

JOAN HOLMES
CURRICULUM VITAE

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EDUCATION

- 1983 **Master of Arts**, Northern and Native Issues, Institute of Canadian Studies, Carleton University, Ottawa.
- 1981 **Bachelor of Arts, Honours**, Anthropology, University of Winnipeg, Winnipeg.

PROFESSIONAL EXPERIENCE

- 1983-2004 **President of Joan Holmes and Associates, Inc.**
Aboriginal Rights and Land Claims Research Consulting
Clients include:
- First Nations in Quebec, Ontario, Saskatchewan, Manitoba, Alberta
 - Indian Specific Claims Commission
 - Department of Indian Affairs
 - Specific Claims Branch
 - Claims Research and Assessment Directorate
 - Litigation Management and Resolution Branch
 - Lands Branch
 - Treaty Policy Directorate
 - Department of Justice, Alberta Region
 - Heritage Canada
 - Alberta Aboriginal Affairs and Northern Development
 - Ontario Native Affairs Secretariat
 - Ontario Ministry of Natural Resources
 - Indian Commission of Ontario

EXPERT WITNESS

R. v. Houle (fishing rights under Treaty 6), Alberta Provincial Court, 2002. Testified for Alberta.

R. v. Joseph Johnson (fishing charge brought by Ontario Ministry of Natural Resources), 2001. Testified for J. Johnson a member of Kawartha Nishnawbe, a non-Status Anishnaabe community.

Chief Victor Buffalo and the Samson Cree v. HMTQ in the Federal Court of Canada, 2000. Testified for Samson Cree.

Grand Chief Michael Mitchell v. The Minister of National Revenue, in the Federal Court of Canada, 1996. Testified for Grand Chief Michael Mitchell of Akwesasne.

PUBLICATIONS, RESEARCH PAPERS, WORKSHOPS and LECTURES

- “The Effects of Section 6(2) of the *Indian Act*.” National Aboriginal Women’s Association, Report on Roundtable Discussion. Ottawa, September 2003.
- “Whose rights? Current and Future Developments in Membership.” Canadian Aboriginal Law 2002 National Forum. Pacific Business and Law Institute. Ottawa, December 2002.
- “National Meeting on the First Nations Governance Act,” National Aboriginal Women's Association Report on Conference Sessions. Edmonton, October 2002.
- “The Original Intentions of the *Indian Act*.” Beyond the *Indian Act* Conference. Pacific Business & Law Institute. Ottawa, April 2002.
- “On being an Expert Witness.” National Research Workshop. Calgary, September 2001.
- “We Have Never Parted with Such a Power: Assertions of First Nation Sovereignty and the Right to Trade and Travel in the Seventeenth- and Eighteenth-Century Great Lakes Region” with Jonathan Hart, Proceedings of the 8th Annual Fur Trade Conference, Akwesasne, Ontario, 2000. Publication August 2001.
- “The establishment of Kahnawake under the seigneurial system.” Quebec Claims Research Conference. Kahnawake, Quebec, 1999.
- “Hidden Communities: Research Difficulties encountered in Researching Non-Status Algonquins in the Ottawa Valley”, 30th Algonquian Conference, Boston, October 1998.
- “History of Bill C-31.” Native Women's Association of Canada, Conference on Bill C-31, Ottawa, March 1998.
- Crown/Aboriginal relations as they impact on Aboriginal use of space. Department of Geography, Queen's University, 1996.
- Research issues and techniques for St. Lawrence Seaway project, Akwesasne Research Department, September 1994.
- Issues and techniques regarding the sale and surrender of reserve lands, First Nations National Research Directors Conference, February 1992.

- “Patriarchy under the *Indian Act*,” National Symposium on Aboriginal Women in Canada, Lethbridge, 1989.
- “Bill C-31: Equality or Disparity - The Effects of the New *Indian Act* on Native Women.” A 65-page report on the effects of revised membership provisions on Native women. For the Canadian Advisory Council on the Status of Women. Publication released May 19, 1987.
- “Indian women on reserves unprotected by family law.” *Breaking the Silence*. Vol. 5, No. 1, Fall 1986.
- “Racism and sexism distort history.” *Nunatsiaq News Literary Supplement*. April 25, 1986.
- “Northern Native Health - Blaming the Victim.” *Breaking the Silence*. Vol. 1, No. 4, Spring 1983.
- “Childbirth Experience for Native Women.” *Breaking the Silence*. Vol. 1, No. 4, Spring 1983.
- “Review of Consultative Papers on the Young Offenders Act as it Affects Native Youth.” A review of consultative papers prepared by Native organizations. The report included summaries and critiques of the papers, conclusions and recommendations. For the Ministry of the Solicitor General, 1984.
- “The Erosion of Indian Property Rights: Land Use Planning in Northwestern Ontario”. Masters Thesis, 1983.
- “Local Government of the Nishnawbe-Aski: Its Powers According to the *Indian Act*.” A workshop and discussion paper for Nishnawbe-Aski Commission, 1982.

SUMMARY OF EXPERIENCE

Historical research studies on First Nations for claims and litigation purposes:

- Ojibway of Lakes Superior and Huron and the Bruce Peninsula. Multiple projects focussing on pre-treaty relations, treaty negotiations, establishment of reserves under treaty, and the pre-confederation surrender and sale of lands on the Bruce Peninsula.
- Chippewas and Mississaugas of South Central Ontario. Multiple projects concerning commercial and inter-government relations with the French and British, the negotiation and administration of treaties, including the establishment of reserves and post-confederation treaty relations. Several projects on one non-status community in this area.

- Chippewas of the Caldwell First Nation, Point Pelee and Pelee Island, Ontario. Several projects concerning the early history of the Caldwell First Nation and their relations with British and Canadian officials.
- Algonquins of the Ottawa Valley and Western Quebec, including three non-status communities. Several projects focussing on areas of use and occupancy and official relations between the Algonquins and British and Canadian officials.
- Siksika (Blackfoot) and Kainaiwa (Blood) of Alberta. Multiple projects that focus on treaty negotiations, the fulfillment of treaty obligations, including the establishment of reserves and the subsequent administration and management of band resources.
- Mohawks of Kahnawake, Kanasatake, Akwesasne, Tyendinaga, and Wahta. Multiple complex projects involving the history of the Mohawks and other Iroquois from the time of contact; the establishment of settlements among the French; trade relations with the French, British and other First Nations; resource harvesting practices; the establishment of reserves; and loss of reserve land through expropriation and encroachment.

Issue-focussed research studies for claims and litigation purposes include:

- The nature of pre- and post-confederation treaties and adhesions to treaty. Examination of treaty-making practices of the British and Canadian authorities and relations between First Nations and non-Aboriginal governments at the time of treaty and later adhesions.
- Several studies related to the administrative practice of creating Indian bands in the meaning of the *Indian Act*. This work included an examination of the historical trends in the subsequent administration and management of bands, including the splitting and amalgamation of bands.
- Loss of reserve lands through surrender and expropriation. Multiple projects involving specific takings of reserve land by various mechanisms including surrender, expropriation, permit and unauthorized use. The projects involved reserves and other Indian lands throughout Canada in both the pre-confederation and post-confederation period.
- Genealogies and band membership. Numerous projects involved an examination of issues of band membership and identification of family members for entitlement purposes. A few projects were undertaken to examine the larger issues of rights to band and treaty membership and exclusion from membership under the *Indian Act*. A number of these projects have involved scrip research.
- Study on the payment of annuities and gratuities under Treaty 6, focussing on the negotiation of the treaty and its terms and the subsequent administration and management of treaty annuity payments. Included examination of the payment of annuities under Treaties 1-5.

- Study on leadership among Cree and Oji-Cree in the Treaty 9 area. Involved an investigation of leadership in the pre-contact, pre-trade era; the fur-trade era; and the post-treaty, *Indian Act* era. Also included a general examination and discussion of systems of justice in Aboriginal societies as well as sub-Arctic Algonquian socio-political organization.
- Study on the obey and abide clause of Treaty 9, which included an examination of how legal issues were dealt with prior to treaty.
- Aboriginal border-crossing rights and practices. Several pre- and post-confederation studies of the cross-border trade and travel practices of First Nations from the St. Lawrence Valley to the Rocky Mountains, including Six Nations, Ojibwa, and Cree. The focus of the studies was on the relationship between the British/Canadian administrations and First Nations.
- Treaty Land Entitlement policy and practice including the establishment of reserves in Ontario, Alberta, Saskatchewan, and northeastern British Columbia. Several projects that examined the way in which reserves were set aside under various treaties and the creation of reserves under non-treaty circumstances.
- Management and collection of Indian monies. Several projects that verified the collection and expenditure of funds derived from the sale and lease of band lands and natural resources and general management of Indian funds.
- Aboriginal hunting, fishing and trapping rights. Several complex projects that document historical off-reserve resource use. Some projects involved an examination of issues of compensation for traditional lands lost through settlement, development and expropriation.