

# Hiligaxste':

## LEADER OF MEN

Canada's new Justice Minister, Jody Wilson-Raybould, LLB'99, experienced a culture and upbringing that set her on a course for leadership.

BY ROBERTA STALEY

Canada's new Justice Minister Jody Wilson-Raybould, LLB'99, with Prime Minister Justin Trudeau, BEd'98.

The Women's Warrior Song – a powerful Aboriginal chant accompanied by the pounding of traditional hand drums – is often heard at public gatherings in Canada to mourn murdered and missing Aboriginal women. But the song is also celebratory, sung by First Nations men and women at cultural events.

On January 23, three women, led by Musqueam artist-activist Audrey Siegl wielding a scallop-shell rattle, sang the Women's Warrior Song to herald in Jody Wilson-Raybould's first official speech as Canada's new Justice Minister and Attorney General. Wilson-Raybould is only the third woman to assume the mantle of Canada's most senior legal office, and the first Aboriginal person. As befits the song's duality, there were also underlying traces of sorrow. More than a century of racism is burned into the memories of the many Aboriginal people who were part of the 350-strong audience at the Simon Fraser University lecture hall – a bitterness reflected in the tearful and sometimes angry questions posed to Wilson-Raybould following her talk.

A 1999 graduate of UBC's Allard School of Law, Wilson-Raybould came to power during Canada's 42nd general federal election, held on October 19. Nearly 10 years of rule under Stephen Harper's Conservatives had engendered what the *New York Times* called a "subtle darkening of Canadian life," noted Wilson-Raybould, MP for the new federal riding of Vancouver Granville. It was time for Canada to become, once again, a "beacon of hope and optimism" – the flag bearer of foundational principles and values that the rest of the world could look up to, she told the audience.

But old foundations often need shoring up. On the cusp of the country's 150th birthday, Canada's foundation has been sundered by decades of systematic discrimination towards First Peoples. Most infamously this includes the forcible removal of about 150,000 First Nations, Inuit and Métis children from their homes into residential schools, a form of cultural genocide that still reverberates today in social, health, economic, education and political spheres. That an Aboriginal woman should become Canada's Justice Minister at this point in history is an irony not lost on Wilson-Raybould. Not so long ago, the 45-year-old member of the We Wai Kai Nation of British Columbia "would not have been able to vote, let alone run for office, nor be recognized legally as an Indian and a lawyer. It takes a moment to sink in," Wilson-Raybould admitted. Now she is in charge of administering the very same laws that she fought against as a BC Treaty Commissioner and Regional Chief of the

BC Assembly of First Nations, when she confronted issues like the Northern Gateway pipeline and the Conservative federal government's legislative agenda that she said often ran contrary to the rights and needs of Aboriginal people.

The enormity of the challenges facing Wilson-Raybould sunk in quickly; her appointment as Justice Minister during the November 4 swearing-in ceremony at Ottawa's Rideau Hall was followed by 16-hour days of briefings and nights with only four hours of sleep. The resulting plan of action for Canada is sweeping, spelled out in a 2,300-word mandate letter signed by Prime Minister Justin Trudeau – himself a 1998 UBC alumnus from the Faculty of Education and the university's first graduate to lead a party to victory and become Prime Minister. The letter maps out a future of sea changes – especially for Aboriginal peoples. The time has come, Trudeau wrote in the letter, "for a renewed, nation-to-nation relationship with Indigenous peoples, based on recognition of rights, respect, cooperation, and partnership."

The justice system is an area where inequalities against Aboriginal people are most glaring. The incarceration rate is 10 times that of non-Indigenous people. Although only four per cent of the population, Aboriginal people today make up nearly a quarter – 22.8 per cent – of federal, provincial and territorial inmates, states Public Safety Canada's 2012 Corrections and Conditional Release Statistical Overview. Wilson-Raybould herself put Aboriginal offenders behind bars during four years as a Crown prosecutor in Vancouver's crime-ridden Downtown Eastside. "There is an overwhelming over-representation of Indigenous peoples in the criminal justice system," she said. "Certainly, there are criminals that need to be punished or account for their actions, but there are also other reasons why people are there. These are issues of poverty, issues of marginalization and mental health issues." What lies before her now, Wilson-Raybould added, is a social obligation and contract to move towards a "more restorative approach to justice – figuring out how we can reduce the demand on the system, and prevention."

One of Wilson-Raybould's UBC law professors, John Borrows, who now teaches at the University of Victoria, is confident in his former student's abilities to initiate and nurture change in Canada's legal system as it pertains to Aboriginal justice. "The causes behind criminal behaviour are complex and require approaches that deal with civil society more generally," says Borrows, the Canada Research Chair in Indigenous Law and Nexen Chair in Indigenous Leadership. "Jody is well equipped to tackle the roots of these problems. Her experience will help shift Indigenous issues while she is in office."

One of the pledges made by the Liberal Party of Canada during last year's long election campaign was the launch of an inquiry into missing and murdered Aboriginal women. In 2014, RCMP reported that 1,017 Aboriginal women had been murdered between 1980 and 2012, and 164 were missing. Groups like the Native Women's Association of Canada, however, estimate the number to be as high as 4,000. Set to begin this summer, the inquiry will be contentious, with police competency and possible apathy towards Aboriginal people coming under the microscope.

Borrows predicts that Wilson-Raybould will handle such potentially divisive initiatives with diplomacy. "She sees the bigger picture and has significant experience in working to address challenges faced by Indigenous people in many walks of life," he says.

The other issues facing Wilson-Raybould are equally controversial and complex, including the exploration of sentencing alternatives to incarceration. BC has considerable experience in this area, having created First Nations Courts in 2006 to support reconciliation and healing plans for Aboriginal offenders. (The efficacy of this system is currently being studied by Shelly Johnson, an assistant professor at UBC's School of Social Work.)

The legalization and regulation of marijuana is also on the table, as is toughening criminal laws and bail conditions in domestic assault cases. Right-to-die legislation has also come to the forefront, after a Supreme Court ruling in February last year struck down a law criminalizing assisted suicide. Last month, the Justice Department introduced new legislation in the form of Bill C-14 on doctor-assisted dying, which has already attracted criticism for being too restrictive, and calls for its amendment. The debate around this highly complex issue is likely to continue.

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Wilson-Raybould's other responsibilities include working to reduce the number of handguns and assault weapons on Canadian streets. She will also support the Minister of Public Safety and Emergency Preparedness, Ralph Goodale, repeal key elements of the controversial *Anti-terrorism Act* known as Bill C-51, and introduce new legislation that better balances collective security with the *Charter of Rights and Freedoms*. The bill was ushered in by the Conservatives following separate attacks in October 2014 on Canadian soldiers in Ottawa and St-Jean-sur-Richelieu, Quebec.

Clearly, Wilson-Raybould is facing challenging and groundbreaking legal decisions requiring adept consensus-making skills, a comprehensive knowledge of the law and self-confidence – as well as a thick skin. Such attributes cannot be cultivated simply within the milieu of post-secondary education or even law school. They are seeded early in life and nurtured by culture. As a member of the We Wai Kai Nation, Wilson-Raybould is one of the Kwak'waka-speaking peoples. Her native name, Puglaas, means "woman born of noble people" and was given to her during a potlatch, the basis of Aboriginal government, on Gilford Island in BC. Wilson-Raybould's grandmother's name was Puugladee, the highest-ranking name in the clan. "My grandmother, Puugladee, ensured that both my sister and I knew our culture, our values, the laws of our Big House and how to conduct oneself as a leader," Wilson-Raybould said.

Some Aboriginal societies trace descent through the mother, with wealth, power and inheritance passing through the maternal line. This creates gender roles that are complementary rather than hierarchical, allowing women to take on powerful leadership positions. "In our system, I am Hiligaxste'," Wilson-Raybould said. "One of my jobs is to lead the Hamat'sa, or the chiefs, into the Big House. The Hiligaxste' can be defined as one who corrects the chief's path. We show them the way. Symbolically the power of the Hamat'sa is tamed, tempered then propelled." That women are natural, as well as essential, leaders of men is a notion controversial even in modern society.

Wilson-Raybould's father is Chief Bill Wilson, himself a UBC law school graduate (1973). Wilson achieved national fame when he and former Prime Minister Pierre Trudeau locked horns during a discussion of proposed amendments to the Constitution supporting Aboriginal rights at a First Ministers' Conference in Ottawa. (Wilson and other native leaders eventually succeeded; a Constitutional amendment was passed and approved guaranteeing Aboriginal and treaty rights.) The debate was also the first time that Wilson introduced his daughters, Jody and elder sister Kory, to the public. "I have two children [on] Vancouver Island, both of whom for some misguided reason say they want to be a lawyer," Wilson told Trudeau. "Both of whom want to be the Prime Minister. Both of whom, Prime Minister, are women."

At the time, Wilson-Raybould was watching the exchange live on TV with her Grade 6 classmates. "I was really embarrassed to sit in my class

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Justice Minister Wilson-Raybould also gave a presentation in March at the Robert H. Lee Alumni Centre. (Photo: Don Erhardt)



Minister Wilson-Raybould with students from Allard Law's Indigenous Legal Studies Program at UBC. (Photo: Don Erhardt)

and watch this, and everybody was looking at me," she recalled. The comments also communicated love and support. She feels her father was affirming that he had fantastic kids who knew the value of sticking to decisions and working hard to achieve their goals.

Wilson says that it is his former wife, Sandra (Sandy), who deserves much of the credit for how well the siblings turned out. A life spent on the road, fighting political battles on behalf of Canadian First Nations, meant that Wilson was seldom home. "The reality is, Sandy raised Jody and Kory as a single mom," he admits. (Kory Wilson also attended UBC Allard School of Law, graduating in 1999. A respected Aboriginal scholar, she is the current executive director of Indigenous Initiatives and Partnerships at the British Columbia Institute of Technology.)

Sandy, who is not of Aboriginal descent, still goes by her married surname Wilson, and resides on the Cape Mudge Reserve, part of the We Wai Kai Nation's lands on Quadra Island in BC. She brought up her two girls off reserve, first in Port Hardy then in the town of Comox on Vancouver Island. A teacher, Sandy ensured both youngsters received lots of "consistency, love and care," while insisting they hone a solid work ethic: "if they started something, they had to finish it." Homework was a priority, and the pair had to make the honour roll before they could partake in theatre, swimming, or track and field, which both excelled at.

Kory was quieter and studious, Jody the wild child who once shinned up to the top bar of a swing set as a two-year-old. "Jody came into the world full of life," Sandy recalls. One day, Mom and the girls were musing over what topic Jody should choose for her final Grade 7 public-speaking assignment. As the family risk taker, it wasn't unusual for Jody to end up in the emergency room needing stitches to close yet another gash. "Kory said, 'why not do it on your stitches?'" The three began counting, stopping when they reached 200.

Although largely absent, their father's presence was always felt. Sandy recalls the historic day in 1990 when Elijah Harper, a Cree chief and Manitoba provincial member of the New Democratic Party, refused to accept the Meech Lake Accord. The Accord didn't grant guaranteed rights to Aboriginal peoples, causing Harper and other First Nations leaders to oppose it. It lost political support and ultimately failed. After this momentous event, which was considered a turning point in the history of indigenous peoples in Canada, Wilson arranged for his daughters to speak on the phone with Harper. For Jody, the experience could only have established an unqualified acceptance that Aboriginal interests had a place in national and provincial politics.

Wilson-Raybould, who is married to University of Cambridge alumnus Tim Raybould, eventually channelled her energy into more studious pursuits, as well as Aboriginal politics. Today, says Kory, her sister "is one of the hardest working ministers there is. Whether she is Aboriginal, or female, is irrelevant to the job that she will do as Justice Minister." But she also expects that Wilson-Raybould's dedication and competence will help change negative attitudes that still linger towards women and Aboriginal people.

Cultural, educational and familial factors all led to history being made on November 4 when Wilson-Raybould was appointed Justice Minister. But perhaps the biggest factor of all is simply the zeitgeist – it was time, as Justin Trudeau famously remarked after choosing his cabinet. Now, Wilson-Raybould is living up to her name: Hiligaxste' – a leader not only of men but all Canadians. 🇨🇦

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**Julie Dzerowicz, MBA'97  
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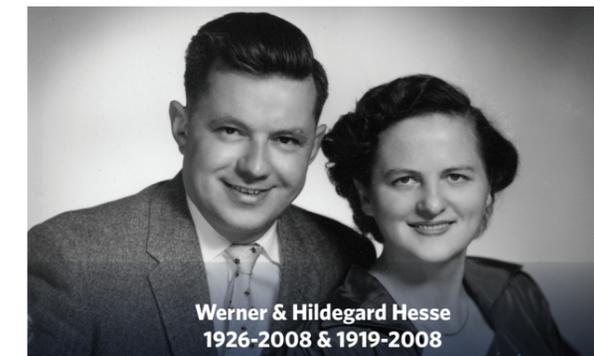
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