watt, beam-powered lights 100 years ago.

**Pia Shandel:** That's right. This isn't tradition or culture, they want in every which way, we've created a dependant child in the aboriginals and an abhorrent child and it's absolute madness. It's the same as if you were a parent and you'd spoiled rotten one kid as opposed to the others and that kid just kept doing the bad things. And you kept rewarding them for it. That's what we've done with our aboriginal population out of some ill placed guilt about something that our forefathers did in their explorations and in their settlement of this land. It's madness. Joseph, do I need to take a break here? I've got callers on the line, hang on and we'll take your calls on the whole aboriginal land claim treaty process. Is it time to say the emperor has no clothes on? I think it is. This giveaway, this madness. If you and I are expected to pay for. It makes no sense to me...

...

**Pia Shandel:** Welcome back to the show. You've heard the news, let's talk about it. We're trying to wade through the incredible intricacies and legalities of the Indian land claim treaty issue. I've finally thrown my hands up in disgust and said "To heck with it. I'm going for the issue here." And I think the whole thing is madness. Only in Canada would we be so consumed with guilt about the actions of our forefathers in settling this country that we would give it away now to people who are ill-equipped to do so after many generations of a ridiculous dependency and a bad attitude towards the whole of Canada as it exists today. This is absolute madness. We've paid for their lawyers to negotiate the land away from us. We gave the land and multi-millions of dollars. And now we're paying to try to train them to deal with this windfall that we've given them. What utter madness. We've seen self-government on the reserve existing, prove itself to be corrupt and out of touch with the needs of aboriginal people but we're willing to give them self-government in this country, absolute nuts. They're gonna be co-venturing with the private sector within a generation or two. Everything that we gave them is going to have been lost and, you know, is this the way to go? Now, I wanna make one more point and then we're gonna go right to your calls. Now all of this has opened up after the Delmaguk decision which sort of said that aboriginals have a certain kind of a claim to land, not the kind of claim they wanted, but, you know, basically in the 19th century they were doing certain things on their land that gave them a special bond with the land and therefore anything that was done with the land ever since had to be negotiated through them. Like they're really well equipped to deal that, right? This brand new thing in the world. They can't even keep their people fed and alive

and off the bottle and not committing suicide. Come on, the problems are very real that are there and it's not your fault and it's not mine. Now, the Supreme Court judges of Canada that are enshrining these aboriginal, custodial, customary, cultural rights from another century are the same Supreme Court judges who do not give yours and my traditions any credence whatsoever. You have the Supreme Court of Canada breaking apart all of the western based traditions that are comparable to what's being presented from our aboriginal population. The same perspective of respect of tradition ought to be used when the court is considering moral issues. Such as the nature of marriage, the prohibition against incest, the prohibition of assisted suicide and euthanasia, just as it had examined the historical practices, customs and traditions of aboriginal people, the court should be willing to glean principals of morality from the central tradition of western culture in guiding the future development of common law. If the court seeks to invoke a essentially natural law of perspective, with respect to native rights, will it do so for you and me? I don't think so. What a double standard... Sherri, welcome to the show.

**Sherri:** Something that always comes to mind when I think of the aboriginal question is, when you loot the immigrants who came to this country since the turn of the century, or even before, particularly those who came after both of the world wars; they came with maybe a suitcase full of stuff nothing else, half of them couldn't speak this language, look at where they are today. They didn't have tons and tons and tons of dollars dumped onto them and I think that's part of the problem. They had to scramble, they had to learn English, they had to integrate, they had to bring and provide skills. We have emasculated the natives, we have given them everything. In that sense it's our fault. We should have been like the typical parent with the typical 22 year old who doesn't want to do anything. Kick him out of the nest. Say "you're a big boy, go fend for yourself."

**Pia Shandel:** You've been raised now, good, bad or indifferent. Now, you're an adult. Go forth and deal with it like the rest of us do. And that's what we should have done long before this treaty process.

**Sherri:** Exactly, they're fast tracked to law school. I heard on your Dr. Laura program the other day, a native from Canada who only had to go through three years of med school to become an MD. How many of us do that? It's all paid for. They've gotten more than enough and they've blown it. To me there should be some accountability on their part to show that they have had good stewardship over what they've already been given.

**Pia Shandel:** And that they're now ready for mature life. But you know, you put all this specialcase, all this spoiling, all this dependancy continuation and still don't you find that aboriginals have a very bad attitude towards the rest of Canada? They still feel like victims.

**Sherri:** Exactly.

**Pia Shandel:** But they have mismanaged their own largesse. You know, the mistakes that the government have made are real. The mistake that the aboriginals made are also real.

**Sherri:** Exactly. There's no accountability for them. There was an interesting article in the paper some months ago just talking about how many hundreds of millions of dollars in, I think it was 1996, have been put into, actually, into native hands, not counting the bureaucracy that runs the department of Indian affairs or whatever they call themselves now. And it was phenomenal for the minuscule amount of people. And I thought "Why aren't the rest of us given on a per-capita basis, you might say, the same amount of dollars?"

**Pia Shandel:** I'd like to know who's really profiting from this giveaway. Lawyers, bureaucrats, band councils, you know. It's absolute madness. Thank you for your perspective, Sherri.