

The National Inquiry into Missing and Murdered Indigenous Women and Girls:
A Counter-Archive.

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Abstract

The National Inquiry into Missing and Murdered Indigenous Women signals a larger moment in Canadian politics in which the State seeks on some level to recognize and remedy injustices committed against Indigenous peoples. This political momentum is marked by a proliferation of commissions and inquiries whose capacity to unsettle existing structures of power and to enact transformative social justice is highly debatable. This research examines the bureaucratic and archiving processes of the National Inquiry in order to uncover both how the National Inquiry materializes on an everyday level, and how members of the settler public engage with the Inquiry. Understanding how the public engages with the National Inquiry may make legible why the Inquiry both succeeds and fails, and by consequence how the lives of Indigenous peoples are impacted. This research works to reveal some of the logics behind bureaucratic and archiving practices, and how non-Indigenous members of the public engage with a public inquiry of such monumental importance.

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Chapter I: Introduction

On December 8th, 2015, the Government of Canada announced the launch of the National Inquiry into Missing and Murdered Indigenous Women and Girls. The National Inquiry's mandate is to examine systemic causes of violence against Indigenous women and girls and 2SLGBTQQA¹ peoples. This is an approach which the Inquiry argues may have the potential to identify common trends contributing to the violence experienced by Indigenous women in Canada. The Inquiry includes sexual assault, child abuse, domestic violence, harassment and suicide within the scope of the violence that it examines (Executive Summary, 2018: 3). The Inquiry has reviewed policing practices, child welfare practices, treatment in hospitals and prisons, systemic discrimination under the law, and daily experiences of racism and sexism (3). The National Inquiry was established under Part I of the Federal Inquiries Act, thus while the Inquiry was initiated by the government, the commissioners of the Inquiry were awarded the power to conduct it independently. For the majority of its mandate, there were four commissioners appointed to the Inquiry; Michèle Audette, Brian Eyolfson, Qajaq Robinson, and chief commissioner Marion Buller. The National Inquiry describes their three key approaches to their Inquiry process as: trauma-informed, decolonizing, and putting families first (3). Upon its inception, the National Inquiry was immediately highly contested by those who believed that it was ultimately not the right approach, in terms of its model, what it was tasked with doing, and the overall cost. Many activists, general citizens, and community organizations (Indigenous and non-Indigenous alike) argued that the funds allotted to the Inquiry should have been going

¹ 2SLGBTQQA referring to Two-Spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual.

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directly to communities to address the root causes and issues that the nation, as a whole, was already aware of.

The Inquiry's general Truth Gathering process was composed of Community Hearings, Institutional Hearings, and Expert Hearings (Interim Report 2017). Community Hearings were designed to "hear from people who have experienced violence firsthand and know what will or won't help keep them safe" (58). Institutional Hearings and Expert Hearings, which were largely conducted simultaneously because of timeline restraints, were designed to inquire into institutional and systemic causes of violence (60). They featured individual witnesses and witness panels from diverse disciplines as well as experts who have lived experience on "matters relevant to the discharge of the National Inquiry's mandate (Legal Path, n.d.: 4). The Inquiry's Final Report (2019) states that over 2,380 people participated in the Inquiry in some way (1a: 49). Four hundred and sixty-eight survivors and family members shared their stories with the Inquiry, with another seven hundred and fifty people sharing their stories through statement gathering (49). A total of eighty-four "Expert Witnesses, Elders and Knowledge Keepers, front-line workers, and officials" provided their testimonials at Institutional and Expert Hearings (49). The National Inquiry's final report provides a full set of recommendations based on the varying components of its Truth-Gathering process.

The National Inquiry into Missing and Murdered Indigenous Women, along with other commissions and inquiries, such as the Truth and Reconciliation Commission and Vancouver's Missing Women Commission of Inquiry, signal a larger moment in Canadian politics in which the State seeks on some level to recognize and remedy injustices committed against Indigenous peoples. This political momentum is marked by a proliferation of commissions and inquiries whose capacity to unsettle existing structures of power and to enact transformative social justice

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is highly debatable. The National Inquiry itself has stated that their preliminary conclusions are in keeping with the findings and recommendations of previous commissions and inquiries (Executive Summary, 2018: 1). I examine the bureaucratic and archiving processes of the National Inquiry into Missing and Murdered Indigenous Women and Girls in order to uncover both how the National Inquiry materializes on an everyday level, and how members of the settler public engage with the Inquiry.

As Linda Tuhiwai Smith (2012) suggests, Indigenous communities in developed nations are insisting that governments address historic injustices through contemporary approaches that will “lead indigenous communities out of states of dependency towards fuller participation in society and better social outcomes” (231). Contemporary strategies have largely included commissions and inquiries. Western discourses about the colonized other are supported in part by bureaucracies and the ways in which they function. Bureaucratic entities including governments, police forces, child welfare services, and health services systematically racialize and discriminate against Indigenous peoples, families, and women in particular, entities which are in fact the very focus of the National Inquiry. In popular discourse it is assumed that if there were an equality of economic and environmental conditions Indigenous peoples would be able to raise themselves to the standards of dominant society (Wilson, 2008: 20). As Shawn Wilson (2008:20) points out, this same outlook led to the forced assimilation of Indigenous peoples through residential schooling in Canada. Wilson asserts that without fail, the conditions addressed by past inquiries and commissions worsen rather than improve upon being studied (20). This is a particular concern in the context of the Inquiry. My project is significant in that it may work to bring our attention to this issue, uncovering the processes through which

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bureaucratic and archiving strategies such as commissions and inquiries become ineffective, and ultimately detrimental.

Initially, there was a fifth commissioner appointed to the National Inquiry, Marilyn Poitras. I will use Poitras' statement of resignation from the Inquiry as a foundational text for my analysis. Before the Inquiry had even really begun, Poitras pointed out some key issues with its proposed form and process. Poitras seems to be fundamentally opposed to the structure of the Inquiry because she contends that it does not fit within an Indigenous research paradigm. In her statement of resignation, Poitras states:

I had imagined the chance to put Indigenous process first; to seek out and rely on Indigenous laws and protocols. I wanted to travel to as many places as possible: rural, urban, and remote- holding meetings in community halls and kitchen tables. I was committed to speaking with people who are housed and who work in institutions, including prisons, jails, and transition houses. I looked forward to being welcomed into communities and wanted to participate in traditional ceremonies and even feasts- because as Indigenous people that is who we are (2017: 1).

Poitras contends that the views she expressed in the above statement seemed to be shared by few within the Inquiry, instead suggesting that “the status quo colonial models of hearings is the path for most” (1). The Inquiry states that although their process is rooted in Western law, their hearing process is based on Indigenous notions of gathering multiple truths (Executive Summary, 2018: 6). Poitras argues that many believe a colonial approach to studying the issue of missing and murdered Indigenous women and girls is a deficit-based model, one which begins with the assumption that Indigenous women are “in need, affected by poverty, racism, and marginalization” (1). Poitras problematizes this notion, suggesting that “this is not the whole picture of who we are” (1). She cautions us to not lose sight of the resiliency, courage, and dedication that it took on the part of Indigenous women, communities, and activists, to reach this point. For many, Poitras' statement of resignation raised the question of whether the National

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Inquiry is really doing what it originally stated it would. It signaled that the Inquiry was not in fact as transparent or public as it might seem.

In this context, I position my thesis as a “radical archive”. The National Inquiry has its own official archive which operates according to particular paradigms and goals. But what is this archive actually doing? How does it act materially, how might it reproduce, or challenge already established power relations, and, how might it work to create a reality of ongoing colonization? By radical archive I mean a public archive separate from the archive of the Inquiry itself. In a sense, my thesis will act as an archive in opposition to the incredible opaqueness of the archive of the Inquiry. As an archive, my thesis will endeavour to offer a more nuanced version of events. In part, this will include tracking what is public and what is not public in terms of the Inquiries’ actions, policies, and structure. I document the “doing” of the National Inquiry, that is, how it materializes on the ground, what kinds of violence it makes visible/invisible, and how its everyday practices might preclude what there is to be known. My focus on the bureaucratic and archival practices surrounding the Inquiry works to directly address the apparent opacity of the Inquiry and its processes. Although officially labelled a “public” inquiry, many community members have expressed concern over what they feel to be a general opacity in its scheduling practices, communication strategies, policies, and goals. This concept of opacity is incredibly important to my work, and I will return to it many times throughout the following chapters.

Terminology

1) Indigenous

Choices in terminology are always salient and are particularly important to think about in the context of missing and murdered Indigenous women and girls in Canada. Although terms are salient, they are not static. As Chelsea Vowel (2016) suggests, they are not always unanimously agreed upon, and they often change and evolve (8). In my writing, I have chosen to use the term

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Indigenous, rather than Aboriginal. I also take care to capitalize my usage. As Vowel suggests, the terms Indigenous and Aboriginal are proper nouns, and capitalizing them comes down to a matter of respect (9).

A term may be widely in use for some time before it is abandoned “because it has become so loaded that using it suggests tacit agreement to some bizarre, external interpretation of who Indigenous peoples are” (8). The term Aboriginal is arguably an example of such a case. It refers in a very general sense to First Nations, Inuit, and Métis people. More and more, this term is being used only in legal contexts (10). Although not explicitly an offensive term, it is unfortunately incredibly generic, and, as Vowel suggests, overused (10). Instead, I follow the lead of many Indigenous scholars and use the term *Indigenous*. Not quite as overused as Aboriginal, the term Indigenous tends to have international implications, making a nod to the similar injustices experienced by Indigenous communities across the world. It is both a legal and a colloquial term, including First Nations, Inuit, and Métis people (10). Lastly, Vowel emphasizes the importance of including an *s* on the end of *people*, when saying Indigenous peoples. Although the word *people* is already plural, adding an *s* to the end of it makes reference to the “incredible diversity of Indigenous peoples as hundreds of culturally and linguistically distinct groups, rather than one homogenous whole.” (10).

II) Settler or non-Indigenous

Equally as important as my choice of the term Indigenous is my choice of terminology when referring to the “non-Indigenous peoples living in Canada who form the European-descended sociopolitical majority”, to borrow from Vowel (14). Choices in terminology reflect the way relationships materialize, and ultimately what dialogue is possible between specific groups of people. In order to foster dialogue, we need to have terminology that we can use to name one another, terminology that helps us to identify the ways in which “certain events

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impacted/impact us different” (14). Vowel argues that given the strained nature of the historical and contemporary relationships between Indigenous and non-Indigenous peoples in Canada, having proper terminology to refer to one another and build healthy relationships into the future is vital (14). I use the terms “settler” and “non-Indigenous” somewhat interchangeably. Even less so than in the case of terminology referring to Indigenous peoples, there is no universally sanctioned term to refer to settler populations. Vowel argues that this is because the sociopolitical majority tends to have power to decide what terms are used, and largely has little cause to refer to itself (14). This is significant in the context of my own work, because this is exactly what I’m trying to do. I aim to flip the script and interrogate the role of settler populations in the materialization of an Inquiry of National scale. As a member of the settler population myself, it is exceedingly important for me to recognize my implicit role in the ongoing colonization and marginalization of Indigenous peoples across the country.

“Settler” is perhaps the most accurate term in the context of its relationality. It does not refer to a racial category. Vowel argues that for her, the term “settler” is an abbreviated version of *settler colonials*. This is relevant because it means that the term “settler” makes reference to the concept of settler colonialism, or in other words, the “deliberate physical occupation of land as a method of asserting ownership over lands and resources.” (16). In contrast, the term non-Indigenous is comparatively broad, and could also refer to communities who are subject to similar injustices and marginalization as Indigenous communities (16). Thus, I prioritize my use of the term “settler”, over “non-Indigenous”, recognizing that “settler” is the more accurate of the two terms.

Chapter Overview

In Chapter II, I describe my research methodologies, explaining my use of discourse analysis, participant observation, and interviews. I also highlight the ways in which Shawn Wilson's (2008) discussion of relational accountability or in my case "situated accountability" inspired both my method and methodology.

In Chapter III: Thinking Through The NIMMIWG: Context and Theoretical Approaches, I detail my theoretical approaches and understandings, and the context which has led to the reality of the National Inquiry. I position my work in conversation with scholarly discussions about commissions and inquiries, archiving, and bureaucracy.

In Chapter IV: The Archive as Colonial Politics, I examine multiple dimensions of the archive of the National Inquiry. I look to two facets of the archive, the official archive and the settler media archive, examining the sorting of archival materials into categories to elucidate what is made visible, and what is rendered invisible. Among the things made visible through the archive of the Inquiry is a hierarchy of important forms and distributions of knowledge. By this I mean what kinds of information is most important to distribute, and who it is most important to distribute this knowledge to. Hand in hand with this hierarchy of knowledge is the apparent focus on media and press relations over community relations. Archival categories also make visible the overwhelmingly Western legalistic format of the Inquiry through the dominance of Western legal traditions over others. Notions of dysfunctionality appear frequently in settler media coverage of the Inquiry through incessant coverage of high staff turnover rates, making visible the reinforcement of historical stereotypes which position Indigenous communities as dysfunctional based solely on their Indigenous identity. In contrast, in both the official archive and the settler media archive, an emphasis on public updates on the Inquiry's process and progress are invisible.

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This is the other side of the coin to the focus on media relations, and the hierarchy of importance of knowledge. In this sense, the importance of public involvement in a “public” Inquiry is completely erased. The glaring opacity of the Inquiry’s structure is also made invisible, as there is no clear communication of this in either dimension of the archive. Both facets of the archive erase the power dynamics that are at play at Inquiry hearings. The ways in which certain people are deemed sources of authority or “experts” while others are not are rendered invisible. Media coverage of expert testimonials is selective at best.

In Chapter V: The National Inquiry, Bureaucracy, and Power, I look to the ways in which bureaucratic practices make visible the tensions between the Inquiry’s officially stated goals and its materialization. In this chapter, the opacity of the Inquiry is made visible through the apparent tensions between official goals and the actual doing of the Inquiry. The bureaucratic practices I consider include hearings’ atmospheres, scheduling practices, legal format, and structure. The atmosphere at public Inquiry hearings is a product of bureaucratic choices and has the capacity to invoke particular sensations in those attending the hearings. In the context of the public Institutional and Expert hearings, these choices were made in what felt like a very Western way. In contrast, the atmosphere in the community-led beading circle, which was held alongside several of the public hearings, was altogether different.

The nature of bureaucratic scheduling practices also pointed to tensions between officially stated goals and how the Inquiry was realized. This is perhaps one of the most significant aspects of my findings. Scheduling practices include who was scheduled to testify alongside whom, when they were scheduled to testify, and when and how the Inquiry released these choices to the public. My own experiences, as well as those of my participants indicated that hearing schedules were incredibly hard to access. This works to contradict the expressly “public” goals of the

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Inquiry. In addition, because of the scheduling of testimonies, the voices of some expert witnesses were eclipsed by others. Tensions between officially stated goals, including that of being trauma-informed, and the actual materialization of the inquiry were made very apparent in these instances. Police services had an arguably unnecessary amount of airtime, while the testimonial of a self-identified sex worker and survivor of colonial violence was all but ignored in favour of the testimonial of a university professor who testified on the same day.

Lastly, the bureaucratic choices in the context of the legal format of public hearings made tensions evident. Despite the various Indigenous ceremonies included in their proceedings, the public hearings came across as predominantly Western in nature. Established under the federal Inquiries Act, the Inquiry had to comply with certain standards. A rigid legal format made the experience of hearings considerably confusing and opaque for those not well versed in Western law, including the general public who are supposed to be at the core of the entire Inquiry. Legal jargon made it difficult to follow proceedings at hearings, or in the very least made it feel as if you were only understanding half of what was happening. Problematically, the Inquiry attempted to combine legal style cross-examinations with trauma-informed principles. These two elements are arguably contradictory and point to the Indigenous work being done in a Western paradigm.

Finally, in Chapter VI, the Conclusion, I will discuss the ways in which affect plays an important role in the way the Inquiry, and engagement with it, has materialized. This discussion of affect will also address the three interludes that can be found throughout the chapters. I have chosen to address affect in such a way because I admittedly did not anticipate it playing such a large role in both my own experiences and the ways in which the bureaucratic practices and archive of the Inquiry manifest themselves. The ways in which affect appears at different registers throughout this thesis did not seem apparent to me until very late in the writing process.

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At the same time, I feel it is very important to cue readers towards the presence of affect, so that throughout this thesis the circulation and strategic use of affect is pre-emptively marked as something to consider. Affect registers in the experiences of my participants, in the coverage of public Inquiry hearings by media outlets, in public criticisms of the Inquiry and its responses to these criticisms, and in my own personal experiences. The conclusion will also very briefly attend to the Inquiry's Final Report, which was published in June 2019.

Chapter II: Methodology

Relational Accountability – Inspiring both Method and Methodology

Cree scholar Shawn Wilson (2008) contends that an Indigenous research paradigm is built around principles of relational accountability. Wilson stresses the importance of relationships, contending that we need to understand knowledge through the context of the relationships it represents (43). Relational accountability calls for researchers to think about the relationships between things, such as who or what creates knowledges, who or what it belongs to, and who or what it may both affect and be important to. I continuously ask myself how I can apply these principles to my own research as a non-Indigenous researcher focusing on the engagement of settler members of the public with the National Inquiry. While I understand that there is a larger body of research pertaining to relational accountability, I have chosen to focus on Wilson's writings because they have acted as seminal texts. But, in the spirit of relational accountability it is equally as important to note the significant contributions of other scholars to this field, most notably Plains Cree and Saulteaux scholar Margaret Kovach (1964). Fortunately, in February of 2019 I had the opportunity to attend a small-scale talk with Shawn Wilson, organized by one of the PhD students in the Anthropology department at Carleton University. The question of whether a non-Indigenous person could use an Indigenous research paradigm, or more specifically relational accountability, was quickly raised. Naturally, there were varying opinions, as Wilson's sister Alex Wilson, who was in attendance, advised us that we should first question why we wanted to use the paradigm in the first place. She maintained that there were probably other approaches, for example, a feminist approach, that would easily meet the needs of our research. His sister's comment reinforced a tension I had been experiencing in the context of my research, as a non-Indigenous researcher discussing the National Inquiry. While I recognize the

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possibility for misuse and appropriation of relational accountability by non-Indigenous scholars, I still think that in some instances relational accountability necessitates an extremely vital care and accountability, in a wholistic sense, that seems to be lacking from most if not all western research paradigms.

Val Napoleon and Hadley Friedland (2016) speak to the question of non-Indigenous engagement within and across Indigenous epistemologies and ontologies. Napoleon is a member of Saulteau First Nation and Professor of Aboriginal Justice and Governance at the University of Victoria, B.C. Friedland is an assistant professor at the University of Alberta, who specializes in Indigenous laws, criminal justice, and family and child welfare. Napoleon and Friedland discuss the need to create respectful engagement with Indigenous legal traditions across Indigenous, academic, and professional communities. They argue that there has been an increased interest in “serious and systematic engagement with Indigenous legal traditions” in Canada (727). They also argue that if this interest is to be sustained, then we need a pedagogical bridge, a framework for engaging with Indigenous legal traditions within and across Indigenous, professional, and academic fields. Napoleon and Friedland set forth a framework which brings common pedagogical methods from many Indigenous legal traditions (such as oral histories, narratives, etc.) together with proponents of common law legal education (such as legal analysis and synthesis) (728).

Interestingly, Napoleon and Friedland bring up the TRC multiple times throughout their discussion of their proposed framework. Inquiries and commissions such as the TRC are innately bound to discussions of law because they often are directed at interrogating where it has gone wrong, or how it can be adjusted. This is also where Napoleon and Friedland’s discussion of law links to my own research into an Inquiry which is aimed at uncovering the systematic causes of

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violence experienced by Indigenous women and girls. They raise important questions which arise when thinking about the framework they propose, such as “who should be engaging with and articulating Indigenous legal principles? How should Indigenous laws be taught and learned? What are the potential risks of engaging with Indigenous laws in state or settler environments such as law schools or courtrooms? What is potentially lost or altered when doing so?” (733).

I would like it to be clear that I am not arguing that relational accountability can be thought about in the exact same way as Indigenous legal traditions. Relational accountability is not a legal tradition *per se*, but as a tenet of many Indigenous ways of being its values certainly impact legal traditions. Napoleon and Friedland argue that law is created through serious and sustained engagement with it (740). Therefore, creating a bridge between Indigenous and settler law requires serious and sustained engagement. By the same token, we might imagine that the same could be said about relational accountability. Recognizing the potential issues of appropriation, I draw on Wilson’s work because I find it to be an inspiration as to how to engage responsibly with accountability in the context of my research topic. The tensions that exist here are not ones that will be resolved through my writing, they are instead one’s that I hope to bring to the forefront and work with.

Applying relational accountability to my research has helped in part to define the ethical limits of my research, i.e., a focus on non-Indigenous settler members of the public. A long history of colonialism and oppression in Canada has been bolstered by academic research directed by settlers bent on studying Indigenous communities. Consequently, when paying attention to relational accountability, it became immediately obvious to me that the best way I would be able to respectfully build and maintain relationships would be to focus on non-Indigenous members of the public. Given the extended history of exploitation and appropriation

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of Indigenous communities and traditions in Canada and elsewhere, many communities have and continue to experience research fatigue. This is something I absolutely do not want to contribute to or exacerbate. Here I also turn to Laura Nader (1972) and her work on “studying up”, which is particularly relevant in relation to my own position as someone studying “upwards” in a bureaucracy of national scale. Nader encourages students of anthropology to study major institutions and organizations that effect everyday lives (286). In this sense, Nader emphasizes the importance of studying bureaucracies in particular, in order to uncover the mechanisms through which they impact our everyday lives (288). She also highlights the importance of studying the colonizers instead of the colonized, flipping the power dynamic that has characterized so much of anthropological work.

In this way, I emphasize the roles that settlers play in the successes and failings of the National Inquiry. Although my participants are all non-Indigenous settlers, I still feel it is important to think about the relationships I am building and maintaining, and the ways in which these relationships may impact other people and events. I am inspired by an Indigenous research paradigm, to continuously take stock of the importance of regularly re-evaluating my position as a researcher, and as a member of the settler public. The importance and care imbued into relationships by a relationally accountable Indigenous research paradigm is, as suggested by Shawn Wilson, a perspective that is simply missing from other Western research paradigms. Relational accountability requires us to think about knowledge as collective. No Western research paradigm captures this. At the talk I attended, Shawn Wilson suggested that it would be useful for non-Indigenous individuals who intend to use the paradigm to reframe it as an *Indigenist* research paradigm. As such, the researcher openly acknowledges that they are unable to understand the paradigm as an Indigenous person would themselves, based on their identity

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and experiences as an Indigenous person. In that vein, my research is inspired by an Indigenist research paradigm. I would not feel comfortable claiming to use the whole paradigm, as I do not believe that would be entirely appropriate, or that I would truly be able to do it justice.

Indigenous communities assert that research methodologies need to incorporate their cosmologies, worldviews, epistemologies, and ethical beliefs (Wilson, 2008: 15). An Indigenous research paradigm developed by Indigenous researchers themselves should also extend to non-Indigenous researchers studying Indigenous communities or related issues. Wilson defines a research paradigm as “a set of underlying beliefs that guide our actions” (13). These beliefs include the interrelated concepts of ontology (the way we view reality), epistemology (how we think about/know this reality), axiology (our ethics/morals, including both what and knowledge is gained), and methodology (how we go about gaining more knowledge about reality) (13).

Relational accountability has inspired both a method and methodology foundational to my project. In this sense, methodology equates to the building of relations. Relational accountability requires us to ask how we can put an Indigenist research paradigm into practice, especially as non-Indigenous/settler individuals. Relational accountability means being accountable to our *relations*, in other words, to one another, to non-humans, to communities as whole, to the cosmos, and to the idea or topic that we are researching. (106). Significantly, Wilson argues that it is not possible to be accountable to relationships if we are claiming objectivity (101).

Dominant scientific/Western approaches to studying Indigenous communities and issues tend to claim objectivity while being riddled with biases (16). Reflecting on the relationship between objectivity and accountability, it becomes apparent that all truth-claims are fundamentally coming from somewhere, they are situated in an individual’s personal experiences. In this sense

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the meaning of objectivity changes, and we are forced to consider more carefully where we are coming from.

Here I turn to Donna Haraway (1988), and her discussion of situated knowledge. A combination of Wilson's position on relational accountability, and Donna Haraway's position on situated knowledges where she speaks about what she terms ethical relationality and feminist objectivity, is poignant in the context of my work. In some ways, we can look to Haraway's work as a response to the questions that Alex Wilson raised about the appropriateness of settlers using Indigenous research paradigms. Essentially, Haraway explains that feminist objectivity quite simply equates to situated knowledges (581). This is not dissimilar from Shawn Wilson's discussion of objectivity and truth claims as fundamentally coming from an individual's personal experiences. Thinking about knowledge as situated involves acknowledging the agency of the world. Haraway does not claim that this is at all new, and instead recognizes that Indigenous scholars and worldviews generally have been doing this for centuries (594). This reconceptualization of objectivity starts with feminists like Haraway taking issue with ideas of scientific objectivity. The issue with some imaginings of objectivity, in particular scientific objectivity, is that they can problematically be used in service of "hierarchical and positivist orderings of what can count as knowledge" (580). Instead, Haraway argues for a view of objectivity that "privileges contestation, deconstruction, passionate construction, webbed connections, and hope for transformation of systems of knowledge and ways of seeing" (585). She uses the metaphor of vision to explain her stance on objectivity. Scientific objectivity becomes the myth of all-seeing god-like vision, juxtaposed against an understanding of vision as particular and embodied, which stands in for situated knowledges which exemplify ethical relationality. Ultimately, Haraway argues that only partial perspectives offer objective vision.

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Feminist objectivity “allows us to become answerable for what we learn how to see” (583). She also cautions us that there is a danger in this approach, a danger in romanticizing or appropriating the vision of the subjugated while claiming to see from their position. She also argues that the positionings of the subjugated are not exempt from critical re-examination, decoding, deconstruction, and interpretation; that is, from both semiological and hermeneutic modes of critical inquiry. The standpoints of the subjugated are not “innocent” positions. On the contrary, they are preferred because in principle they are least likely to allow denial of the critical and interpretive core of all knowledge (584).

In her discussion of situated knowledge, or a form of ethical relationality, Haraway argues for positioning, situating, and partiality to be the conditions of making rational knowledge claims (589). In contrast to this positioning, she argues that knowledge from the point of view of the unmarked and dominant is both distorted and irrational (587). Knowledge constructed with feminist objectivity in mind is a “power-sensitive conversation” (590). In this context, I think focusing on a combination of Wilson’s relational accountability and Haraway’s feminist situated knowledges might be fruitful to capture my complex positionality and approach. So, as suggested by one of my supervisors, Zoe Todd, I am working within the realms of something that might be called “aspirational accountability”, or “situated relationality”. This “situated accountability” is so exceptionally important because until settler paradigms are dismantled, it is inevitable that settlers will possess forms of power that make it extremely difficult to be in good relation with Indigenous peoples, lands, waters, atmospheres, and Nations.

My position as a researcher is one of whiteness, I am also a straight and cis-gendered woman. I come from a middle-class family. All these factors afford me a level of privilege that I acknowledge and factor into my understanding of my research, and my fieldwork. At the time

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that I conducted my fieldwork I was twenty-three years old. I believe my age may have facilitated my participants agreeing to talk to me, and they did not view my work as particularly serious, and likely were not overly concerned that what they told me would gather much circulation. In this sense, the knowledge that comes out of the research I conduct is fundamentally situated in my experiences. I seek to produce an archive of events that tells a story from a particular vantage point. I write from the vantage point of a settler, living in Ottawa, the Nation's political capital. I write from the vantage point of someone who has been critically following the Inquiry, and more generally the government's approach to Indigenous relations. Specifically, I write about settler engagement with the Inquiry, while positioning myself as a settler who is engaging with the Inquiry and its archival and bureaucratic processes. My vantage point and intentions will colour the archive that I produce.

In the context of applying relational accountability to physical research, Wilson contends that researchers must maintain accountability in four different ways; 1) in how we go about choosing research topics, 2) in the methods we use to collect our data, 3) in the ways in which we analyze and interpret what we are learning, and 4) in how we present the outcomes of the research. In the context of how we go about choosing research topics, Wilson emphasizes research *with* Indigenous peoples, rather than *on* them (108). Given my positionality, I did not work directly with Indigenous communities, but instead decided to “study up” and turned a reflexive eye on dominant bureaucratic practices, and a settler public engagement with said practices. That being said, a settler public engagement with the bureaucratic practices of the National Inquiry holds the power to directly influence the lives of Indigenous peoples in Canada. This is precisely why this viewpoint is so important. The settler public is complicit to the violence and injustices suffered by Indigenous peoples and communities. Understanding how the public engages with the

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National Inquiry may point towards why the Inquiry both succeeds and fails, and by consequence how the lives of Indigenous peoples are impacted by the Inquiry. Researchers must also maintain relational accountability in the methods they use to collect data. Methods need to be driven by specific community needs for new knowledge or documentation (110).

My aim is to re-write an archive, that is, write an archive of the archiving process of what seems to be an incredibly opaque “public” inquiry. I have done this by analyzing some of the documents the National Inquiry has published, asking how and what information they have chosen to commit, or not commit, to their archive. I have factored in the archive of settler media coverage surrounding the National Inquiry. Additionally, I have also turned to interviews conducted with research participants to include their understandings of the archive surrounding the National Inquiry. Although I draw heavily on the work of Anne Stoler (2002) and Laura Nader (1972) when conceptualizing my understanding of the archive, it is important to note that my thinking is influenced by many other scholars as well. Perhaps most notably, both Michel Foucault (1926-1984) and Jacques Derrida (1996) have written extensively about the archive. I aim to uncover new information about the bureaucratic process of the Inquiry, and settler engagement with this process. What will this understanding facilitate? I hope that such a perspective on the National Inquiry might be of use to both Indigenous and settler communities alike, in the context of thinking about meaningful changes. By this I mean meaningful changes as to how we approach things such as commissions and inquiries, and in particular how settlers engage with and play roles in these processes. In terms of maintaining accountability in our methods, Wilson contends that it is all about forming relationships at a different level than we are accustomed to (113). We need to enter into conversations with our participants rather than coming prepared with a set of pre-determined questions. This proved difficult to navigate,

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although university ethics protocols required me to come prepared with a set of questions, I made it a priority to remain open to the things that my participants wanted to talk about.

Situated accountability must also be maintained in the ways in which we analyze or interpret what we are learning. Wilson states that

[i]t just can't be thought of in a linear or one-step-leads to another way. All the pieces go in, until eventually the new idea comes out. You build relationships with the idea in various and multiple ways, until you reach a new understanding or higher state of awareness regarding whatever it is that you are studying (117).

When settlers aspire to be in good relation and strive towards honouring the tenets of Wilson's paradigm of relational accountability researchers must question how an analysis of the ideas they are working with will help to further build relationships (119). In this sense, I aim to enact a form of situated and aspirational accountability to build relationships with my participants, with the Inquiry, and with Indigenous peoples impacted by colonialism in Canada. Wilson also proposes that a style of analysis that maintains accountability cannot be an analysis which breaks ideas down into their smallest fragments, disassociating them from the relational context (2008: 119). One way to maintain accountability within this analysis is to provide information and allow audience members to come to their own conclusion. i.e., I intend to provide you with a version of the archive of knowledge surrounding the National Inquiry, and you can do what you want with it. If, as suggested earlier, knowledge is understood as shared, then collaboration in the analysis or interpretation of knowledge becomes not only feasible but moreover *necessary* (121). Friedland (2016) also emphasizes the importance of letting audiences come to their own conclusions. She emphasizes the importance of stories and narratives and how they allow us to "explore the human experience" without feeling compelled to make argument,

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draw conclusions, or provide answers (89). Finally, relational accountability must be maintained in the ways in which we present the outcomes of the research we conduct. Wilson states that “because an idea is formed by relationships within a specific context, knowledge of what the listener or reader bring to the relationship – or their context– is needed in order to transmit the process of the idea in addition to the content” (123). This makes the audience, or reader, an equal participant in the process of knowledge. In a sense, this means de-centering the researcher, and recognising the fact that knowledge is not owned by anyone.

Wilson stresses the importance of developing and maintaining an Indigenist research paradigm in order to avoid conforming to typical Western research paradigms which have gone hand in hand with colonial efforts. Western approaches often focus on what are deemed as “problems” and endeavour to propose outside solutions. I do not intend to propose any solutions. Instead, I hope to contribute to an existing conversation. I intend to offer an alternative understanding of the bureaucracy of the National Inquiry, one that takes into account and is different from the official discourse published by the National Inquiry, and the more public circulating knowledge about the Inquiry.

Wilson suggests that relational accountability and an Indigenist research paradigm more generally are of utmost importance when studying the National Inquiry in that organizations such as the Inquiry are a common governmental response to the realization/recognition that Indigenous peoples present a diverse set of needs and necessitate a “different way of doing business” (19). As such, situated accountability is an important approach when endeavouring to understand how relationships and knowledge are built between bureaucracies and those who engage with them. Although investigations, commissions, inquiries, and other specialized programs have historically been advanced to meet these needs they problematically focus on

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social, historical and economic factors to contend with the differences between Indigenous and settler peoples (20). It is assumed that if there were an equality of economic and environmental conditions Indigenous peoples would be able to raise themselves to the standards of dominant society (20). This is highly problematic, as Wilson points out, this same outlook led to the forced assimilation of Indigenous peoples through residential schooling. Wilson asserts that without fail, the conditions addressed by past inquiries and commission worsen rather than improve upon being studied (20). This is of particular concern in the context of the Inquiry. Importantly, Wilson contends that Indigenous scholars' question whether dominant scholars can even understand the concept of relationality well enough to conduct respectful research with Indigenous peoples (58). Evidently this concern is highly relevant to my research. Here again, I return to situated accountability. I do not claim to be a source of authority on whether non-Indigenous people can understand relationality well enough. At the very least, thinking about situated accountability invites me to think about how my thesis may work in the spirit of relational accountability. By this, I mean how it may produce knowledge that is possibly, and to varying degrees, accountable to my settler participants, and to the Indigenous communities engaged in or engaged by the National Inquiry. It does so by focusing on how settlers play a role in the Inquiry's materialization and potential outcomes, in the hopes of producing new information that might be used by settler and Indigenous populations alike. In the context of Haraway's discussion of situated knowledge, it is important to recognize that the knowledge produced throughout my research is *situated*. It is situated in my own experiences, and my own identity, and needs to be understood as such.

The work of Ngāti Awa and Ngāti Porou scholar Linda Tuhiwai Smith is also foundational to my understandings of relational accountability. Smith (2013) addresses notions of Indigenous

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research paradigms and relational accountability through a critique of Western traditions of research and archiving. She states that:

This collective memory of [European] imperialism has been perpetuated through the ways in which knowledge about Indigenous peoples was collected, classified and then represented in various ways back to the West, and then, through the eyes of the West, back to those who have been colonized. (1)

Western discourses about the colonized other are supported in part by bureaucracies and the ways in which they function. Bureaucratic entities including the government generally, police forces, child welfare services, and health services systematically racialize and discriminate against Indigenous peoples, families, and women in particular. Smith emphasizes the manner in which research is not neutral but is rather an activity that occurs within a set of political and social conditions (5). Similarly to Wilson, she contends that researchers must ask themselves “whose research is it? Who owns it? Whose interests does it serve? Who will benefit from it? Who has designed its questions and framed its scope? Who will carry it out? Who will write it up? How will the results be disseminated?” (10). I hope that the research I conduct will serve the interests of both Indigenous and settler populations. Ultimately, I hope that this research will help to reveal some of the logics behind particular bureaucratic practices, and how non-Indigenous members of the public engage with a public inquiry of such monumental importance. Although I will be the one physically writing the research, I would be nowhere, and would not have been able to carry out the research without the willingness of my participants. Even more so, this project would not exist without the tireless efforts of Indigenous communities and activists who have for years been calling for the formation of an Inquiry into Missing and Murdered Indigenous Women and Girls. And finally, if not first, this research and the knowledge

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it engages with would be impossible without acknowledging the spirits of Missing and Murdered Indigenous women and girls and their families across the country.

Not only is situated accountability vital to the study of bureaucracies, it also relates intimately to practices of archiving. Smith directly addresses archiving practices contending that writing is extremely important, as the act of writing can be a rewriting of history (29). Archiving is a relevant area of study because archives are deeply implicated in the ways in which history has been written, and therefore, how relationships and knowledge have been constructed (30). History, and perhaps Western archiving traditions more specifically, have developed alongside imperial beliefs about the “Other”. Western notions of history are assembled around a set of interconnected ideas which posit that history is both a totalizing, and universal, coherent linear chronology (31). Archives are a common means through which to write and solidify Western histories, therefore establishing a singular narrative of reality and power. By establishing singular narratives of reality and power, archives also play a role in the construction of relationships, often dictating how relations between particular individuals will be balanced (or imbalanced) and played out for years to come.

Smith pokes holes in this Western imagining of history, suggesting that “what counts as Western research draws from an ‘archive’ of knowledge and systems, rules and values which stretch beyond the boundaries of Western science to the system now referred to as the West” (44). Smith terms this archive the “cultural archive of the West” and states that:

[It] did not embody a unitary system of knowledge [and] should be conceived of as containing multiple traditions of knowledge and ways of knowing...Some knowledges are actively in competition with each other and some can only be formed in association with

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others. Whilst there may not be a unitary system, there are ‘rules’ which help make sense of what is contained within the archive and enable ‘knowledge’ to be recognized (45).

Smith contends that knowledge was subsumed into Western archives as “discoveries” of knowledge equated to ownership of knowledge (64). Wilson also gets at this idea, as he suggests that owning knowledge is completely contradictory to an Indigenous paradigm. A re-archiving of an already existing archive, as I am proposing, might reveal what Smith refers to in a Foucauldian spirit, as “rules of practice”, rules which the Western archive itself cannot easily identify because it operates within these same taken for granted rules (46). I argue that a re-archiving of an already existing archive (taking into account how people interact with and understand the archive) is an act that aims to center situated accountability. Perhaps if we can understand these rules of practice we can understand how to navigate, subvert, or shatter them all together. Thinking about situated accountability has defined the scope and design of my project in several ways. It has played a role in defining my focus on non-Indigenous/settler members of the public who are engaging with the inquiry. I understand this as being accountable because in a sense I belong to this group of people. It is also the group of people I think need to be looked at critically. We too often blissfully ignore the ways that we are implicated in the issues at hand, and the ways we are also implicated in the necessary transformations that must occur, such as the refiguring of historically built relationships between settlers and Indigenous peoples. Situated accountability has also defined my specific methods. I choose to incorporate participant observations, discourse analysis and interviews because I believe that by using these methods, I can come the most closely to being relationally accountable. In this sense, I’m thinking about how I’m entering into relationships with knowledge, attempting to do so in a wholistic way, by

taking into account several different forms of knowledge, including my own experiences, the experiences of others, and the physical writings and publishing's of the inquiry and news outlets.

Methods

My methods for my research have been three-fold, including discourse analysis, participant observation, and interviews. Ultimately, I am interested in the ways through which the Inquiry materializes. By this I mean the *doing* of the Inquiry's everyday bureaucratic processes. This choice to focus on the everyday materialization of the Inquiry was provoked by my consideration of accountability. In order to stay true to how I have been thinking about situated accountability, it seems important that there be a focus on the Inquiry's materialization. To interrogate with how a settler population engages with the Inquiry, it seems vital to first understand how the Inquiry is unfolding, particularly from a settler perspective. My three-fold research methods of discourse analysis, participant observation, and interviews are the means through which I have tracked the materialization of the Inquiry's everyday processes.

I have conducted a discourse analysis of some of the official press releases, publications, and official reports produced by the Inquiry, as well as on dominant media coverage of the Inquiry's hearings and processes. Documents I have examined range in publication date from January 2017 until February 2019. Documents and articles range in topic from resignations, to new appointments of staff, to meeting dates and schedules, to research plans, statements, and approaches. This discourse analysis enabled me to explore the Inquiry's aims and focuses, as well as familiarize myself with its timelines and scheduling processes. The discourse analysis I have conducted is by no means exhaustive. I also note that given the time period in which I conducted my analysis, I did not include the Inquiry's Final Report in my analysis. That being said, I will reflect on the reports release in the conclusion.

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Second, my study also employed participant observation in the context of the NIMMIW public Knowledge Keeper, Expert, and Institutional hearings. In the fashion of a multi-sited ethnography I attended the follow public hearings held by the Inquiry in 2018:

- Knowledge Keeper and Expert Hearing on Racism, in Toronto ON, from June 12th to 14th
- Knowledge Keeper, Expert, and Institutional Hearing on the Criminal Justice System – oversight and accountability, in Quebec City QC, from September 17th to 21st.
- Knowledge Keeper, Expert, and Institutional Hearing on Family and Child Welfare - Family Supports and Domestic Violence, held in Winnipeg MB, from October 1st to 5th.
- Knowledge Keeper, Expert, and Institutional Hearing on Sexual Exploitation – human trafficking and sexual violence, in St-Johns NL, from October 15th to 18th.
- Final Submissions from parties with Standing in Ottawa, ON, from December 10th to 14th.

At these hearings I aimed to observe how the Inquiry unfolded on the ground. Some of the questions I asked included: how was the issue of MMIWG being framed by diverse parties? Who participated in the hearings? What was said, and by whom? Who attended the hearings? I also took care to observe the atmosphere and format of the hearings, where they were being held and who attended the hearings as members of the public. I attended all but one of the hearings alone. Being from Ottawa, I travelled away from home to get to all but one of the hearings. Attending hearings for me was an experience I am honoured to have had, to have been able to listen to the truths of so many individuals. Emotionally they were draining. Physically even, they were draining, starting early in the morning and ending in the evening. I can not even begin to imagine how draining they must have been for those actually speaking and testifying at them.

At times hearings were hard to access. Online information about them was often hard to find. In addition, they often required extensive travelling to get to. For most people, attending them

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would require booking time off work. The number of people who attended public hearings varied greatly depending on who was speaking that day. When Cindy Blackstock spoke, or when police services spoke, the crowd was always full. Regardless of who was testifying, there were always numerous parties with standing in attendance. In fact, I saw many of the same people at all five hearings I attended.

Finally, while attending the above public hearings, I recruited my participants, non-Indigenous members of the settler public who were also in attendance at the public hearings. I found participants by talking to people in the public section of the hearings, telling them about my work, and asking them if they would be interested in participating. It was overwhelmingly difficult to find participants, many people turned me down, or were hardly interested in talking to me in the first place. Many people also came to hearings with groups of people they knew or worked with, making them more difficult to approach.

I interviewed a total of six individuals, both men and women, ranging in age from twenties to fifties. The non-Indigenous individuals who I interviewed are composed of students, activists, artists, a university professor, a police officer, and a government employee. Interviewing non-Indigenous members of the public in part aided me in tracking what information was public, and what was not, and also allowed me to compare my analysis of the Inquiry's official discourses with the information I gained from the interviews I conducted. I chose to interview non-Indigenous members of the public who attend the hearings in order to engage with settler understanding of both the phenomena of MMIWG and of the Inquiry more generally. Here I aim to understand and engage with the relationships settler individuals have with knowledge about the National Inquiry. I'm interested in how a settler public knowledge is constructed, circulated and transformed. In other words, I'm interested in the relationship between what I would term

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archival knowledge and my participants. Settler individuals and communities are ultimately the ones who need to change, and as such it is imperative for non-Indigenous individuals to understand the Inquiry and the basis for their reactions to the Inquiry and the phenomena of MMIWG more generally.

Chapter III: Thinking Through The NIMMIWG; Context and Theoretical Approaches

The purpose of this chapter is to explain my approach to study the National Inquiry into Missing and Murdered Indigenous Women and Girls. First, I engage with the context that has led to the existence of this Inquiry, the issue of missing and murdered Indigenous women, girls, and LGBTQ2S individuals in Canada. Ultimately, I situate my work in conversation with scholarly discussions about commissions and inquiries, archiving, and bureaucracy. To understand the Inquiry and what its archiving and bureaucratic practices may point to, we first need to recognize how the issue of missing and murdered Indigenous women and girls (MMIWG) has been framed, constructed, and reconstructed, by both scholars and the general public.

Unsurprisingly, national and international media outlets as well as both well-intentioned and self-promoting researchers have been drawn to document, research, and analyze the issue of MMIWG. Indigenous scholars such as Sayers (2013), have called our attention to the systematic and structural nature of violence against Indigenous women and girls, pointing to issues of colonial violence and social control. Feminist and postcolonial scholars such as Pratt (2005), Jiwani and Young (2006), have approached the issue critically, pointing out the gendered and racialized nature of violence committed against Indigenous women and girls. Scholars such as Razack (2002), have detailed the conditions which have made it possible for violence against Indigenous women and girls to be committed with impunity. Both media production, and knowledge production in the form of government policies and ideologies shape the way the issue of MMIWG is conceptualized by the settler public today. It is at the same time important to recognize that the issue of MMIWG has also been spoken and written about by numerous Indigenous activists and groups, who do not necessarily include themselves in the realm of scholarly literature and academia.

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It is extremely important for me to acknowledge that as a white settler scholar in Canada, studying at a university built on unceded Algonquin land, I am, despite my conscientiousness and best efforts, still complicit in the structures that reproduce notions of Indigenous women and girls as inherently predisposed to being victims of violence. With this in mind, I spent a great deal of time both working with advisors and consulting existing literature to determine where my work could be best situated in order to disrupt settler reproductions of “objective” framings of Indigenous life and being. Aileen Moreton-Robinson’s (2015) work on the “white possessive” is particularly relevant in this context. She contends that white possessive logics are a mode of rationalization which works to construct ideas about the ownership of a nation as common-sense (xii). The logics which structure white possession go hand in hand with a disavowal of Indigenous sovereignty. Whiteness becomes the measure of who can hold possession (6). Moreton-Robinson argues that “the existence of white supremacy as hegemony, ideology, epistemology, and ontology requires the possession of Indigenous lands as its proprietary anchor” (xix). As Canada was originally premised on the “legal fiction” of *terra nullius*, we can imagine the very nation of Canada as being thought of as a white possession (15). White settlers in Canada today are subsequently recognized by the law primarily as property owning subjects (xix).

The white possessive is an ontological position. Moreton-Robinson states that “at an ontological level, the structure of subjective possession occurs through the imposition of one’s will-to-be on the thing that is perceived to lack will; thus it is open to being possessed” (50). Colonial concepts of law are founded on this very premise. Possession operates ideologically, discursively, and materially, working to underpin values, beliefs, and norms (20). Ultimately, this concept of the white possessive allows for the possession of Indigenous lands and bodies.

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Indigenous bodies are not conceived of as their *own* property. Ideas about Indigenous lands and bodies are constantly filtered through the notion of the white possessive, marking who and who cannot be property owning subjects. The most ethical way I have been able to find to relate to the topic of MMIWG is by conducting an ethnographic and archival project of the bureaucracies that strive to both “objectively” and dispassionately document genocidal operations of Indigenous murder and death. This approach also colours the way I frame the history of MMIWG, as follows in the subsequent section.

Missing and Murdered Indigenous Women and Girls

Violence committed against Indigenous women and girls is systematic in nature. It is both racialized and gendered, largely enacted with impunity, and erased or made invisible. The factors which characterize violence against Indigenous women and girls are interrelated and interdependent; discussion of one cannot simply be separated from that of another. To understand the significance of the National Inquiry, the way it materializes, and what is at stake in this discussion, we need to first situate ourselves within the historical proceedings and conditions which have led to the Inquiry unfolding in the way that it has.

While there is clear evidence that Indigenous women in Canada are subject to extraordinarily disproportionate levels of violence, reliable statistics on the issue have historically been absent. In 2004, Amnesty International argued that due to gaps and inconsistencies in how police record and disclose information about missing persons and violent crimes, there was no comprehensive picture of the perpetrators, scale, or circumstances of violence committed against Indigenous women (15). Since then, Indigenous women’s organizations have taken it upon themselves to construct a clearer picture of the scale of violence (Amnesty International, 2009:1). By 2010, The Native Women’s Association of Canada (NWAC) had confirmed 582 cases of missing or

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murdered Indigenous women and girls from 1944 onwards, but still believed that the real number of missing and murdered Indigenous women was higher than they had been able to confirm (NWAC, 2010). In 2013, the Royal Canadian Mounted Police released a report stating that there were 1,181 confirmed cases of missing and murdered Indigenous women and girls in Canada (NWAC, 2018).

Through her artwork, Janet Kaponicin, an Indigenous artist who grew up in Ottawa, tells the story of a fifteen-year-old Algonquin girl whose death, sometime between the 1820s and 50s, likely positions her as one of the very first missing and murdered Indigenous women and girls in Canada. Kaponicin was told the story by her grandmother, Angelique Kaponicin Maheux, who was told the story by her great grandmother Jocko. Grandmother Jocko was told the story by her own mother, who had been at the encampment when the young girl was murdered (Crawford, 2018). Travelling from Lake of Two Mountains to their traditional hunting grounds north of Maniwaki, a group of Algonquin families stopped to camp near the site of what is now Parliament Hill and was at that time, a British army Barracks (2018). One evening, a fifteen-year-old Algonquin girl did not return to her camp. Tragically, the young girl was found raped, murdered, and then impaled on a stump (2018). Those who found her saw soldiers climbing away from her, back up to the top of Barracks Hill. The soldiers were never punished. This is the history of the land where Parliament Hill now stands. The murder of Indigenous women and Girls has been part of the colonial project since its inception.

Historically, violence against women has not been understood as a human rights issue. When violence against women is discussed by media, governments, or the public, it is commonly framed as being solely a criminal or social issue (2004: 3). A human rights perspective was

invoked by Amnesty International and many of the parties with standing in their final submissions to the Inquiry. Amnesty International argues that

Indigenous women have the right to be safe and free from violence. When a woman is targeted for violence because of her gender or because of her Indigenous identity, her fundamental rights have been abused. And when she is not offered an adequate level of protection by state authorities because of her gender or because of her Indigenous identity, those rights have been violated (2004: 3).

Hand in hand with a human rights framework is the concept of “due diligence”. Due diligence specifically singles out the accountability of the state. Due diligence demands that a state must “take reasonable steps to prevent human rights violations, use the means at its disposal to carry out serious investigations, identify those responsible, [and] impose the appropriate punishment” (2004: 5). Ultimately, the concepts of human rights and due diligence help to push the point that solutions to the crisis Indigenous women and girls are facing require a co-ordinated and comprehensive national response.

1) Violence as Systemic

Violence committed against Indigenous women and girls is structural and systematic. It is stimulated by past and present colonial policies that foster the social and economic marginalization of Indigenous women, as well as the ongoing disruption of Indigenous families. Systemic violence driven by colonial ideologies and policies is similarly an underlying current in the following two sub-sections on gendered and racialized violence and the enactment of violence with impunity. In their 2004 *Stolen Sisters* report, Amnesty International states that:

Indigenous peoples’ organizations have pointed out that the erosion of cultural identity and the accompanying loss of self-worth brought about, in part, through assimilationist policies like residential schools and the arbitrary denial of some women’s Indigenous status, have played a central role in the social strife now faced by many Indigenous families and communities... Some [families] described losing all contact with a sister or daughter who simply disappeared after being put into a foster home or marrying a man from another community. Other women described increasing desperate and dangerous lives shaped by loss of culture, community and self-esteem (10).

Although colonial policies have historically forced a disproportionate number of Indigenous women into extreme poverty, if we think in terms of an intersectional approach, it becomes obvious that Indigenous women in Canada additionally face discrimination based on their gender and Indigenous identity (2004: 7). Even though Canada is one of the world's wealthiest countries, the living conditions of First Nations, Inuit, and Métis are comparable to those of people living "in some of the most impoverished countries" (2009: 7).

The systemic nature of violence that Indigenous women and girls face is apparent in past and present Canadian policies that work to disrupt Indigenous families including residential schools, the sixties scoop, and contemporary child and family services policies. There are currently approximately three times more Indigenous children in state care than in the residential school era (2009:17). Amnesty International argues that "[w]hile some of these children are victims of abuse, the majority are being removed from their families because of inadequate care and living conditions" (2009: 15). Colonial policies push Indigenous women into extreme poverty, which in turn is used to justify the removal of their children. Although child welfare policies impact both Indigenous boys and girls, this threat is additionally impactful for Indigenous women. Amnesty International argues that "[m]any Indigenous women who are victims of violence have told Amnesty International that they are reluctant to seek help from government or police for fear that their children will be taken away". (2009: 17). Here again is an instance in which we can see that the factors that contribute to the violence experienced by Indigenous women and girls are both interrelated, and structural.

II) Violence as Racialized and Gendered

Racism and sexism intersect in particular ways, fostering stereotypes which imagine Indigenous women to be more sexually available, devaluing their humanity, and therefore justifying violence committed against them. Naomi Sayers (2013), an Indigenous woman, former

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sex worker, and lawyer discusses the ways in which the Indian Act 1867 works in a gendered and racialized way to facilitate violence against Indigenous women and girls. Sayers posits that the Indian Act, a legislation which purported to protect Indigenous peoples, was also Canada's first legislation on sex work (2013). The Indian Act gave police access to the homes of Indigenous peoples, under the pretext that they were believed to be "houses of prostitution". Here we can see a poignant intersection of gender and race, as Indigenous women, regardless of the reality of their lives were assumed to be innately more sexual and were therefore assumed to be sex workers. Because sex workers were imagined as criminals, this worked to position Indigenous women as deserving of persecution and marginalization. The Indian Act ultimately made Indigenous women more vulnerable to violence, and certainly helped to perpetuate negative stereotypes about Indigenous women. Canada's contemporary anti-prostitution laws, which criminalize the purchase of sex, serve as a persistent means of social control. Rather than working to articulate the structural issues that constrain the possibilities for Indigenous women, the agency is placed on Indigenous women for living "risky" lifestyles, therefore blaming them for going missing.

Harmful stereotypes surrounding sex work, and the conflation of all Indigenous women with sex work continue to lead to a systematic negligence or bias on the part of police services, and within the Canadian criminal justice system. Since the late 1980s, over sixty women have gone missing from Vancouver's Downtown Eastside, over one third of whom were Indigenous (Amnesty International, 2009: 22). Many of these women were involved in the sex trade. For years, community members from the Downtown Eastside advised the police to take action but were met with resistance (2009: 23). In 2002, a man by the name of Robert Pickton was identified as the perpetrator of many of Vancouver's missing women's murders.

Feminist researchers Yasmin Jiwani and Mary Lynn Young (2006) explore the framing of Indigenous women in media coverage of Vancouver's missing and murdered women, and the ways in which this framing help to mediate both the general public's and law enforcement's perception of violence committed against these women. The vast majority of media coverage focused on the accused, sensationalizing Pickton as the "ultimate predator" (Jiwani and Young, 2006: 905). Audiences were fascinated with Pickton, and people quickly came to know more about him than they did about the women he murdered. In popular media representations, consideration of the victims was reduced to a given missing woman's naturalized susceptibility to violence (897). This natural susceptibility to violence was assumed based on her identity as a sex worker, and as an Indigenous woman. Jiwani and Young emphasize the association of Indigenous women with negative stereotypes surrounding sex work, and the imagining of sex workers as people who are not deserving of protection through their simultaneous hypervisibility and invisibility. They are hypervisible as deviant bodies, and invisible as victims of violence (899). Jiwani and Young contend that "[t]heir visibility stems from their race, class, and gender, which become the signifiers of their deviance" meaning that they are ceaselessly interrogated and surveyed by the police who are motivated by stereotypes (899). That Indigenous women are also rendered invisible, is apparent in lack of police action and attention when they go missing. Their histories as colonized others are wholeheartedly erased (899).

III) Violence Enacted with Impunity

Overwhelmingly, violence committed against Indigenous women and girls has been enacted with impunity. As I have begun to lay out in the previous sub-sections, with the help of colonial policies and ideologies, some bodies have been constructed as deserving protection, while others have not. Police in Canada have failed to provide Indigenous women and girls with "an adequate standard of protection" innumerable times (Amnesty International, 2004: 2). Violence against

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Indigenous women and girls is often enacted with “the expectation that societal indifference to the welfare and safety of Indigenous women will allow the perpetrators to escape justice” (2004: 2). Often, Indigenous women do not even try to seek justice through the criminal justice system, because they know they will not receive it (2004: 8). Amnesty International argues that in many circumstances “police have come to view Indigenous people not as a community deserving protection, but a community from which the rest of society must be protected” (2004: 18). In other words, Indigenous women are simultaneously over-policed and underprotected.

Geraldine Pratt (2005) observes that on the Missing Persons page of the Vancouver Police Department, two separate lists of missing women appeared side by side, one labelled “missing persons” and the other labelled “missing sex workers” (1060). She interprets this as evidence that sex workers, and by historical conflation Aboriginal women, are conceptualized as separate from the category of “persons” (1060). Pratt draws on Giorgio Agamben, and his conceptualization of the concept of “bare-life”, arguing that the possibility of suspending the law makes it possible to eradicate entire groups of people (1054). In this sense, there is distinction made between lives with and without political and economic value. Crimes committed against people who are viewed as having no political or economic value can be committed with impunity, because they are committed against individuals who have been legally abandoned, individuals who are not perceived as entirely human.

The murder of Pamela George, a Saulteaux woman, on April 17th, 1995, in Regina, Saskatchewan, was a violent crime committed with impunity and evidence of the concept of bare-life in action. George’s murderers, Steven Kummerfield and Alex Ternowetsky, picked her up off “the stroll”, an area of Regina known for prostitution. Ultimately, Kummerfield and Ternowetsky drove her to an area outside of town, where they brutally beat her and left her lying

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in the mud (124). Sherene Razack (2002) contends that “[b]oth the crown and the defence maintained that the fact that Pamela George was a prostitute was something to be considered in the case” and the judge instructed the jury to take this into account when deliberating (125). The fact that the accused were university athletes with bright futures ahead of them was also something that was emphasized to the jury. George’s murderers were convicted of manslaughter and were sentenced to six and a half years in prison and Ternowetsky was paroled after serving only two thirds of his sentence (125). Razack argues that both the murderers’ and the court’s dehumanization of Pamela George “came from their understanding of her as the (gendered) racial Other whose degradation confirmed their own identities as white – that is, as men entitled to the land and the full benefits of citizenship” (126). Razack further complicates this, explaining how the issue of gendered and racial violence was made invisible throughout the court proceedings. She argues that

Pamela George stood abstracted from her history and remained for the court only an Aboriginal woman working as a prostitute in a rough part of town. The two men, Alex Ternowetsky and Steven Kummerfield, were also abstracted from their histories. They were simply university athletes out on a spree on Easter Weekend. As abstractions, neither side could be seen in the colonial project in which each was embedded (126).

Ultimately, white settler complicity in producing the realities of Pamela George’s life was never discussed. What I have laid out in this section is at most a very brief description of the climate that has led up to the National Inquiry becoming a reality. Of equal, if not greater importance to the Inquiry’s existence is the vibrant, longstanding, and ongoing activism surrounding missing and murdered Indigenous women and girls. Although the state has long ignored the issue, activists and community members have not made it easy for them to do so. Memorial marches, vigils, and organizations have emerged across the country. Dara Culhane (2003) writes about activism present in Vancouver’s Downtown Eastside, stating that in 1991, various Indigenous and non-Indigenous women’s organizations from the inner-city declared

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February 14th a day of remembrance for missing and murdered Indigenous women and girls (594). Every year since then, on Valentines day, a memorial march and various other events have been held to “protest against racism, poverty, and violence against women, and to celebrate resistance, solidarity, and survival” (594). This practice has spread across the country, with countless memorial marches and events being held in various cities.

Activism has also grown in the form of documentaries. In *Finding Dawn* (2006), Métis filmmaker Christine Welsh follows the stories of several missing and murdered Indigenous women. The film features activists and community members who contribute to ongoing activism. Fay Blaney, a Xwemalhkwa woman of the Coast Salish Nation, and one of the women with whom Welsh connects with in the film, has created a guide for the film, that she calls “a guide for teaching and action” (Blaney, 2009: 1). Blaney works as an activist for the rights of indigenous women. In the guide Blaney stresses the importance of Welsh’s project, arguing that the film pushes viewers not only to challenge stereotypes about indigenous women, but also about the police who are accused of doing very little to aid in investigations concerning missing aboriginal women (2). She also contends that watching *Finding Dawn* will inevitably mobilize active efforts for change among those who view the film (2). Significantly, Blaney also spoke as a witness at the inquiry’s public hearing on Human Rights Frameworks, held in Quebec City, in May 2018. The activism surrounding missing and murdered Indigenous women and girls is without a doubt one of the most prominent factors that has led to the existence of the National Inquiry.

In my own work, I focus instead on the National Inquiry into Missing and Murdered Indigenous Women and Girls as an entity in its own right and as a subject that merits scholarly attention. I situate my theoretical approach within scholarly literature concerning the

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anthropology of archiving as written by Ann Stoler (2002), the anthropology of commissions and inquiries as exemplified by Juliane Collard's (2015) critical analysis of Vancouver's Missing Women's Commission of Inquiry, and the anthropology of bureaucracies as written by Josiah Heyman (2004). I endeavour to write and think about the issue of Missing and Murdered Indigenous women and girls in a way that honours the relationships I have been able to build with my participants, with the Inquiry, and with knowledge itself throughout the process of my fieldwork. This means a respectful focus on the ways in which archiving, and bureaucracy play integral roles in the way the settler public engages with the Inquiry.

An Anthropological Study of Archiving

In terms of situating my discussion of archiving, I turn to Ann Stoler (2002). Stoler situates her approach to studying archives as a move from archive-as-source, to archive-as-subject. Conceptualizing the archive as subject facilitates a more holistic understanding of archives, as it is interested in examining the form and structure of a given archive. Stoler contends that this approach "asks what insights about the colonial might be gained from attending not only to colonialism's archival content, but to its particular and sometimes peculiar form" (87). In this sense, I will be imagining archiving as a process rather than thinking of archives as *things*. This section will lay out the aspects of Stoler's approach that I intend to align my work with, including (i) an 'along the grain' approach, (ii) the idea that colonial history writing is a charged political act, and (iii) the idea that commissions and inquiries often act as tools of the state. Before diving into an explanation of Stoler's approach, it is first vital to look to how she defines the archive. In the spirit of Foucault, Stoler argues that the archive is "neither the sum of all texts that a culture preserves nor those institutions that allow for that record's preservation" (96). In this sense the archive is not a physical thing, not a material site or set of documents (94). Rather, we might imagine the archive as the rules of practice and systems of

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statements that outline what can and cannot be said (96). Stoler contends that by this definition, colonial archives act as “both documents of exclusions and as monuments to particular configurations of power” (96). She positions archives as redemptive texts, meant to offer predictions for the future (105). Colonial archives in particular are sites where histories are shaped in manners that conceal, reveal, and reproduce state power (97). I will utilize Stoler’s approach to studying archives, viewing the archiving process of the National Inquiry as something that might conceal, reveal, or reproduce power. Simultaneously, it is also important for us to think about how the National Inquiry may be a “redemptive text” meant to offer predictions for the future.

As previously discussed in Chapter II on methodologies, I draw on Linda Tuhiwai Smith (2013) primarily for her discussion of relational accountability. That being said, Smith also speaks directly to issues of archiving in a way that I believe is particularly important to my research, and in a way that seems to align itself with Stoler’s arguments. Smith contends that in the context of archiving, writing is extremely important, as the act of writing can be seen as a rewriting of history. She argues that archives are deeply implicated in the ways in which history has been written. History, and perhaps Western archiving traditions more specifically, have developed alongside imperial beliefs about the “Other”. Western notions of history are assembled around a set of interconnected ideas which posit that history is both a totalizing, and universal, coherent linear chronology. Archives are a common means through which to write and solidify this coherent linear chronology, therefore establishing a singular narrative of reality and power. Taking into account Smith’s insights, I understand the archive of the National Inquiry to be a narrative. A construction of reality and truth that is dually shaped by contesting versions of history. Using this approach, we can think about the ways in which the archive of the National

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Inquiry might be either reinforcing or breaking away from an already established historical narrative about MMIWG in Canada.

Reading Along the Grain

Historically, critical approaches to reading colonial archives have been committed to reading them “against the grain” (99). Scholars have aimed to write what Stoler terms “un-State-d” narratives that were intended to demonstrate the distorted reality of official knowledge, and ultimately the consequences of these political distortions (99). She argues that we need to move away from this approach in favour of reading colonial archives “along the grain.” This is the approach that I intend to uphold. After all, how can we even argue that we are able to read something *against* the grain if we haven’t first attempted to read it *along* the grain?

Reading colonial archives along the grain is founded in an understanding that archives are both a process, and a powerful technology of rule. It entails reading a given archive for things like its regularities, its consistencies and inconsistencies, its logics of recall, its omissions, and its mistakes (100). Stoler cautions us not to make assumptions about what we think we already know. She suggests that if we make assumptions about what we know about a given archive, our attention can be diverted away from

how much colonial history-writing has been shaped by nationalist historiographies and nation-bound projects. It leaves unquestioned the notion that colonial states were first and foremost information-hungry machines in which power accrued from the massive accumulation of evermore knowledge rather than from the quality of it (100).

We need to stop studying *things*, and instead study the *making* of them. Studying relations, rather than simply their products. Stoler criticizes the invocation of archival documents in a piecemeal fashion, suggesting that this is an extractive way to invoke them (90). In this vein, I hope to avoid as much as possible invoking documents piecemeal. Due to the size and scope of my research, it may sometimes come across this way. I intend to counteract this tendency by

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focusing largely on the peculiar forms and contexts of the documents I analyze. I aim to explore the “conditions of possibility” that preceded what could be written, and what could not (91). In this sense, I understand every document that is part of the archive I study to be coloured by the political moment and by earlier events.

Colonial History writing as Charged Political Act

By reading the archive along the grain, we begin to question colonial knowledge and the social categories it produces. Stoler argues that this approach focuses on history as a narrative, and on the process of history writing as a charged political act (92). If we think about history writing as both a process and a political act, then our understanding of colonialism becomes that of a living history, one which shapes the present as equally as the past. In the spirit of Derrida, Stoler argues that political power is directly connected to control of the archive (96). As I discuss in more detail later, there is an explicit link between what counts as knowledge, and who has power (96). This link is predicated on what is defined as “truth” and what is not. Reading along the grain requires us to reorient our imaginings of what truth claims lie within what kinds of documentation (94).

Commissions and Inquiries as Tools of the State

If history writing is a political act of truth making, then commissions and inquiries, primary sites of history writing through archiving, are indeed tools of the state. Stoler argues that in fact, there is nowhere that history making is more evident than through commissions and inquiries (104). She contends that by their very definition, commissions and inquiries organize knowledge, create categories, and dictate what state officials are charged to know (104). Colonial archives are simultaneously products of the state and tools that bolster the production of those states themselves (98). In a sense, the archive surrounding the National Inquiry is just a small slice of a larger colonial archive. A focus on this archive may offer us a cross section of

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contested colonial knowledge. Stoler argues that “what constitutes the archive, what form it takes, and what systems of classification signal at specific times are the very substance of colonial politics” (92). In summary, I will follow Stoler’s thinking, imagining the archive of the National Inquiry as subject. I will use an along the grain approach to examine the logics and regularities of the archive, and what these might mean for broader colonial politics.

A Study of Inquiries and Commissions

Working at the intersection of feminist geography, Juliane Collard (2014) explores Vancouver’s Missing Women’s Commission of Inquiry (MWCI) by interrogating its archiving practices. Collard’s work provides us with an easy transition between conversations about archiving generally, to conversations about the archiving practices of commissions and inquiries specifically. I take cues from the work of Collard, as she focuses on the relationship between archives and the law, the construction of facts vs. stories, and the displacement of knowledge.

I situate my research in dialogue with Collard’s study, which works to analyze commissions and inquiries as tools of the state, with a focus on their archiving practices. Collard’s work connects both to my interest in commissions and inquiries, and my interest in archiving practices. Her writing is incredibly significant to my research, as she is engaging with a study of a commission that was tasked with examining police biases that contributed to the murder and disappearances of so many Indigenous women from Vancouver’s Downtown Eastside. The root issue of both entities we study is MMIWG. Vancouver’s MWCI prefaced the National Inquiry, and in fact came at the same time as communities around what we now refer to as Canada were calling for an inquiry of national scale. Collard addresses the archive as subject, asking “what are the implications for the treatment and translation of diverse modes of knowledge production? And what is at stake in the space of the archive?” (780). She questions if

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the commission and inquiry format, given its normative legal structure, is even suitable for objectives of reconciliation (781). In this sense, the MWCI was essentially a precursor for the National Inquiry. Collard contends that the MWCI was even positioned by those who carried it out as a model for future inquiries into systematic violence (781). This is precisely what makes Collard's study of the MWCI so important.

The MWCI: a Precursor

Vancouver's MWCI systematically ignored, and refused to submit into evidence, key documents that were meant to structure the very premise of the commission. The key document in question is a report on systematic racism within the Vancouver police department, a report that was in fact originally commissioned by the MWCI itself. Collard contends that the MWCI was politically motivated to "allow the voices and stories of previously silenced people to be heard in an inclusive process of collaborative memory making" (780). She further argues that "[i]n the face of lost, destroyed, and misplaced records, the MWCI was established to construct an archived present based on community and victim testimony" (780). Essentially, the MWCI attempted to construct a "true" version of proceedings that would be embodied by its archive (780). The MWCI officially stated that one of its primary goals was to guarantee that the voices of individuals who were previously denied agency (sex workers and Indigenous women from the Downtown Eastside) play an integral role in bringing to light the systematic failures and biases that enabled the murdered and disappearances of so many women (782). Similarly, the National Inquiry has taken a "families first" approach, which was intended to center the experiences of families and survivors.

Archiving, Law, and Commissions and Inquiries

In her study of the MWCI, Collard connects archiving practices to the construction and maintenance of law. She contends that the archive's "Greek and Latin origins in the word

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archon, or magistrate, signal the archive's spatial and juridical dimensions as a place of authority where legal documents are stored, preserved, and abstracted" (782). Commissions and inquiries are typically defined by those who carry them out as "quasi-legal". They are said to be flexible and non-adversarial (782). In practice, commissions and inquiries tend to adhere to strict legal standards, many of which are enacted by their rules of archiving (782). Such archiving standards work to "regulate the entry of materials into evidence; the process and procedure of cross-examination, testimony, and transcription, and the validity of participants as expert and non-expert witnesses" (782). Collard even goes so far as to define the MWCI as "prohibitively legalistic", contending that entire days were spent in legal proceedings and cross examinations aimed entirely at contesting the definitions of various legal concepts (787).

Importantly, Collard draws attention to the ways that these legal archiving practices are treated as both abstract and natural, when they are in reality deeply rooted in a history of Western legal practices (782). In Canada, the Western legal standards that form the basis of archives, and by virtue of this commissions and inquiries, are profoundly tied to histories of colonialism characterised by violence, dispossession, and erasure (783). Collard argues that:

[T]he construction of a European legal identity entailed the mapping of the colonial subject as a form from which the positivity of Western law and subjecthood could be derived. Laws enacted during this time actively reproduced and naturalized the assumed value of the Western norm, embodied in the white, civilized, rational, propertied male (783).

What is problematic here is that commissions and inquiries are so rooted in legal practices that are founded on colonial law, that their efficacy is called into question. How can something that is built upon legal traditions that have persecuted and punished Indigenous peoples and communities for their very existence be used in a manner that will benefit Indigenous communities? If we return to Moreton-Robinson's concept of the white possessive,

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we notice that concepts of white possession structure the ontological core of settler colonial archives. Not only are commissions and inquiries rooted in colonial law, they also stand to influence future policy directions. Collard contends that the MWCI claimed the authority of the archive to compel into conversation particular pasts, while wholly omitting others (783).

Commissions and inquiries can be selective about the narratives they include by constructing specific terms of reference. The MWCI in particular built its terms of reference in a way that allowed them to argue that poverty and colonialism were not part of their mandate. In this vein, commissions and inquiries use their legal ability to withhold, disclose and edit documents as material sources of power (783). Significantly, Collard suggests that legal submissions made by counsel for families of missing and murdered women repeatedly drew links between the “accuracy, availability, and treatment of documents and the legitimacy and fairness of the missing women investigation” (783). They petitioned relentlessly for the full disclosure of documents to be made in a timely fashion (784). In the context of the National Inquiry, those following along with public hearings heard similar complaints from parties with standing about how they received documents too late to review them properly enough to cross examine witnesses in a useful fashion. I will return to this in Chapter V: The National Inquiry, Bureaucracy, and Power.

The Archive: Constructing Fact vs. Stories

Archives act as a means through which narratives are constructed and privileged as either fact and truth, or as simply stories. This is one means through which a hierarchy of power and authority is solidified. Collard contends that in the context of the MWCI fact and story were regarded as hierarchically organized forms of knowledge, with stories being a lesser form (789). Such an approach to knowledge works to re-emphasize historically gendered and racialized ways of knowing. It is here that notions of affect come into play. The white, rational, male subject is

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established in opposition to the feminine, racialized and subjective (789). This opposition adds a hierarchy of “deference of emotion to reason” to an already established hierarchy of knowledge (789).

If we return for a minute, to the colonial law that Canadian commissions and inquiries are built on, we note that the law is constructed on claims to neutrality and objectivity. These claims are what lends the law its legitimacy and authority. Collard argues that these claims also “cling to certain ways of knowing” (789). They cling to ways of knowing that are understood as white, male, and rational, simultaneously discarding ways of knowing that they view as emotive and irrational (789). In the context of the MWCI, affective and emotive testimonials were homogenized and flattened by commission staff who pushed for a linear and coherent account of events (788). The commission did not give space to the “emotional power of individual stories”, (788). Instead, the voices of emotional witnesses were overshadowed by a strict legal discourse. Restricted by terms of reference, a question and answer format, and the limits of their expertise as determined by the commission, the testimonials of family members were framed as simply stories and were not valued as truth or fact. In my understanding, Collard argues that attention to affect is not conducive to the legalistic model of commissions and inquiries. Testimonies that are laden with affect cannot even be heard as fact in a legal context. Given the scale of this study, I will not be analyzing transcripts or testimonials as part of the archive. Instead, I will use information that I collected through participant observation at public hearings to speak to how affect played a role in Inquiry processes. I engage with affect in the form of interludes between various chapters. These interludes are meant to capture moments with affective weight, that I or my participants experienced. As I believe affect plays a particularly important role in the materialization of this Inquiry, I return to a discussion of affect in the conclusion.

Displacing Knowledge: Who has Authority?

Expanding on a discussion of the hierarchy of fact and stories, Collard suggests that knowledge was displaced in the context of the MWCI. This displacement refers to how knowledge become authoritative in the eyes of the commission, and who it must come from in order to be characterised as such. The MWCI ensured the absence of testimonials from women who had experienced sexism, racism, and violence at the hands of the police by holding the commission in a space that was not welcoming to these women. The commission was held in a federal courthouse far from the heart of the Downtown Eastside. We might ask if the structure of the National Inquiry ensured a similar absence. The MWCI positioned victims as legal outcasts who were asked to testify to the violence they experienced in the presence of their abusers (786). Collard contends that “the MWCI thus effected a double displacement, initially excluding marginalized women from the space of the inquiry, and ultimately from participation in the production of the archive” (786). In their absence, legal experts stood in to explain the experiences of these women. Collard cites legal scholar Catherine O’Donovan as she argues that the use of legal experts to explain the experiences of women who have been subject to abuse is a strategic move in Canadian law (787). This strategic move only allows the stories of these women to be heard through the translation of legal experts. The knowledge of these women is only considered fact when it comes indirectly through experts. Based on part I of the truth gathering process, where the commissioners travelled to various communities throughout the country and heard the stories of survivors and families firsthand, the National Inquiry is positioning itself differently. That being said, we can still see instances of a displacing of knowledge at several of the public hearings. This is something I will return to in chapter V. With my focus on the National Inquiry, I look not only to its archiving practices, but its bureaucratic

ones as well. Commissions and Inquiries are themselves specific forms of bureaucracies and can often entail the entanglement of several separate bureaucratic powers.

An Anthropological Study of Bureaucracy

Josiah Heyman (2004) explores the characteristics of bureaucracies, positioning them as power wielding and offering us a toolkit through which to approach their study. Heyman's interest in the power wielded by bureaucracies, and the toolkit which he uses to study bureaucratic power will guide my discussion in Chapter V. When studying a bureaucracy, it is evidently important to understand what the characteristics of a bureaucracy are. Heyman credits Weber with being the spearhead of scholarly focus on bureaucracies and draws attention to Weber's argument that bureaucracies are a means to an end. Bureaucracies, they both argue, are a method of carrying out the "work of shaping and controlling other human beings" (488). This sounds not unlike Stoler description of archives as truth making. Heyman contends that the power dimensions of bureaucracies have historically been grossly understated, suggesting that they are in fact *instruments* of power. Studies of bureaucracies have shown that these organizations "collect taxes, deploy military and police force, regulate and extract natural resources, distribute social services, produce "news," identify markets for advertising, and gain profit" (488). Heyman attributes a historical understating of bureaucracies' power dimensions to an unbalanced focus on their internal aspects over their external ones. Internal aspects of bureaucracies include generally their forms, hierarchies and internal relations, while the external aspects of bureaucracies consist of their relations with political constituencies, and the effects of their policies and practices (488). Bureaucracies come in all shapes and sizes. Our conceptualizations of smaller scale bureaucracies that are rooted in community and radical social movements can often be at odds with our understandings of massive corporate bureaucracies such as the government (489). In this sense, I think about bureaucracies as segments of a web,

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coming into to contact, interacting, and interconnected to one another. Despite the National Inquiry being conducted independently from the government, it is not entirely disconnected from various forms of government bureaucracy which it must interact with on an everyday basis.

These interactions form the context which shapes the materialization of the National Inquiry.

Why a Focus on Bureaucracy?

Heyman argues that an anthropological focus on bureaucratic power will help us to consolidate knowledge about how we can diagnose, understand, and engage with bureaucracies (487). It is important to study bureaucracies because they are deeply embedded in politics. As a matter of function, bureaucracies “promote, regulate, and limit conflicts, apply rubrics of legitimacy, distribute or deny resources, control information, function as political actors (both individual and organizations), and develop alliances and constituencies” (494). Understanding the bureaucratic functions of the National Inquiry will be crucial to understanding how people relate to and engage with the Inquiry. Heyman argues that although bureaucracies are often imagined as tiresome and unromantic, we should not avoid studying bureaucratic phenomena because, broadly speaking, bureaucracies shape political processes (487). In this sense, bureaucracies do not simply obey and echo politics, they, like archives, induce and channel politics in particular ways (494).

Bureaucracies as Power Wielding

Heyman argues that bureaucracies are “power wielding” in that they can act as a means through which to centralize and disguise power. Bureaucracies may have official goals which are used to disguise true goals, goals which are at times not even set out by the bureaucracies themselves, but by other overarching systems of power. Like Stoler, Heyman emphasizes the importance of flipping the script on the ways we have historically studied things such as archives

and bureaucracies. In this vein, Heyman underscores a focus on the external aspects of bureaucracies. This kind of external analysis approaches bureaucracies from the following two perspectives:

[I]t asks about the political-economic contexts that encourage and punish organizations for specific actions, thus broadly shaping their policies (de facto ones, not just the official ones); and it explores the consequences for individuals and social groups of bureaucratic action, especially insofar as it deploys coercive, material, and ideological power. (Heyman, 488).

It is precisely the aspects of bureaucracy mentioned in the above quote that Heyman refers to as power wielding. Heyman is clear that the point is not to segregate internal and external analysis, but instead to critically and properly balance and connect them. In the context of the National Inquiry this suggests that results of the Inquiry can be examined to understand internal and external power relations, which point to larger structures of power and inequality. These power relations often sediment and collect in patterns of organizational routine (Heyman, 489). This is significant to the National Inquiry because to a degree it suggests that the National Inquiry and its outcomes are a product of both internal and external power relations. No matter what the Inquiry itself does, there are inescapable external forces and pressures that will impact how it is structured, and therefore what it is capable of accomplishing. In the context of my own research, I'm largely interested in looking at public engagement with the bureaucracy of the National Inquiry. In particular, I'm interested in an engagement from a public that is not actually the stated target audience of the Inquiry.

A Toolkit for Discerning Bureaucratic Power

Along with his theoretical approach to studying bureaucracies, Heyman proposes a methodological one as well. Heyman's toolkit proposes the use of both "broad-brush" and "particularistic" approaches. The combination of these two approaches works to take into account the "life of the organization itself as it translates upper-level mandates down to the level

of everyday practices” (489). Generally, broad-brush approaches focus on the shared characteristics of most bureaucracies (490). This approach understands bureaucracies as having “similar tendencies, modes of thought, and patterns of action” (490). In contrast, particularistic approaches dwell on qualities that differ from bureaucracy to bureaucracy and from setting to setting (490). I will draw on both of Heyman’s approaches when analyzing the bureaucratic aspects of the National Inquiry.

i) Broad-Brush Approaches

Broad-brush approaches to studying the power dimensions of bureaucracies work to characterise bureaucracies in a singular general way. They are useful when thinking about how the National Inquiry relates to other commissions and inquiries of its kind, namely the TRC and Vancouver’s Missing Women’s Commission of Inquiry. Heyman connects broad-brush approaches to the work of both Marx and Weber, and suggests that Weber in particular believed that when studying bureaucracies, it was important to focus on the concept of rationality (490). In contrast, Heyman argues that a focus on rationality presupposes that bureaucracies have clear goals. He contends that a clear set of goals is not, in fact, part of the structure of all bureaucratic thinking (490). Instead, Heyman argues that “it is more useful to ask not *is this bureaucracy rational* but *what is the rationale* for this kind of bureaucratic set-up and behaviour?” (490).

Something that bureaucracies are well known for is the collection of data or information. Through data collection bureaucracies create and promote particular social groups to fit their records (490). In this sense, the act of data gathering imposes rigid and linear qualities onto complex and dynamic groups of people (490). In the spirit of Foucault (1966), Heyman argues that “bureaucratic practices (data sets, projects, community organizations) form models for social life that compete with, erode, and exclude other models for human activity” (490). Here I

highlight why it is so important to pay attention to, and to study bureaucratic power dynamics. Bureaucratic practices like record keeping function by fixing on select facts, thereby establishing rules of classification that can then be applied to specific people and places (490). Heyman maintains that we need to focus on the flaws and omissions of bureaucratic practices in order to decipher what the social causes and consequences of these practices are (490). As Heyman admits, the downfall of broad-brush approaches is that they overlook the “nitty-gritty” everyday qualities of bureaucracies. This perspective is in part what particularistic approaches provide.

ii) Particularistic Approaches

If, as Heyman contends, broad-brush approaches tend to depoliticize bureaucracies, positioning them as entirely negative, this leaves little space for productive struggle within bureaucracies (491). This is where particularistic approaches come into play. Particularistic approaches pay attention to the “variable qualities” of bureaucracies. Things to think about when taking a particularistic approach include political contests within organizations, divisions of labour among employees and unities, and internal orientations as they correlate with wider social-political movements (491). Some of these things will be clearly visible within official organizational policies, while others “will be obscured through formal claims to cooperation and public or shareholder service but expressed at the informal and interpersonal level” (492).

Heyman highlights the importance of taking into consideration the complicated interactions that bureaucrats are a part of, not just with each other, but also with members of the public. This will be particularly important to my analysis of the National Inquiry as I consider the ways that the interactions between bureaucrats, the public, and the media, are not all well controlled by bureaucratic officials. The people who receive bureaucratic actions, or in some cases, use bureaucratic services, are an immensely important part of our consideration of bureaucratic power (492). Heyman defines interactions between bureaucrats and non bureaucrats

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as an instance of interfacing, meaning that both parties bring meaning to the situation. Non-bureaucrats play an incredibly active role in the outcomes of bureaucracy, and often struggle against an imbalance of both power and knowledge (492). In this sense, there is no neat line between bureaucrats and the public. If we imagine that there is no neat line between bureaucrats and the public, then we might also understand that there is no neat line between who is implicated in the doing of the National Inquiry, and who is not. The potential successes and failings of the Inquiry are equally linked to bureaucrats and non-bureaucrats alike. Ultimately, when applying particularistic approaches to the study of the internal dimensions of the National Inquiry, it will be incredibly important to trace the way “bureaucrats and their clients embody wider social-cultural relations, such as rural/urban separations, dominant society-Indigenous distinctions, educationally acquired orientations and biases, and class divisions and cultural effects of upward social mobility” (492). Simultaneously applying a broad-brush and particularistic approach to the study of the bureaucratic functions of the National Inquiry will help to identify the ways in which the National Inquiry may actually be different from previous commissions and inquiries.

Mother

Different women from around the room gathered, like they had the day before, and like they would the next day, to sing and drum the Women's Warrior Song. Everyone stood up out of their seats and waited, for a silent moment, before they began. The sounds of drums and the voices of many filled the room from wall to wall.

Not long after the sounds of the song filled the room, another sound joined them. In one of the front rows, a woman was crying. She was wearing several layers of jackets, to combat the cold weather raging outside. As the circle of women kept singing, she continued to cry, louder and louder. Within seconds, people surrounded the crying woman, offering her tissues and putting their arms around her. Strangers sitting near her, health support staff, and several of the commissioners collected around her.

She was keening. The loud sounds of her cries both cut through and intermingled with the Women's Warrior Song. After a few minutes, the circle of women at the front of the room had finished their song. The women continued to cry, now to a backdrop of silence which seemed suddenly deafening.

As the health support staff lead her out of the room, she struggled to catch her breath, stumbling over the words "my daughter".

Chapter IV: The Archive as Colonial Politics

“For me it’s mostly because I follow activists on social media. So, I only hear things when people are like here look at this, and the thing is there’s so much happening in Indigenous news, and MMIWG is like a huge thing right, but for some reason I just wasn’t hearing about it. And the things I would hear, people would tell me, anybody, like non-Indigenous people, Indigenous people, they would say like, their impression, which I would just like accept it for the truth.”

- Riley

This chapter highlights notions of opacity, a central and reoccurring concept throughout my endeavour to understand how settlers engage with the Inquiry processes. In this chapter, opacity is particularly apparent in the way archival materials are sorted into various categories, making certain things visible, and rendering others invisible. In the next chapter, on the Inquiry’s bureaucratic practices, I return in more detail to the concept of opacity, questioning why the police are given so much testimonial time, and why a trauma-informed approach is combined with cross-examinations. Overall, in this chapter, I work to question who the archive is designed for. Although the Inquiry’s official archive is public, it seems to be designed not for the public, but for bureaucrats themselves.

To begin our discussion of the archiving surrounding the National Inquiry I believe that it is important to frame what I aim to do in this chapter. My goal is to engage with what is currently circulating in terms of the multiple dimensions of this archive, to establish a current standard, so that what comes next can be understood in the context of the existing archive. In this chapter, I will engage with multiple dimensions of the larger archive surrounding the National Inquiry. I will take into consideration what I am terming the “official” archive of the National Inquiry. I position the official archive of the National Inquiry as being constituted by documents published by the Inquiry on the “Media Room” page of their official website. By this definition, I do not include the transcripts of testimonials heard at Inquiry hearings, or the research plan, Interim

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Report, and final report published by the Inquiry in the official archive. That being said, I do address these documents and their significance throughout other chapters.

A study of this archive may lend us information about how the Inquiry operates, when and how things happen, and perhaps most importantly how the Inquiry positions itself and the issues at hand. Documents that I take into consideration are all those posted on the Inquiry's "Media Room" page, spanning a time frame from January 18th 2017, to February 14th 2019. I take into account a total of one hundred and fifteen documents. The selection of documents published by the Inquiry under their "Media Room" page can be divided into approximately nine categories. I differentiate the documents published by the Inquiry based on how the Inquiry labels each document. These categories include:

- For immediate release (27 documents)
- Statements (20 documents)
- Press releases (5 documents)
- News releases (4 documents)
- Media advisory and accreditation (22 documents)
- Hearing schedules (10 documents)
- Updates (1 documents)
- Open letters (2 documents)
- Other (24 documents).

I also take into consideration the dominant media archive surrounding the National Inquiry. By the dominant media archive, I mean the archive of information created by dominant settler news outlets' coverage of the public hearings and the Inquiry in general. I chose to define the archive as such because these are largely the kinds of sources my participants said they turned to for news. This choice follows in the vein that the archive is not necessarily a physical record or space, but instead an abstract concept that cannot necessarily be pinned to a specific location. In the context of the dominant media archive, I look at a small selection of news articles concerning the National Inquiry. I use information provided by my participants to decide what news outlets I look to as sources. When asked how they came to know about the Inquiry, or where they would

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go to find information about the Inquiry, most of my participants responded that they most frequently look to CBC. All my participants also mentioned that they at times went directly to the Inquiry's website for news, but the articles they may have encountered will have already been covered in my analysis of the official archive.

My participants largely said that they access their news online. Only one participant said that they watch the news on television, the other five cite points of access through Facebook and Twitter. As such, I use a combination of testimonials from my participants and select articles from CBC to flesh out the dominant media archive. In the context of the archival conventions present in the dominant media archive, we need to question what the diverse focuses of news coverage surrounding the National Inquiry are. Engaging with the dominant media archive also allows us to explore how people imagine they know what they know, and what institutions construct and validate that knowledge.

I note that my investigation does not necessarily look like a traditional discourse analysis because it focuses more explicitly on the form and structure of knowledge transmitted. Such traditional analyses, which tend to scrutinize things like micro-level word and language choice, could very well turn out to be extractive. Instead, as Ann Stoler (2002) suggests, I focus on the form and structure of the archive. I aim to put the multiple dimensions of the archive surrounding the National Inquiry into context with one another in order to create a more complex and nuanced image of how non-Indigenous settlers imagine the archive. When we bring these dimensions of the archive into proximity with one another, it may become clear what kinds of "social facts" they work to produce or disqualify (Stoler, 2002: 104).

Reading the Archive of the National Inquiry Along the Grain

To analyse the archive of the National Inquiry, as Ann Stoler urges, I aim to read the archive "along the grain". Reading the archive along the grain focuses on form and structure to

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analyse the processes by which truths, or facts, are constructed, rather than simply focusing on what is deemed to be the truth. To analyze these processes, I have looked for the regularities that structure the archives I am interested in. Stoler argues that:

[t]he task is less to distinguish fiction from fact than to track the production and consumption of those “facts” themselves. With this move, colonial studies is steering in a different direction, toward enquiry into the grids of intelligibility that produced those ‘evidential paradigms’ at a particular time, for a particular social contingent, and in a particular way (91).

Essentially, Stoler argues that the focus should be on the ways in which facts are produced and consumed, rather than on the validity of the facts themselves. Through this focus, the underlying logics of colonial archives may become intelligible. There is an intimate relationship between understanding and archive and understanding the institution that it serves. For example, Stoler suggests that we can look to, amongst other things, the cross-referencing of subjects and re-writing of sections to show us how decisions are made (107). Attention will be paid to how documents and information are categorized. The way information is categorized (and the times at which information seems out of place) points to which categories are privileged to the status of ‘common sense’, and which categories are virtually ignored (107). Information that is ignored or hidden within a broader category so that it is all but lost, may indicate colonial anxieties that seem to elude articulation (107). Such a focus may also make visible how colonial histories are written and rewritten. Collard echoes Stoler’s understanding of the archive, contending that the archive is both product and process, comprising one of the “most material legacies of public inquiries” (780). She specifies that the MWCI archive includes the contribution of legal professionals and community organizers, the commissions transcripts, and importantly, news media (780). Like Collard, I position media knowledge and public stories as integral to understanding contemporary archives and how they are constructed.

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In the spirit of Foucault, Stoler suggests that archives can be understood as law which dictates what can and cannot be said (94). Archives are not simply static libraries of events and documents but are instead the very systems that establish what events and things are made enunciable (94). By studying the multiple dimensions of the archive surrounding the National Inquiry we might be able to better comprehend why and how some things are made enunciable and others not. The question then becomes: in what manner we go about figuring out the how and why of archival conventions? In her research, Stoler speaks specifically to the colonial archives of the Dutch administration in the Indies. She contends that in this context, issues were made important by their categorization and discursive framing (98). She uses documented exchanges between officials and ministers as reference guides to administrative thinking. I will follow in this tradition of reading the archive “along the grain”; looking to similar archival conventions and practices. In the context of the archives surrounding the National Inquiry, we might look to exchanges between Inquiry staff (in particular the commissioners) and the public, in order to understand the administrative thinking of an archive that positions itself as transparent and public.

In this vein of reading the Archive of the National Inquiry along the grain, there are several sets of questions that guide my analysis. These questions aim to bring to light what the conventions of the archive might be. These consist of the practices that make up its “unspoken order, its rubrics of organization, and its rules of placement and reference” (Stoler 103). These conventions can work to designate what kinds of sources are deemed reliable and what is considered “enough” evidence (103). Paying attention to these conventions may make visible the consensual colonial logics they both construct and reflect (103). Conversely, examining these conventions can also help us to understand points of dissension. By points of dissension I mean

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political conflicts and disagreements that shape how the archive, and by virtue of this, how history is written.

Inquiries and Commissions as Sites to Study Archiving

The archives of inquiries or commissions are particularly important sites of study because they are distinctly different from other colonial archives. This difference comes from what inquiries and commissions purport to do. They command a level of moral authority in that they claim to interrogate state practices (Stoler, 106). Inquiries and commissions are state responses to crisis which paradoxically work to create increased anxiety while substantiating the very reality of the crisis at hand (104). They mark groups of people and label them as warranting both state interest and state expense (105). Stoler argues that by the time most inquiries and commissions have run their course, they typically are credited with gathering expert knowledge and, more importantly, with defining justifications for intervention (104). Inquiries and commissions are the perfect producers of “social kinds and social categories” (105). Stoler characterises inquiries and commissions as essential “quasi-state” technologies, at once part of the state and not, a product of state agents, but carried out by individuals outside of the state (107). As such, inquiries and commissions work in part to maintain the boundary between the state and the public. By this very structure the state affirms and reaffirms its power by calling on “outside” experts to testify in a manner that validates the state’s capacity to “stand in for public interest” (107). Across the globe, states have historically used public inquiries and commissions to paint themselves in a positive light, all while claiming to interrogate their own practices and policies.

Inquiries and commissions boast the ability to reveal bureaucratic mistakes while simultaneously fabricating new truths about the state and how it functions (106). Through this truth making function they also work to affirm the state’s power to decide what is in a society’s “collective moral good” (106). Stoler argues that the power of inquiries and commissions comes

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in part from their ability to “predict and divert politically dangerous possibilities” (106).

Ultimately, a study of the archives of inquiries and commissions is vital, because as tools of the colonial state they demonstrate the state’s perceived right to power through its willing of information into widely believed truths (106).

The power to decide what is true, and what is to be discounted as merely stories is one of the most notable elements of the archives of inquiries. Stoler analyzes the etymology of the word *archive*, concluding that both “power” and “control” are central to its meaning (97). Stoler contends

[f]rom the Latin *archivum*, “residence of the magistrate,” and from the Greek *arkhe*, to command or govern, colonial archives order (in both the imperative and taxonomic sense) the criteria of evidence, proof, testimony, and witnessing to construct moral narrations (97).

What is significant in this statement from Stoler is the nature of the word “construct.”

Through archives in particular, the colonial state constructs narratives of truth. It is through archives that factual stories are catalogued in a manner that affirms fictional narratives (98). In addition, moralizing stories are catalogued and used to define the aim and scope of philanthropic missions (98). And finally, multiple and contested stories are catalogued and used to discredit the voices of those who share them (98). In this thinking, the archive that surrounds the National Inquiry actively works to affirm certain narratives, while discrediting other voices. Archives are a means through which the state exercises its power to sort the narratives that count as truths from those that remain as stories. Here we might imagine a clear contrast between Western understandings of “Truth”, and Indigenous conceptualizations of multiple truths. In fact, it may become clear that there are competing conceptions of what is “fact” or “true” between the official archive and the dominant media archive. The official archive in particular makes some stories become truths at the expense of others, in other words, there are power relations involved

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here. In contrast, the dominant media archive constructs facts that have the potential to differ from those constructed by the Inquiry itself. Stoler argues that inquiries and commissions work to determine the character of social facts (104). Archives construct dramatic narratives based on highly select chronologies. By constructing these new social facts, or truths, they can also work to produce new social realities. Significantly, inquiries and commissions have historically been loaded with racial implications, meaning that they have often further marginalized particular groups of people. This is something that makes a study of the archive of the National Inquiry all the more important. The National Inquiry has come at a moment when the Canadian state is being forced to acknowledge the social inequalities and systematic racism facing Indigenous communities living within the boundaries of the country. As Stoler suggests, inquiries and commissions in the past have been used to further define racial distinctions, dictating who is to be considered eligible for state aid (105).

A Construction of Opacity

The opaqueness of the Inquiry comes from what is made invisible and what is left unsaid. There are several overarching questions that colour my approach to studying the archival conventions present in both the official archive and the settler media archive. For instance, what kinds of knowledge are being produced or disqualified by this archive? Looking to archival conventions such as the construction of categories used to sort information and materials may make it possible for us to see what is made visible or invisible. In order to understand archival conventions, we must not only look to how categories are constructed and privileged over others; we also need to look to what is *missing* from these categories. As Stoler suggests, information that seems to be missing, or that seems to be out of place may underscore what categories matter

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and why. Unsurprisingly, it may be more difficult to identify what is missing from the categories constructed by the archive, than it is to simply analyse the existing categories.

Archival Knowledge made Visible; Qualified as “Truth”

1) Hierarchy of Importance

The largest category of documents in the official archive produced by the National Inquiry falls under the label of “for immediate release”. There are twenty-seven documents in this category. During the Inquiry’s early stages, nearly all the documents that were published were marked with this label. Some of the documents that fall into this category include: announcements for regional advisory meetings and Family Advisory Circle meetings, statements of postponement of advisory meetings, explanations of purpose and structure of regional advisory meetings, announcement of the call for the submissions of artistic expression, notices for applications for standing, announcement of release of the Inquiry’s Interim Report, statements of disappointment over the short extension of the Inquiry timeline, statements of focus of upcoming hearings, congratulations on re-elections, statement of recognition awarded to commissioner Audette, National Inquiry Fall 2018 schedule, announcement of date for final submissions for parties with standing, and a notice of the National Inquiry’s intervention in supreme court case *Barton v. Her Majesty the Queen*.

I argue that documents that are published under the “for immediate release” category are immediately positioned as both more urgent and more important than other documents. The elevated number of documents in the “for immediate release” category certainly evokes a sense of urgency. However, from the perspective of those who from the public who seek to attend the hearings, some of the documents that fall into this category do not necessarily seem like they merit being positioned as most important or most urgent. While documents about the structure and dates of advisory meetings are indeed exceedingly important, statements which congratulate

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outside individuals on re-elections and which congratulate commissioners on recognitions being awarded to them seem less so. Is there something happening here, as Stoler suggests, where individuals and experts outside of the government, for example the commissioners, are being painted in a particularly positive light by governmental forces to reinforce the validity of this Inquiry? I do not intend at all to discredit or diminish the hard work and achievements of the Inquiry staff, but archives are complex networks, which are sometimes beyond the control of those who enact them.

III) Focus on Media and Press

There are three separate categories, “press releases”, “news releases”, and “media advisories and accreditations” that refer to the news and media. These three categories house a combined total of 31 documents. This could be interpreted as indicating that the National Inquiry places a heavy focus on engaging with media outlets. As discussed in earlier chapters, the National Inquiry positions itself as a public and transparent Inquiry. The documents that fall into these three categories largely give news outlets information about how they can sign up and participate, get the clearance they need, etc. I believe this category is very important to the structure of the archive of National Inquiry and its underlying logics. I will return to what the large size of this category might suggest in conjunction with the small size of the “updates” category.

II) Overwhelmingly Western Legalistic Format

The category of “statements” is another of the official archive’s larger groupings, comprised of a total of twenty documents. Statements seem to be both directed at the public generally, and directed at specific individuals and organizations, be they Band councils, or the House of Commons. The “statements” category includes documents with “statement” in the title, and those labelled more formally as “official statements”. These include statements from commissioners on

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various issues: about the resignation of original fifth commissioner Marilyn Poitras, of the National Inquiry's statements to the House of Commons, of support to families and survivors during Sisters in Spirit Vigils, of hiring of staff, of honour to Tina Fontaine, and of the continued independence and impartiality of the National Inquiry. Generally, the Inquiry's official archive takes a rather Western legalistic form, and I argue that this is reflected in the "statements" category. Despite what the Inquiry staff have done to place Indigenous legal traditions at the forefront of Inquiry proceedings, the inquiry's archive comes across as overwhelmingly Western. In a Western legal sense, the word "official" refers to an act, or document sanctioned or authorized by a public official or public agency (Hill and Hill 2005). One might assume that all the documents published by the Inquiry on their "media room" pages are sanctioned as "official", so why do some documents require a further label of "official" while others do not? More specifically within the category of "statement", why are some more official than others?

Perhaps "statements" became "official statements" as the Inquiry progressed in its mandate and timeline and developed a stronger organizational framework. This would make sense considering there are no documents marked as "official statements" prior to October 4th, 2017. But what if this is not the case? What then does the distinction within this category suggest? Documents labelled as "official statements" include a declaration of the Inquiry's support to families and survivors during the Sisters in Spirit Vigil published on October 4th, 2017, and a statement honouring Tina Fontaine and her family published on February 22nd, 2018. In comparison documents labelled simply as "statements" include an announcement about the resignation of Marilyn Poitras, published on July 11th, 2017, and a recounting of the National Inquiry's statement to the House of Commons Standing Committee on Indigenous and Northern Affairs published on September 21st 2017. Even if this is simply an insignificant bureaucratic

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detail, it contributes to the confusion and opacity surrounding how the Inquiry operates. In so doing, the construction of this category works to make visible a prioritizing of Western Legal standards above others.

IV) Notions of Dysfunctionality

The elevated number of staff who have departed from the Inquiry, either through resignation or through termination has garnered its own category within the dominant media archive. Towards the beginning of the Inquiry's timeline, I witnessed countless articles circulating which drew attention to this phenomenon. This focus is also something that was highlighted by several of my participants. What does a heavy media focus on staff resignations and terminations do in terms of constructing a particular image of the way the Inquiry operates? When we hear about what seems to be an abnormal amount of staff leaving the Inquiry, it is easy to assume that the Inquiry is not well organized, or that the staff does not have confidence in the Inquiry and what it might achieve. For example, an article published on December 1st, 2017 by CBC titled "A timeline of staff departures from the MMIWG inquiry" compiles a list of all the staff who had left the Inquiry between September 2016 and December 2017 (Bellrichard and Baluja, 2017). Authors Chantelle Bellrichard, who works for the CBC Indigenous branch, and Tamara Baluja, who works for CBC Vancouver, contend that as of December 2017, there were eighteen staff departures from the Inquiry.

Eleanor, one of my participants who works both as an artist and a teacher, told me that she felt as if "the fact that resignations happen is just a way that is being used to discredit the Inquiry when it has still, I believe, done a lot of important work, and has still given a voice to a lot of people who previously did not have access to that news coverage." A focus on staff departures works to suggest to the public who consume this news that there is a rampant

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dysfunctionality within the Inquiry. It is important to note that this portrayal of dysfunctionality within Indigenous communities is not new, and is rather a historical trend within Canadian news media. Conversely, we also need to think about what the construction of this archival category may also work to conceal. Eleanor shared with me that she felt that more care should have been taken to examine why so many staff members resigned from the Inquiry. She stated that, as was often suggested in the media, staff may have resigned as a form of protest. The Inquiry addresses a particularly sensitive and traumatic topic that without a doubt would heavily impact Inquiry staff. Eleanor argued that “they could be resigning out of protest for the actual way the Inquiry is set up, which is probably fair, for the resources that they’re given, also seems fair, just for the narrow scale that the Inquiry is still having to focus on, because these issues are so wide and broad and systematic. So, they could be resigning in protest of the resources allotted to them”. She also felt that it was just as important to recognize that individuals could have just as easily been resigning for personal reasons. Inquiry staff who have children may have decided that they did not want to spend upwards of two years away from their families. This kind of media coverage works to emphasize and make visible stereotypical notions of Indigenous peoples, and therefore an Indigenous-run Inquiry, as innately dysfunctional.

Jacques, another of my participants who works for the Ontario Provincial Police as a detective investigator, also pointed to the media’s fixation on staff departures. He stated that “it should have been more the Inquiry itself, than the issues behind the scene, of the staff, and you know, it was very public every time they would lose someone, because you had a lot of advocate groups that would push the news”. Jacques suggests that obsessive coverage of staff departures detracts from the possibility of better-quality coverage of the issues discussed at hearings. An earlier article published by the CBC in July 2017 discusses the resignation of original fifth

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Commissioner Marilyn Poitras (Harris, 2017). The article describes Poitras' reasons for leaving the Inquiry, which largely have to do with her belief that she would not be able to fulfill her duties as a Commissioner under the structure of the Inquiry. These articles work in part to highlight the Inquiry's pitfalls and failings. Ultimately, there is no way of knowing if the number of staff who have departed from the Inquiry is at all unusual for this kind of organization.

Although the high staff turnover rate is not an invalid critique, it was arguably overemphasized. In other workplaces, for instance, federal departments such as Indigenous and Northern Affairs Canada, staff turnover rates are comparatively high. While INAC staff departure rates remain relatively stable from year to year at approximately 13%, they drastically exceed staff entry rates (Government of Canada, 2016). However, INAC staff turnover rates are not reported on in the media. Ultimately, what is made visible by the settler media archive in this case is a belief that the due to its staffing issues the Inquiry is dysfunctional.

The CBC also published numerous articles that were concerned with the lack of aftercare received by families and individuals who had participated in Inquiry hearings and shared their truths. In November 2017 the CBC published an article titled "Families testifying at MMIWG inquiry say aftercare support is lacking" (Taylor et al.). This article engages with individuals who have testified at Inquiry hearings who claim that aftercare in the form of mental and emotional health support is nearly non-existent. Discursively, CBC media coverage concerning aftercare positions the Inquiry as failing in an extremely important area. A year later, in November 2018, the CBC published an article titled "'They're not there to help': MMIWG family members say counselling support lacking" (Coulter, 2018). The article covers the stories of several individuals who testified at Inquiry hearings but were not provided with any information on how to access the supports and funding that are reportedly offered by the Inquiry. On the one hand, by

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reporting on the lack of aftercare available to families who participate in the Inquiry, the CBC is pointing out serious issues with Inquiry processes. On the other hand, this also works to reinforce existing and harmful notions about the Inquiry being fundamentally dysfunctional because it is Indigenous-run. Not only is the National Inquiry Indigenous-run, it's commissions are also largely women. In comparison to something like the TRC, run by Indigenous men, there was a much stronger media focus on the failings of the National Inquiry. My point here is not to argue whether or not the Inquiry is functional or dysfunctional, but to argue that if it is dysfunctional, it should not be labelled as so simply because it is run by Indigenous women.

Archival Knowledge made Invisible or Disqualified***1) Public Updates on Inquiry Process and Progress***

Just as the archival conventions of the official archive and settler media archive make some things clearly legible, they also work to make others invisible. If we interrogate what is *missing* from the archive at hand, several things become apparent. In particular, it becomes apparent that there is a lack of updates targeted specifically at the public who may want to attend or get involved with Inquiry hearings. The need for public engagement, both Indigenous and non-Indigenous is made invisible. There are several documents scattered throughout the nine archival categories that can be interpreted as speaking directly to the public, but what is ultimately missing is a category to get the public more involved in the process. This is exceedingly important for several reasons. Along with many Indigenous activists and organizations, I argue that the phenomena of Missing and Murdered Indigenous Women and Girls is not simply an Indigenous issue, but a Canadian one². Broader Canadian society needs to be involved in efforts to change and address this issue.

² It is important to note that the issue of MMIWG is one that goes beyond the Canadian state, crossing colonially constructed borders to become a *settler* issue more broadly.

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The categories of “updates” is the smallest category in the official archive, comprised of a single document. I am distinguishing it as a category of its own, rather than simply part of the “other” category, because it is labelled as such by the Inquiry. The fact that there is only a single document in this category calls into question its utility. If a topic is worth becoming a category, then one might assume that there would be more than one document in that category. The single document under the category of “updates” was published on September 8th, 2017, and is an update about chief commissioner Marion Buller driving a portion of the Highway of Tears to address the Annual General Assembly of Carrier Sekani Family Services. It seems unclear as to what makes this document an “update”, while other documents which address similar meetings with national and community based Indigenous organizations fall into the category of “statements” and “for immediate release”. It seems as if the official archives “update” category was externally provoked by frustration from Indigenous communities that claimed a lack of communication and clarity on the part of the National Inquiry. What does it mean that there is only one document in this category? May this lone categorization suggest that the Inquiry made a move towards transparency, but ultimately did not achieve this status? Given a general community response of frustration towards the Inquiry and its communication strategies, it is distinctly important that the “updates” category is the smallest. From a communications standpoint, this might indicate that the Inquiry placed the least amount of importance on keeping the settler public, and more importantly, Indigenous community up to date on specific everyday details about the Inquiry.

If we return for a moment to the high number of documents in the press release category, it becomes apparent that this communication is directed at a very specific audience. One could perhaps argue that the three categories that engage with the media; press release, news release,

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and media advisories and accreditations, provide an avenue for the Inquiry to reach the public. In reality, the documents that comprise these categories do not include information that the public would be interested in. They largely tend to provide detailed information for media outlets on how to access the hearings, how to receive clearance, etc. In addition, there are significantly more documents pertaining to media advisory and accreditation than there are published hearing schedules. This could indicate that more importance is placed on having media outlets present, than is placed on having hearings accessible and known to members of the public, Indigenous and non-Indigenous, and settler alike. The publishing of press releases over updates disqualifies the importance of more humanistic approaches in favour of a more legalistic approach.

In terms of the settler media archive, we see a similar gap in updates designed to keep the settler and Indigenous public in the loop as to the Inquiry's everyday proceedings. When I asked Jacques about what he felt was missing from media coverage surrounding the National Inquiry he stated that he perceived a lack of updates concerning what was going on with the Inquiry, what it had achieved, and where it would be going next. He argues that "I think there should have been a report, they could have pushed a lot more public news reporting, like the weeks before, so people knew it was coming, not just reporting on the evenings, like Monday and Wednesday evenings." Jacques specifies a need for news coverage that reports back. He stated that coverages should have specified that "there's been twelve hundred families that have testified to the Inquiry about their loved ones, and these are the institutions that have testified." Discursively, a lack of media coverage which keeps viewers updated as to how the Inquiry is progressing works to position the Inquiry as static. Viewed as a static entity, the Inquiry is understood as having no accomplishments. Ultimately, we cannot understand an organization

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like an inquiry or commission, tasked as they are with uncovering truth, as being useful and necessary if it appears in the media to be making no accomplishments.

II) Opacity in Inquiry Structure and Schedule

Although documents pertaining to the Inquiry's structure and schedule are not explicitly missing from the official archive, there is no consolidated category that addresses this area. As a result, there seems to be an elevated level of confusion surrounding how the Inquiry operates, when and where things such as hearings are happening, and who is allowed or encouraged to be involved. The archival category of "hearing schedules" contains only ten documents.

Considering how many hearings the National Inquiry held over the course of its mandate this seems like very few documents. This might indicate why it appeared to me that the public sections of the hearings I attended were so sparse. With part I, II, and III of the truth gathering process combined, there were approximately twenty-four hearings, broken down into fifteen family and community hearings, and nine knowledge keeper, institutional, and expert hearings (Timeline of Key Milestones). What does it mean that hearing schedules were so difficult to access? What might this reveal or conceal?

Some of the frustration and anxiety expressed by communities could have likely been mitigated if the Inquiry had constructed an archival category that clearly and plainly laid out its schedule and structure. It is unclear as to why the Inquiry lacks an archival category pertaining to both structure and organization. They position themselves as public and transparent, but the absence of such a category works directly against these claims. There is arguably a distinct sentiment that the Inquiry deliberately made itself hard to access. We then must question if this opaqueness was deliberate, or simply incidental given that the Inquiry was largely built on

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Western legalistic standards and conventions that privilege the engagement of lawyers over the general public.

III) Erasure of Power Dynamics at Play

Both the official archive (through lack of up to date information about hearings and proceedings) and the settler media archive (through selective coverage of expert testimonials) work to subtly erase the various power dynamics at play, particularly at public Inquiry hearings. In the context of the settler media archive, the CBC published multiple articles that reported on highlights from Expert, Institutional, and Knowledge Keeper Inquiry hearings. In the context of this category, we might question whose voices are privileged over others. The four of the five public hearings I attended were Expert, Knowledge Keeper, and Institutional Hearings. I am particularly interested in the media coverage surrounding these hearings because I can contrast my knowledge of who testified against the testimonials that are represented in the media. It is important to note that there has been coverage of the testimonials of families and survivors from Part I of the Inquiry hearings. I will not engage with the media coverage of these testimonials because I am interested in the politics of knowledge authority that may be represented in media coverage of hearings that are specifically geared towards *experts* and *institutional* witnesses. By specifically examining the media coverage of testimonials from these hearings we may uncover who is deemed as an expert source of authority, and who is not. When thinking about how the categories of the dominant media archive are framed, and what they reveal about the logics that structure the archive, we can return to Stoler's questioning of how truths are constructed. Stoler asks "[w]hat sentiments and civilities ma[k]e for "expert" colonial knowledge that endow[s] some persons with the credentials to generate trustworthy truth-claims that [are] not conferred on others?" (101). Who is deemed an authority on truth? I argue that in the context of the settler

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media archive, esteemed academics and police officers are privileged with this status, while artists, activists, and sex workers are not.

In October 2018, the CBC published an article highlighting Cindy Blackstock's testimonial at two of the Inquiry's Expert and Institutional Hearings. In fact, the CBC published several articles concerned with Blackstock's testimonial. Blackstock, the executive director of the First Nations Child and Family Caring Society of Canada, is a well-known member of the Gitksan First Nation. The two hearings at which Blackstock spoke were two of the five hearings I attended. Although Blackstock is a strong speaker and a highly accomplished individual, we must also question what voices were ignored by the media in favour of Blackstock's. For example, in June 2018, at the same Toronto Knowledge Keeper and Expert Hearing on Racism at which Blackstock spoke first, we heard the testimonial of Fallon Andy. Fallon Andy is the Media-Arts Justice Facilitator for the Native Youth Sexual Health Network. He is Anishinaabe from Couchiching First Nation, in Treaty #3 Territory. What does it mean for the conventions of the dominant media archive that they chose to privilege the voice of an already celebrated and well-known individual such as Blackstock, over the voice of someone like Fallon Andy, who works at the ground level using art to address the violence inflicted on two-spirit and queer bodies? It could be argued that Blackstock is deemed by the media as a source of authority because she has a PhD, and has worked for over twenty-five years as a social worker, a profession that is foundationally a Western creation.

Similarly, CBC coverage of the St. John's Knowledge Keeper, Expert, and Institutional Hearing on Sexual Exploitation specifically highlighted the voice of Winnipeg Police Chief Danny Smyth. A CBC article published in October 2018, titled "Winnipeg police chief apologizes to Indigenous women as inquiry ends public testimony" chronicles the testimonial of

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Chief Smyth as he apologizes for the Winnipeg Police Service's historical lack of dignity and respect for Indigenous women. Having attended this hearing, it was apparent to me that the voices of several police officers from various police services seemed to overshadow the voices of other individuals who were testifying. This overshadowing then transferred even more blatantly to media coverage of the hearing. On the same day that Winnipeg Police Chief Danny Smyth spoke, so did First Nations activist Diane Redsky. Although Diane works in collaboration with the Winnipeg Police service and made some similar arguments to those suggested by Police Chief Danny Smyth in terms of the need for collaborative work to end the sexual exploitation and trafficking of Indigenous women and girls, her testimonial was not covered by the media. Both Redsky and Smyth ultimately upheld anti-sex work narratives. Unfortunately, with this kind of one-sided media coverage, the public will only remember and absorb information that the Winnipeg police service has apologized for the injustices committed by the department. There is no consideration here for the opinions of Indigenous community members and their continued experiences of systematic oppression at the hands of this police force, among others.

At this same hearing the Inquiry heard from Lanna Moon Perrin, an Anishinaabe woman and sex-worker from Sudbury, Ontario. Perrin upholds a pro-sex work stance that seemed at odds with the other witnesses who spoke that day, and throughout the four days of the hearing. In general, the majority of the other witnesses upheld explicitly anti-sex work narratives which did not leave room for the consideration of sex-work as an agentive act. Other than Perrin, there were no other self-identified sex-workers speaking as witnesses on the same day as her. Perrin testified to the commissioners on the same day as Mary Fearon, who runs a program targeted at helping individuals exit the sex trade, and Cree scholar Dr. Robyn Bourgeois. In the next chapter on bureaucracy, I will return in more detail to the significance of scheduling these different

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individuals to testify on the same day. For now, I focus on media coverage of their testimonials. Bailey White, writing for CBC's Newfoundland and Labrador branch, covered the testimonials of all three experts in a single article (2018). Entitled "Politics of prostitution: Indigenous inquiry hears different views on sex trade" White's article gives a summary of each expert's testimonial in three or four sentences each. To close, the article quotes Dr. Bourgeois saying "No matter what, we all want the same things. We want an end to this violence and we want our girls and our women to be safe." (White, 2018). What the article fails to capture is the uncomfortable feeling present in the hearing room as the Inquiry moved from Perrin's testimonial to Dr. Bourgeois. The article diminishes the very tangible tension in the room as a self-identified Indigenous sex worker's opinions were promptly brushed under the rug in favour of that of a university educated Indigenous professor. Perrin looked visibly disgruntled as parties with standing directed their comments and questions largely at Bourgeois, who upholds an anti-sex work stance. White's article does not pick up on this tension, and instead paints a very neat image of the hearing, one in which varying opinions were all given equal air time, and were equally respected.

The complexity of power dynamics at play was something that was brought up by several of my participants. Emily, a university student and recent immigrant from Southeast Asia, stated that she believed that the media coverage surrounding the Inquiry's public hearings lacked a focus on Indigenous voices. She spoke to me about the ways in which she saw white voices privileged in media coverage of the National Inquiry hearings. This was exemplified in the manner in which the testimonial of Winnipeg Police Chief Danny Smyth was favoured over the testimonials of both Diane Redsky and Lanna Moon Perrin. The lack of complete coverage of

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what was discussed at Inquiry hearings works to isolate who has access to the knowledge that is shared at public hearings, and also acts to reinforce hierarchies of knowledge.

Ultimately, through their categorization of archival materials, the Inquiry's official archive, and the settler media archives coverage of the Inquiry work to make certain things plainly visible, while obscuring others. Through its "immediate release" category, the official archive makes visible a hierarchy of importance in terms of information being distributed. Evidenced by this category, relaying information about the everyday proceedings of the Inquiry is not prioritized. The official archives focus on media and press relations over public and community relations is also made highly visible through the large number of documents present in the "press release, news release, and media advisory and accreditation" category. The Inquiry's overwhelmingly western legalistic format is made apparent through the "statements" category in the official archive, which further differentiates between "statements" and "official statements". For an individual not educated in western legal language, this "statements" category works to isolate people from the Inquiry's processes, creating further confusion and opacity. Additionally, notions of the Inquiry as being dysfunctional due to it being Indigenous-run are made visible through incessant media coverage of high staff turnover rates.

The official archive and settler media archive also work to render some aspects of the Inquiry invisible. Public updates on Inquiry processes are almost entirely absent in both the official and settler media archive. In fact, in contrast to the blatant visibility of media relations, the official archives "updates" category boasts only a single document. In addition, my participants also indicated that they did not see many, if any, updates about the Inquiry's process and progress in the media. The opacity of the Inquiry's structure and schedule is also rendered invisible. Although not expressly missing from official archive, the "hearing schedules" category contains

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only ten documents, while there were approximately twenty-four hearings in total. The absence of easy access to hearing schedules is particularly concerning for both Indigenous community members and the settler public. Perhaps most significantly, the official archive and the settler media archived worked to erase the specific power dynamics at play at Inquiry hearings. These power dynamics were particularly apparent in who was scheduled to testify alongside whom, and how their respective testimonials were either covered, or not covered by the media. With this chapter, we are beginning the re-writing of a radical archive of the National Inquiry into Missing and Murdered Indigenous Women and Girls, in an effort to make this archive more public, and less opaque. I believe it is also important to note that those who attended the public hearings are also playing a role in the co-construction of this radical archive. Emily, as a non-white, racialized woman, was particularly attuned to the making of white public spaces. She easily saw past the public face of the archive and helped me to make visible the other dimensions of the archive. In the coming chapters, this archive will be added to through an analysis of the Inquiry's bureaucratic practices and how the settler public engages with these practices. I will also engage with the role of affect in how settlers experience the National Inquiry.

The Beading Circle

She was a person who couldn't sit still. She liked to be outside, exploring, moving. Sitting for too long made her restless and impatient. But somehow the beading circle was different.

She had sat through an entire morning at the hearing, listening to various people speak. By lunch she desperately needed to stretch her legs. Down the hallway and around the corner she found the beading room.

She wasn't around so many women very often, if ever. As she sat there, and talked to the other women sitting with her, she felt calm. Everyone was so kind, they showed her how to bead tiny red beads onto the small piece of felt cut out in the shape of a dress. They talked to her about their lives, their families, their homes. They talked about the substance of the Inquiry without the rigid legal proceedings. The atmosphere was comforting, and she sat for much longer than she usually would, listening, talking, beading.

Chapter V: The National Inquiry, Bureaucracy, and Power

“What is an Inquiry? Like what? Why? You know, like what is this, and I mean I understand the significance of it, I just never heard of anything like that happening, of an Inquiry happening, so I was a bit confused about that, and just like, what is it basically?” – Emily

The aim of this chapter is to explore how the bureaucratic practices of the National Inquiry, and the tensions produced therein, may contribute to its overall opacity. As recognized in Chapter III, bureaucracies have the capability to wield power in very particular ways. In their centralization and disguising of power, bureaucracies shape political processes. Quite often, they have less than official goals which are hidden beneath more overtly official goals. These less than official goals may not even be set out by the bureaucracy itself, but rather by larger overarching systems of power. Josiah Heyman (2004) posits that “the results of bureaucratic action are not idiosyncrasies or failures but in some way reflections of the combination of various internal and external power relations surrounding the organization, often crystalized into patterns of organizational routine” (489). This is significant in the context of the National Inquiry as it suggests that effects of the Inquiry can be examined to understand internal and external power relations, which point to larger structures of power and inequality.

This chapter focuses on the “doing”, or the materialization of the bureaucratic practices that structure the National Inquiry. I have focused on questions about how the *doing* or materialization of bureaucracy, on the ground, at an everyday level, illustrates the dimensions of power wielded by the Inquiry. This *doing* or materialization includes things that happen on an everyday level, things that happen at public hearings, be they between staff, between those who are testifying, between the public who are attending hearings, or any combination of the three. In part, I access the bureaucracy of the National Inquiry through the interviews I have conducted with my participants. I use the experiences of members of the settler public who engaged with

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the National Inquiry to understand how the Inquiry's bureaucratic practices take shape, and how they impact those who navigate them. I also use my own observations from attending several public hearings to examine the general atmosphere prevalent at public Inquiry hearings.

Ultimately, Heyman's toolkit, as discussed in Chapter III plays a role in my analysis in that it facilitates a balance of focus. It is vital to look to the *intersections* of the internal and external conditions that shape the way the Inquiry carries out its bureaucratic practices. This approach emphasizes the ways in which internal and external forces interact, work together, and often mutually reinforce one another. In this sense, we can better understand power as an everyday diffuse enactment. Perhaps more importantly, looking to internal and external intersections may point to the apparent tensions between the Inquiry's stated goals, and how the Inquiry often materializes in contrasting ways. Stated goals include having the Inquiry be "public", taking an inclusive legalistic approach, and fore fronting systemic racism. In many ways, the Inquiry materializes in ways that work against its stated goals. It is also important to note that while the Inquiry's bureaucratic practices at times seem to reproduce forms of colonial power, counter spaces within the Inquiry are also visible. In this chapter, I will explore how the atmosphere at public hearings, the Inquiry's scheduling practices, and the hearings' legalistic structure act as lenses for us to examine how the bureaucratic practices of the Inquiry materialize, and how the settler public engages with these bureaucratic processes.

Atmosphere at Public Hearings

The atmosphere at public Inquiry hearings is of central importance to our understanding of the Inquiry's bureaucratic practices. Choices that lead up to the atmosphere of public hearings, such as location, witness scheduling, and the set up of the space, are at some level orchestrated by Inquiry staff. In this sense, I argue that the atmosphere of public hearings is at least in part a product of bureaucratic practices. The very act of choosing a location, scheduling dates and guest

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speakers, organizing the room, etc. has the capacity to evoke particular sensations in those who attend the hearings. The atmosphere at public hearings also relates intimately to a discussion of affect, something that I have attempted to weave throughout my writing through interludes. I will pick back up on a discussion of affect and bureaucracy in the conclusion, but for now, it will suffice to draw your attention to the areas where affect may be at play.

The public hearings I attended were exclusively held in the ballrooms, or conference rooms of hotels. This gave the public hearings an atmosphere that was in part dependent on the style or architecture of the hotel. At times, the location chosen for the hearings seemed to be almost at odds with the purpose, or the aims, of the National Inquiry. All the hearings were held at hotels, ones that I, personally, could not afford to stay at. It is important to think about choice and the cost it undoubtedly involved. Why did the Inquiry choose to operate in such a corporate way rather than meeting in communities, hiring local cooks and facilitators? The latter would have additionally provided communities impacted by the issue of MMIWG with an economic return. The public hearing held in Winnipeg on October 1st-5th, 2018, was held at the historical Fort Garry Hotel, where a single room ranges upwards from one hundred and fifty dollars a night. The décor in the ballroom where the Inquiry was held was incredibly ornate, with classical fresco-like paintings decorating the walls and ceilings. In a sense, this style of decoration is intimately linked to European colonization, something which is at the heart of what the National Inquiry aims to interrogate. On top of this, hotels and establishments of similar nature have historically been the sites of the murders and disappearances of many Indigenous women and girls. Given this, hotels can easily become sites of oppression. It is not hard to imagine that this very detail may have deterred some individuals from attending public Inquiry hearings. In addition to the hotels at which the hearings were held, the atmosphere of hearings is also

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impacted by the protocols and procedures taking place. The Inquiry adapted the typical structure of a Western legal Inquiry to include a variety of Metis, First Nations, and Inuit traditions, including giving witnesses the choice to swear in on an eagle feather, having a beading circle, smudging, and the lighting and maintaining of the Qulliq.³

Generally, the physical spaces of all five public hearings I attended were laid out

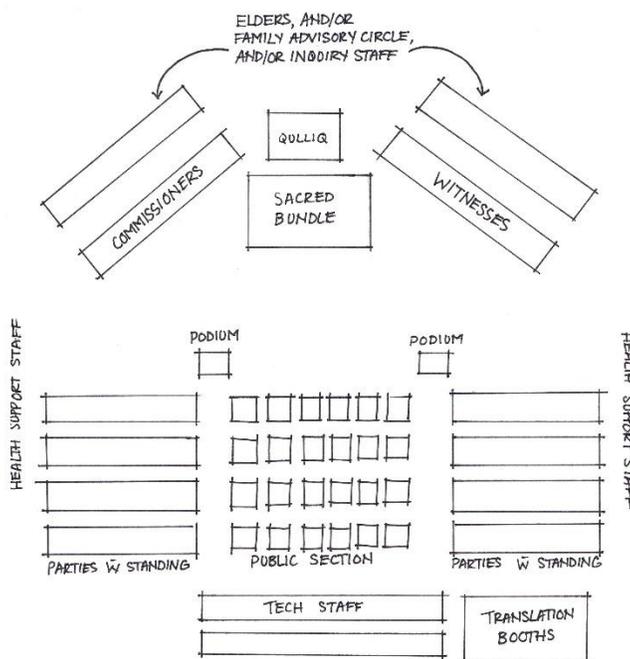


Figure 1: Public Hearing Room

similarly (Fig 1). The commissioners, those who were testifying, and legal council, as well as a few other individuals such as Elders, members of the family advisory circle, and Inquiry staff who transcribed testimonials, were all stationed at the head of the room. These individuals sat at different tables, all angled inwards towards each other, but ultimately facing out towards the

³ The Qulliq is an Inuit lamp made from soapstone and shaped like a half moon. It provides light and warmth to the Earth. The Qulliq was traditionally made by a husband for his wife, which symbolized that she was the flame keeper of the home. The Qulliq also honours the fact that women are life carriers, as it was traditionally used by women to care for their families through means such as cooking, drying clothes, boiling water, and creating warmth and energy. In the context of the National Inquiry specifically, the Qulliq symbolizes the strength of Inuit women (Fact Sheet: Information about the Qulliq, n.d.).

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public seating areas. In hierarchical fashion, the commissioners sat at the front-most table, with the family advisory circle, Elders, and other Inquiry staff sitting behind them. Those who were testifying that day sat directly across from the commissioners. At the center of these individuals was the Qulliq, and whoever was tending to the Qulliq that day. In front of the Qulliq, laid out on the ground, was a sacred bundle comprised of sacred objects, some of them gifted to the Inquiry throughout their travels across the country. This included the Miskwaabimaag Basket, or red willow basket, meant to symbolize the process of gathering truths. The bundle also included gifts of reciprocity that were given to all who testified and participated in Inquiry hearings. The public seating area was arranged with rows of chairs and was flanked on both sides by rows of tables and chairs reserved for parties with standing. In this way, the public section was centered.

Behind the parties with standing and the public section there were tables for technical staff, and booths where translators translated testimonials in real time. Everyone in attendance could access these translations by picking up a headset when they entered the ballroom or conference room. Testimonials were translated into French, English, and various Indigenous languages including Inuktitut and Cree. Notwithstanding this, all the aspects of the public hearings that I have described may have been experienced in different ways depending on the individual experiencing them.

Jacques, a French-Canadian man, working as a member of the Ontario Provincial Police spoke to me about the varying numbers of people who attended the different hearings as members of the public, and about the varying atmospheres of different hearings. Jacques had been to most of the Inquiry's public hearings, as this was part of his job. He stated that "I think the knowledge in the Western provinces would be a lot higher, because there's a lot more of the MMIWG that were in either Manitoba, Saskatchewan, Alberta, B.C.". Jacques suggested that

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there was a higher level of participation at hearings held in Western provinces because an overwhelming number of missing and murdered Indigenous women and girls were located in that area. Jacques specified that “when we went to Regina, there was a fairly larger presence”. Thinking about where hearings were held, and how this impacted public participation is incredibly important. The atmosphere at public hearings was certainly in part dependent on how many people were in attendance. With larger numbers of people in attendance, the room was loud, and buzzed with energy. In contrast, on several occasions I found that it was only myself and two or three other individuals sitting in the public section, making the room extremely quiet. The number of people in attendance also varied depending on who was scheduled to testify. As Jacques suggested “they kind of seem to follow certain, uhh, like Mrs. Blackstock, had a full house at her presentation, so if people know who the expert is that’s going to speak, a lot of people come to listen, there was a lot of people on Monday when Canada made their final submission.” Here Jacques is referring to Gitxsan activist and social worker Cindy Blackstock. Blackstock is an advocate for Indigenous child welfare. She spoke twice at two separate Inquiry hearings, and each time the public seating area was packed full of people. Larger groups of people in attendance meant that the volume level in the room was louder. People spoke more freely, and the atmosphere felt generally more confident and optimistic.

Two of my participants, Eleanor and Dorothy attended one of the public hearings together, as friends. Both in their mid to late twenties, Eleanor is an artist and teacher, while Dorothy had been working as a forest firefighter in the months leading up to the hearing. Both had things to say about the beading circle that the Inquiry had set up in a room separate from the formal hearing itself. Those who participated in the beading circle beaded pins that were red and shaped like dresses. As in the work of Indigenous artist Rebecca Belmore (Vigil, 2002), and

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Métis artist Jaime Black's RedDress project, red dresses have become a symbol to represent missing and murdered Indigenous women and girls. Eleanor spoke to me about participating in the beading circle. She explained to me that beading was something she was already familiar with, stating that "on a personal level I really enjoyed the beading. I also think it's a good, I do think it's a medicine, and I totally agree to it being referred to as being a medicine. It's also an experience, a way to learn from other people who are not speaking at the Inquiry, and it's a way to offer support to other people too". Eleanor spoke about the atmosphere of the beading circle as one in which she came to several realizations. She stated that

It was like really when a lot of stuff hit me about the Inquiry, because you theoretically know a lot of Indigenous people are murdered and missing, but actually hearing people like speak about how, like everyone there basically has a relative who was murdered, or a relative who was missing and nobody's ever heard from them or found them. It's really just impactful to realize that and realize how strong these people are too. And also, like that is the moment when you're like this should not be happening, this isn't ok, like in any way. It's not that you don't know that on an intellectual level, but it's like a moment of emotional impact.

The beading room and circle worked to contrast the atmosphere of the formal hearing room. Acting as almost a complementary atmosphere, it was a space where members of the public could actively participate in the Inquiry process, perhaps allowing them to come to certain understandings they might not have been able to realize otherwise. Charlotte, a participant who is a university professor suggested that "I think that the only ascribed role for the public was to observe. I don't think there was any other way to be involved, you know, if you weren't a party with standing." The beading circle worked, in part, to mitigate this distance between members of the public and the Inquiry itself. It was only in October 2018, in Winnipeg, at the Inquiry's third last hearing, that the beading circle became part of the public hearings. The circle was not initiated by an Inquiry employee, but instead by Indigenous community member and mother, Gerri Pangman. Pangman then travelled with the Inquiry to the rest of its hearings, facilitating a beading circle at each one. Given that several of my participants attributed their positive

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experiences at Inquiry hearings to the beading room, I argue that it is extraordinarily important to pay close attention to who and what made this possible. I want to emphasize that the experiences of realization and emotion my participants had in the beading circle were made possible by Indigenous community members, and not exclusively Inquiry staff. The beading circles present at Inquiry hearings is an instance of Indigenous community members seeking to make the Inquiry theirs. They are an instance in which individuals are actively resisting the distancing mechanism of bureaucracy. It is also important to understand that the following two sections on the Inquiry's legalistic format and its scheduling practices further play into, or contribute to, the overall atmosphere of the public hearings.

Inquiry Scheduling Practices

An intriguing aspect of the Inquiry's public hearings which stood out to me immediately as soon as I started to attempt to follow the Inquiry's processes was their scheduling practices. By this I mean who the Inquiry schedules to testify as witnesses and with whom, when they schedule them to testify, and when and how they release these choices to the public. I am particularly interested in the experiences my participants have had navigating the Inquiry's scheduling practices. Scheduling practices are intimately related to the broader bureaucratic practices of the Inquiry. Inquiry staff are tasked with securing witnesses, scheduling who speaks on what days, and releasing those schedules to the media and to the public. The ways in which scheduling practices are realized says something about how bureaucratic power is wielded.

The full schedules for public hearings were typically posted on the Inquiry website approximately five days before the hearing occurred. General information, such as the city the hearing was to be held in, and the dates, was typically available a few months out. When I asked Eleanor about her experience accessing the Inquiry's website and hearing schedules, she said

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They probably announced the first date in part two like a week or two out, maybe a full month. And those were easy to find, uh, but still not super easy, because the website is not perfect. Their Twitter was actually more useful, it would release the location in a form where they release the schedule. But the schedule for each day of the hearings would probably not be released until like a week, maybe two in advance. (Eleanor)

Eleanor also added that she found it generally difficult to find information about the public hearings, stating that “I mean yah, just like Googling it, it was surprisingly hard, like you could Google it and you would get the Inquiry’s page, but it wasn’t something that was like presented in the media.” What might it suggest that Inquiry schedules are so difficult to find? Charlotte also spoke to me about how she felt that the Inquiry website was less helpful than other independent sources. She stated that “I was trying to find the Iqaluit hearings or something like that, and the Inquiry itself didn’t have it, I had to go to APTN, and other news sources that covered the Inquiry, so I found those more helpful, and the links were more helpful than the actual website itself.” Having hearing schedules so difficult to access may have very well discouraged people from attending the public hearings. This is damaging for the overall Inquiry, as it would discourage settler and Indigenous folks alike from attending, thereby minimizing the importance of the issue and, in turn, the Inquiry itself. Similarly, Dorothy, who attended the hearing with Eleanor, told me

I couldn’t actually find like the dates of any of the hearings on that website, like I didn’t actually know what they were called, I know there was the public hearings, and then there was like the family hearings, and I didn’t know how to differentiate those, and I couldn’t really find the dates for either of those, I was assuming there would be like a calendar that had like everything laid out but there wasn’t one as far as I could tell. And the website just didn’t seem that straightforward to be honest. (Dorothy)

Dorothy, like Charlotte, could not navigate the Inquiry website to find important or relevant details about the public hearing she wanted to attend. Her experience reinforces the idea that the Inquiry’s scheduling practices likely deterred people, in this case settlers, from attending public hearings. The schedules for the hearings I attended were frequently only posted under a section

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of the Inquiry's website that announced media advisories and accreditation. Schedules were certainly not consistently posted on the front page of the website, where they would have been easily accessible for people who had never navigated the Inquiry's website before. When I asked Riley about her experience accessing the Inquiry schedules, she told me that "it's impossible to search their website". She qualified herself as someone who comes from a privileged background, having had access to computers since childhood, and who has experience navigating websites in order to find specific information. She concluded that the Inquiry's website was not at all user friendly. When I spoke to Jacques about his experiences with searching for Inquiry hearing schedules, he explained to me that his office staff did this for him, and that they had had "a lot of difficulty". These troubles challenge the notion of a "public" Inquiry, in that to participate in it you have to simply know about its details, have time to search for them, or even have an employee search for details for you. He further stated that

What I like them to do is prepare me a background on each of the witnesses that's going to be testifying, whenever possible for the institutional and expert hearings, and those lists would come out a lot of times on the Friday before the hearing. It's also always very hard to book hotels and those kinds of things when you don't know where the hearings are going to be held, so it increases the cost for the participant because you can usually find better deals earlier than you would later on. And then it's, you know, we always knew, you know, where the hearings would be, but we didn't have specific dates, we didn't have, and those would come out one or two weeks before, and then just the Friday before you would get the list of who was participating.

Upon first consideration, it seems apparent that this approach to posting hearing schedules hinders the participation of the public. Such short notice about who would be speaking, and in what building the hearing would be held would certainly make it difficult for people to participate. People who live in the city where the hearing was being held would likely still need to book time off work or arrange childcare, etc. If people wanted to attend the hearings from out of town this would give them very minimal time to plan travel and accommodations. This is an

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instance in which the slow processes of bureaucratic life become apparent. Informally talking to the head of logistics for the Inquiry, I learned that all levels of information, including hearing schedules and archival video content of public hearings, are slow to be posted to the Inquiry's webpage because they are required to pass through several levels of clearance. Everything that is posted must be examined by a multitude of individuals who are responsible for signing off on their being published. This is done for privacy reasons, for example, to make sure that no details of ongoing legal cases or criminal investigations are made public prematurely, but also contributes heavily to the opacity of the Inquiry's proceedings.

The Inquiry's scheduling practices also led to some voices being eclipsed by the voices of others. In this context, I'm referring to who the Inquiry scheduled to speak together on panels. Sometimes, those who were testifying spoke alongside others who were members of the same organization, or who were arguing very similar points. In other instances, the individuals speaking on the same panel held very divergent views. For example, on October 15th 2018, the Inquiry met in St. John's, NL for a public hearing on sexual exploitation, including human trafficking and sexual violence. The hearing ran from the 15th to the 18th. On the 17th, Lana Moon Perrin spoke on the same panel as Dr. Robyn Bourgeois. Perrin is a First Nations woman born in Sudbury, ON. She is a pro sex work advocate, and she spoke at length about how sex work afforded her the ability to take care of her family without depending on government services. She explained that she views sex work as empowering. In contrast, Dr. Robyn Bourgeois defines herself as a mixed-race Cree woman born and raised in Syilx and Splots'in territories of British Columbia. Bourgeois is an assistant professor at the Centre for Women's and Gender Studies at Brock. Her scholarly work concentrates on Indigenous feminisms, violence against Indigenous women and girls, and Indigenous women's political activism and leadership. Bourgeois spoke

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after Perrin did, and was more explicitly abolitionist in the context of sex work, viewing it as too closely related to violence to permit. Although she had a lengthy explanation about why she believes this, her position seemed to eclipse that of Perrin who had spoken just before her. After Perrin spoke, the conversation seemed to move very quickly away from a discussion that contemplated what it meant to be pro sex work. There is something to be said here about *why* the Inquiry chose to schedule these two women to speak on the same day, on the same panel. The purposeful choice to schedule them together feels almost violent. There was a glaring distinction between the way the two women spoke. Bourgeois is a university educated academic, while Perrin is not. Because of this there were very real differences in how they both chose to communicate their points, right down to the language they used. Relating this eclipsing of some voices in the favour of others back to bureaucratic practices, we can see that this is also an example of power being wielded in particular ways. The choice to have Perrin and Bourgeois testify on the same panel reflects already existing tensions between class divides. It also reflects the push and pull of external and internal forces, as the agenda of abolishing sex work in its entirety seemed to be the center of conversation despite the presence of Perrin, who self identified as a sex worker and survivor of colonial violence arguing against abolition. This could be interpreted as speaking to biases within the Inquiry, in the context of staff, commissioners, etc., as being anti-sex work.

Legal Format and Structure

Arguably one of the most striking aspects of the Inquiry's public hearings was their excessively legalistic format and structure. Due to the way it was established, the Inquiry is compelled to adhere to a strict legal standard recognized by the federal Inquiries Act, which essentially all previous inquiries and commissions have also had to adhere to. For example, the National Inquiry, like other public inquiries had its commissioners appointed by a member of the

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Canadian government. The commissioners were named in the Terms of Reference for the National Inquiry, which was also set forth by the Canadian government. Amongst other things, the commissioners were given the power to summon witnesses to give evidence (Inquiries Act). The Terms of Reference set forth by the government is a two-page document which details what the commissioners are directed, or given authority, to do or not do. Interestingly, the Terms of Reference directs the commissioners to “conduct the Inquiry as they consider appropriate with respect to accepting as conclusive or giving due weight to the findings of fact set out in relevant reports, studies, research and examinations, whether national or international” (Terms of Reference). This is then followed by a list of reports to consider, including the TRC and the MWCI. In this sense, the tradition of commissions and inquiries in Canada is almost self fulfilling, with new ones referencing old ones which have long been ignored. Many argue that past commissions and inquiries have been all but ignored, set on the shelf to collect dust. The Terms of Reference also authorize the Inquiry to rent spaces, engage experts, and reimburse families in accordance with “Treasury Board” rules established by the government. After speaking informally with Inquiry employees, it became apparent to me that funds were incredibly slow to be released by the Treasury Board, something which can be understood as contributing to the opaqueness of the Inquiry. Additionally, the Treasury Board is also capable of vetoing things that were previously approved in the Federal Budget. This, along with the fact that the rules and processes of the Treasury Board are not something that most Canadians would be familiar with, further contributes to opacity. Without the release of funds, it would understandably be difficult to book hotels, pay staff, make travel arrangements, compensate witnesses and all other logistical needs. The point being, that an Inquiry of this scale and style is an incredibly expensive endeavour. The slow release of funds would have made it increasingly

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difficult to announce hearings, locations, and by virtue of this, witnesses. In this sense, the legalistic format of the Inquiry hearings, established in part by the Inquiries Act and the Terms of Reference set forth by the government, speak to how power is wielded by the Inquiry, and specifically by its bureaucratic practices.

The Inquiry has both the power to compel people to speak, and therefore draw them into Inquiry proceedings, but also significantly and perhaps more covertly, has the power to keep people in the dark as to bureaucratic proceedings. I experienced this personally during the public hearings. On numerous occasions I found that I did not understand or was confused by both the language being used by commissioners and legal council, and by the format adhered to in the public hearings. For instance, when I first started attending hearings, I had no clue who parties with standing were, or how they came to get this title. There was equally no explanation of this at any of the hearings I attended. I learned more about the Inquiry's proceedings by asking other members of the public audience, and by searching the Inquiry's website in depth. The testimonial and cross-examination format were also incredibly foreign to me. As a settler, I felt incredibly out of place in an environment that was in fact ontologically built on Western traditions.

Eleanor spoke to the Inquiry's blending of Western and Indigenous legal traditions, suggesting that "I think it's doing as good a job as it can, of working in the systems set up in Canada, and also creating as little trauma as possible for Indigenous people when telling their stories and stuff. I mean I went to the last hearing so it's probably like the best set up and most supportive environment." Here, Eleanor recognizes that she attended the very last of the Inquiry's public hearings, which may have impacted the way she experienced the hearing. She recognized that the Inquiry might likely have been in its best form when she attended the hearing. Nonetheless, many of my participants still expressed that they found the hearing overly

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legalistic, something which left them feeling uneasy. Charlotte, the university professor, spoke to me about being critical of the Inquiry. She explained that because of her previous experience and the work she continues to do alongside Indigenous activists, she was hesitant to embrace the Inquiry. Charlotte suggested to me that a legal inquiry in and of itself was not the appropriate format to address the issues at hand, stating that “some people were like, okay look, the inquiry in B.C. was a sham, and also we know there’s been about forty reports or something like that, there’s all these reports that have been done about the problem. You know what the problem is, this is really going to be a lot of money spent for little reward.” Here, Charlotte is referring to the MWCI, addressed earlier in Chapter III. It seemed as if Charlotte felt that no matter how many Indigenous protocols the National Inquiry incorporated into their structure it would not be enough to combat the problematic Western legal structure of formal inquiries, a structure which arguably seems to be almost pre-disposed to both bias and misuse.

On that note, it is certainly important to remember that the Inquiry was not exclusively organized in a Western legal format. Many Indigenous protocols and ceremonies were incorporated into the hearing process. As Jacques suggested, “they tried to hold it as a formal setting, but they also tried to bring in as many First Nation or Indigenous ways, by setting up circles, having the witnessed swearing on feathers, and all these different traditional ways.” When I asked him if he knew how the National Inquiry’s format compared to that of other inquiries and hearings of its kind he stated “Oh it definitely was different from other ones, the other ones were always in the same place, there was less moving, although the TRC they went to different communities, but it was more of an informal process. This one was more of a formal process”. What Jacques is saying here is significant because it points to the way that many Indigenous legal traditions have been subsumed by the Inquiry’s Western legal format. Making a

point of travelling to different communities is certainly not part of Western legal tradition, and yet, in the case of the National Inquiry this travel was done in a strikingly Western way. Because of the size of the Inquiry, and the infrastructure it and its staff required, the hearings were mainly held in larger cities, with only a few exceptions. Essentially, although the Inquiry had the potential to do things differently and was even encouraged in the Terms of Reference to travel to communities, the overall size and formal legal structure of the hearings made it difficult to travel to small communities. If we return for a moment to Marilyn Poitras' statement of resignation, which I position as a foundational text for my study of public engagement with the National Inquiry, it is almost as if we see Poitras' argument come to life. The Inquiry is arguably doing Indigenous work in a white settler paradigm. This unfortunately does not afford all bodies of law with equal standing, but instead reinforces a hierarchy of Western law over Indigenous law. Similarly, in their *Legal Path* document, the Inquiry reinforces a hierarchy of Western law of Indigenous law stating that:

The National Inquiry recognizes that in many Indigenous traditions, the term “witness” is in reference to the principle of witnessing. In many Indigenous traditions, witnesses are called to be the keepers of history when an event of historic significance occurs. However, for purposes of the Legal Path, the term “witness” refers to the western legal context of persons or entities being called to share their information with the Commissioners for purposes of making findings of fact, recommendations for change, and ways to commemorate the lives of the lost loved ones (3).

What is important here is that the Inquiry acknowledges the meaning and significance of the term “witness” in an Indigenous context, and then immediately moves on to state that they will be using it in a Western sense. Interestingly, when asking my participants about what they knew about the Inquiry's structure, it became apparent to me that many, if not most, did not actually understand how the Inquiry operated. Their experiences echoed my initial experiences attending the public hearings. Dorothy spoke to her understanding of the Inquiry's structure saying that “I barely know anything about it, especially the structure of it.” Even after attending one of the

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public hearings for several days she stated that she didn't understand the Inquiry's structure, saying that "I don't know a lot about legal things and I don't know about hearings like that much, so I don't actually know if it's normal, or what this can be related to in a legal sense, but yah, I don't know a lot of technical terminology because I'm not a lawyer or anything to do with legal things..." This is an issue with the Inquiry's legal format; it keeps the public who are attending at an arms length from understanding what is really transpiring. Although the Canadian federal "Inquiries Act" (1985) is publicly available on the Government of Canada's website, it is riddled with legal jargon that makes it incredibly difficult to be interpreted by someone with little to no education in Western law.

Emily, another of my participants, spoke to me about her understanding of the Inquiry format. Emily is a university student in her early twenties, in the process of completing an undergraduate degree in the social sciences. She was a recent immigrant to Canada, having moved to Canada from Southeast Asia in order to pursue her university education. When I asked her about what she understood about the Inquiry's structure, she responded to my questions with more questions of her own. She asked me "what is an Inquiry? Like what? Why? You know, like what is this, and I mean I understand the significance of it, I just never heard of anything like that happening, of an Inquiry happening, so I was a bit confused about that, and just like, what is it basically?" Speaking to Emily made me wonder if it is even possible for an individual who has no understanding of what an Inquiry is, to engage with it in a meaningful or productive way. In this context, the legal format of Inquiry hearings works to create an opaqueness that keeps the public at an arms length from the Inquiry, even those who actively seek to attend and understand it. This is a form of power, to choose a format so unfamiliar to the general public that they are immediately unable to fully engage with it. It is important to note that this is not necessarily the

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doing of Inquiry bureaucrats per se, but of larger overarching powers. As discussed earlier, it is the Canadian government, through the federal Inquiries Act, that determines, at least in part, the structure of the Inquiry. In this way, power is wielded indirectly through the Inquiry by the Canadian government.

I think in this context it might be useful to take a moment to consider other commissions and inquiries that have been held on related issues in Canada in order to understand how their legal structures compare to that of the National Inquiry. For example, the rationale of Vancouver's Missing Women Commission of Inquiry was to uncover systematic failures which led to the disappearances of more than twenty-six women from Vancouver's Downtown Eastside. Publicly the commission was also positioned as an opportunity for community healing but entrenched in this rationale was the decision to adhere to strict legal proceedings, and to discount formal reports about how systemic racism had and continued to influence Vancouver's police force (Collard: 780). In contrast, and particularly on paper, the National Inquiry is adamant that a focus on systemic racism has been factored into the rationale of the Inquiry. The Interim Report states that there is fundamentally a need for "more immediate, proactive, and thorough investigations into Indigenous women's deaths and disappearances, [a] need for more effective prosecutions of the perpetrators of violence against Indigenous women and girls, and [a] need for more independent police oversight" (51). Although the Inquiry publicly upholds a focus on systemic racism, this sometimes seems to be at discord with the realities that are presented at the public hearings.

The promise to focus on systemic racism is at odds with some parts of the Inquiry's structure, including the combination of witnesses who are chosen to testify, and the length of time they, and parties with standing, are given to speak and cross-examine. At least two of the public

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hearings I attended featured multiple police forces and police officers acting as witnesses. At the St. John's hearing, held on October 15th-18th 2018, on sex trafficking and sexual exploitation, members of the Royal Canadian Mounted Police, Ontario Provincial Police, and Winnipeg Police Service testified. Their various testimonials took up the majority of two days of the four-day hearing. Charlotte also spoke to what seemed like an inappropriate and unequal distribution of time and space allotted to police services testifying in front of the Inquiry. She contended that

I recognize a lot of the same protocols, or similar protocols from other Indigenous gatherings that I've been to so, I could identify that as sort of built into the structure of the Inquiry. But then of course, just the way that, I think there were sort of Western legalistic traditions that, I'm less familiar with in many ways, you know, I've never been to court, but I imagine its very different from what I saw...and then also I found it very interesting again, I don't know how this works in regular Western court rooms, but you know how the parties with standing sort of worked together, in terms of how much time they had, they coordinated that, which I thought was really interesting, you know. The one thing I was probably the most struck by in a negative way, and again I was talking to someone else, another settler woman who was there, was just how much air time the police had, cause I know most progressive radical folks, Indigenous or non-Indigenous, are like, fuck the police, right, we don't need to hear from the police, they don't need that much air time, you know, basically what we saw was a PowerPoint of how wonderful the police department is, you know, and I'm just like, they are essentially part of the problem. Not as individuals, but you know, as an institution, they, it seems like the prominence they were given is a problem.

The key here is that the Inquiry's legal format provided time slots to various speakers, and, perhaps more importantly in this case to parties with standing, for parties to cross-examine those who were speaking. The Inquiry chose to allot a large portion of the overall testimonial time to various police services. I was personally left feeling uncomfortable when their testimonials seemed to focus primarily on all the amazing steps the departments were taking to address the exploitation of Indigenous women and girls. There was little to no acknowledgement of the ways in which police services systematically racialize and contribute to the violence experienced by Indigenous women and girls. Consequently, in its materialization, the Inquiry falls short of fulfilling its stated goal of centering Indigenous voices and fore fronting systemic racism. In

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practice, the Inquiry does in fact give precedence in time and space to “expert knowledge” such as the police. This is to the detriment of everyday experiences of systemic racism.

In the context of the legal structure of the hearings, cross-examinations are also incredibly significant. When their times slots for cross-examination arrived, several of the parties with standing spoke to the fact they couldn’t truly cross-examine those who testified because of the structure and regulations in place. They had to be mindful of the trauma-informed structure which was legally laid out in the Inquiry’s terms of reference. At times, they were often given not much more than five or seven minutes to conduct their cross-examinations. Charlotte echoed their comments, stating that

Yah, and no one really had space to “cross-examine” they were pretty tame cross-examinations, and that’s part of the trauma-informed thing, like it’s not meant to be a court of law in that way, like the Inquiry is not, I don’t know, maybe other Inquiries have been like that, but you can’t have it both ways. You can’t have trauma-informed and then have a hard-hitting cross-examination.

The Inquiry’s website explains that the choice to include a cross-examination portion at Expert and Institutional hearings was designed to “ensure the National Inquiry receives best possible information and advice from the expert witnesses” (2019). Cross-examinations are typically used in Western court proceedings and are frequently components of both inquiries and commissions. In court proceedings, cross-examinations are usually composed of the interrogation of a witness who was called upon by one’s opponent. In this context cross-examiners usually attempt to get the witness to say something that might be helpful to their side. Or conversely, cross-examiners may attempt to get the witness to say something that casts doubt on the witness’s testimonial or credibility. This format seems to directly contradict the notion of the Inquiry being trauma-informed. This struggle between cross-examinations and the trauma-informed nature of the Inquiry was apparent at Inquiry hearings. I personally witnessed representatives from parties with standing being reminded by the Inquiry’s legal council on

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numerous occasions that they needed to remain respectful and trauma-informed while cross-examining witnesses. These reminders often came at times when representatives from parties with standing seemed visibly agitated and upset by something said by a witness. At its very core, attempting to have hearings incorporate both trauma-informed principles and cross-examinations meant that on numerous occasions the trauma-informed nature did not extend to, and did not take into consideration the emotional and spiritual well-being of parties with standing, many of whom are deeply invested in the issue of MMIWG.

In terms of the Inquiry's legalistic structure, I think it is important to return to Heyman, to pay attention to balancing our focus on external and internal forces that shape the way the Inquiry materializes. In this sense, we can ask ourselves how outside political forces may have shaped the hearing format realized by the Inquiry. Jacques spoke to this, stating that "the government wanted kind of a formal Inquiry". In this context we can look at the current Liberal government that many individuals and groups, Indigenous and settler alike, are frustrated with for many reasons, one of those reasons being that there is this sense that there is a lot of lip service being paid to Indigenous issues, but less actual action and commitment to change. In this political context, the Inquiry is viewed by many as an extension of this lip service, doomed to fulfil typical trends of inquiries and commissions which once fully realized have their recommendations and calls to action go ignored.

Throughout the time I spent at the Inquiry's public hearings I also observed firsthand (and was reminded of by my participants) moments of resistance to power. Parties with standing, who were comprised largely of Indigenous women acting as legal counsel for various organizations continuously navigated the terrain created by legal standards and scheduling choices. Although they were separate entities from one another, on numerous occasions the parties with standing

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worked together, sometimes donating the time that they were allotted for cross-examination to another party. By doing this, they made it possible for one individual to have the chance to ask those who were testifying more in-depth, complex questions. On several occasions, parties with standing also took time out of their allotted cross-examination minutes to inform commissioners that the Inquiry's scheduling choices hindered their own ability to do their job successfully.

Ultimately, the Inquiry's everyday bureaucratic practices reveal tensions between their officially stated goals, and the actual materialization of the Inquiry. I have argued that bureaucratic practices such choices that lead to the atmosphere of hearings, scheduling practices, and the legal form and structure of hearings contribute to the opacity of Inquiry proceedings. The atmosphere of public hearings is very much a product of bureaucratic choices and works to exemplify instances in which officially stated goals are contradicted by the *doing* of the Inquiry. The public hearings I attended were held at hotels, which were generally expensive in nature. Arguably, it was the Inquiry's rigid Western legal structure that made it effectively impossible to meet in communities and hire Indigenous cook and facilitators. In contrast, we can look to the experiences of my participants Eleanor and Dorothy, who both spent time in the beading circle held alongside the St. John's hearing. Eleanor and Dorothy felt that the beading circle was a space of emotional impact, one in which they really came to terms with what they had heard from witnesses at the hearing. It is incredibly significant that the beading circle was not initiated by the Inquiry itself, but by an Indigenous community member from Winnipeg. Here we see a space where community members are making the Inquiry their own, holding it to its promises to remain public, trauma-informed, and Indigenous led.⁴

⁴ The presence of this community led beading circle is also linked to a broader contemporary history of beading. Christi Belcourt's transformative exhibition *Walking With our Sisters* centered the importance of beading and acted as a catalyst for the National Inquiry itself.

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Inquiry scheduling practices also make visible the tensions between officially stated goals and the actual materialization of the Inquiry. Although the Inquiry states that it is public, hearing schedules were incredibly hard to access. I found myself searching multiple sites and referring to media and press communications in order to find dates and locations. My participants seemed to have similar experiences, most of them turning to secondary sources to find out details about public hearings. Schedules were, at times, only posted five days before hearings, making it incredibly difficult for members of the public, Indigenous and non-Indigenous alike, to attend. Tensions materialized in who was scheduled to testify, how much airtime they were given, and who they were scheduled to testify alongside. Officially, the Inquiry stated that they prioritized trauma-informed approaches and conduct. Yet, this trauma-informed approach seemed to be directly negated by scheduling choices if we recall the scheduling of Lana Moon Perrin and Dr Bourgeois together on the same day.

Finally, the Inquiry's legal structure also acts as a site for us to observe tensions between officially stated goals and the Inquiry's materialization. The inquiry materialized in an overwhelmingly Western legalistic way, despite the many Indigenous ceremonies it incorporated. Practices such as cross-examinations clashed with the trauma-informed principles emphasized by the Inquiry. If we think back once more to the words of resignation of Marilyn Poitras, we might imagine this as an instance of Indigenous work being done in or through a settler paradigm.

Resistance

She looks strong standing up there behind the podium. She faces the commissioners with the crowd behind her. Cameras and lights point at her face. She tells the Inquiry and the commissioners where they have gone wrong, where they have made mistakes.

You're forgetting about the families. There's no such thing as a cross-examination when you have a trauma informed structure. Trauma informed for who? Five minutes isn't enough time to ask important questions. She tells them to take note of where they have made these mistakes. They need to take these missteps into account when they write their final report, she says.

The crowd is cheering for her, calling out their support.

Chapter VI: Conclusion

In writing this thesis, I seek to remain accountable to the relationships I have built with research participants, to their experiences attending the Inquiry, to my own experiences, and to all the stories of loss, love, and courage I heard while attending hearings. I ground my conclusion in a discussion of affect because it is a concept that is vital to our wholistic understanding of not only the bureaucratic and archiving practices of the National Inquiry and what they may indicate, but also to our understanding of how the public engages with these processes. I argue that it is important to think about what a discussion of affect might add to our understanding of the National Inquiry. This grounding in affect aims to connect this conclusion to principles of situated accountability.

Situated accountability dictates that we all have a part to play in the construction of knowledge. In an effort to maintain situated accountability, I am presenting information, and allowing you, the reader, to draw your own conclusions from this. I do not claim to have come up with any grand conclusions or solutions. What I can do, is reiterate what kinds of questions are raised by making visible a counter-archive. Affect is something I am deeply interested in, but, like most things, is also something I am still learning about. As such, I may leave you with more questions than answers.

Bureaucracy and archiving are not simply cold and calculated endeavours, but are also imbued with affect, and take considerations of affect into their repertoire of strategies and approaches. If we ignored affect, we would be leaving out an exceedingly important aspect of the Inquiry. While listening to and attending hearings, speaking to my participants, and following along with media coverage, there were so many moments that stood out to me as enormously affective. With an Inquiry of this subject matter it would be both impossible and irresponsible to

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ignore the role affect plays in the way the public experiences the materialization of the Inquiry's archival and bureaucratic processes. Affect theory has recently been studied in terms of how it can and has been coopted as a governance strategy, and how it is implicated in processes of policy formation and movement. Stoler contends that colonial states have a "strong motivation for their abiding interest[s] in the distribution of affect and a strong sense of why it matter[s] to colonial politics" (102). A study of affect is intimately tangled up in colonial legacies.

Colonialism produces certain affective forms, a history of which is perhaps indicative of a wide-scale reluctance to discuss affect, in favour of more positivist and hegemonic ways of knowing the world. Even more relevant to a study of affect within archiving conventions is Marcia McKenzie's (2017) proposal that affect should be considered in analyses of the "movements and transformations of policy over time and space" (187). She contends that "the role of affect in terms of infrastructures and actors of policy apparatuses and the mediating influences of affective bodily encounters [can be examined] in relation to why and how policies move" (187). Considering affect alongside policy studies is generative because entities such as states, institutions, and corporations work through individual and collective affective life, considering affective realities in how they develop and spread policies (188). We see here that as Stoler suggests, affect can be mobilized as means of governance, and therefore merits closer inspection in the context of archival conventions.

Affect

Affect is a complicated concept with competing definitions, and I believe that we could do well to dwell in its greyness and uncertainty. Although Deleuze has quite famously been a source for many when thinking about affect, his is not the position on affect I am interested in. My understanding of affect is one that comes explicitly from feminist critical race scholarship. While

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affect is not simply emotions, the two are intimately linked. Catherine Lutz (2017) posits that affect refers to something pre-verbal which moves you; it refers to what comes to matter to people (182). Affect is visible both within and outside of language, it is a form of communication. McKenzie (2017) emphasizes the collective significance of affect. She contends that affect can be understood as “that which encompasses and exceeds more individualized conceptions of emotion, as interactive and embodied intensities that circulate as forces of encounter” (McKenzie, 187). Affect is what moves us collectively and individually (188).

Kathleen Stewart (2007) argues that affect can be understood as a “public feeling” that both begins and ends in broad circulation, while at the same time, affect is the substance of intimate lives (2). She argues that the significance of affect rests in “the intensities they build and in what thoughts and feelings they make possible” (3). Their values, Stewart emphasizes, come from “where they might go and what potential modes of knowing, relating, and attending to things are already somehow present in them in a state of potentiality and resonance” (3). This is incredibly significant in the context of the National Inquiry, as it suggests that paying attention to the role of affect, and to where affect emerges, may attune us towards ways of knowing, relating, and attending to one another. She further suggests that affect may gather in what we think of as stories (6).

Feminist writer Sarah Ahmed (2004) theorizes affect and emotions, suggesting that emotions should be understood not as psychological states, but instead as social and cultural practices (9). In the context of affect and emotions, I am interested in the ways in which we might think about affect as *collective*. While emotions are often understood as internal states, affect can be understood as collective in the sense that it encompasses feelings and intensities that circulate *between* bodies. In this sense, emotions are the very substance of cultural politics and world

making (12). Emotions and feelings, Ahmed contents, do not simply reside in subjects or objects, but instead are formed by circulation (8). With this understanding of affect in mind, I am interested in the “feel” of the Inquiry and the atmosphere at public hearings. I argue that this atmosphere was not only a product of archival and bureaucratic practices but was also a product of affect. Collective expressions of grief, anger, suffering, and resistance circulated between bodies to make the atmosphere at public hearings what it was. Ahmed’s theorization also strengthens the link between relational or situated accountability and affect, as she suggests that emotions are in fact relational. She argues that “[emotions] involve (re)actions or relations of ‘towardness’ or ‘awayness’ in relation” (8). In the context of my own research, I argue that to honour situated accountability, it is vital to take affect into consideration. Simply examining the archival and bureaucratic practices of the National Inquiry is not enough. Situated accountability calls for a emphasis on affect in order to begin to understand how the public who attend Inquiry hearings engage with and relate to the Inquiry.

Returning to Interludes

The three interludes throughout this thesis were an attempt to keep considerations of affect present throughout a discussion of archival and bureaucratic practices. They stand to demonstrate how engaging with the hearing process and attending to its archival and bureaucratic tendencies was an incredibly affective experience. My observations here are subjective, as affect can be understood and experienced differently by everyone. At the same time, my observations may also reveal something collective, given my understanding of affect as circulating between bodies. I use the interludes not only as snapshots of affective moments, but also as entry points into a larger conversation about the (sometimes strategic) materialization of affect in Inquiry processes, hearings, and archives.

Mother

The first interlude captures a moment I witnessed one day at the Inquiry's public hearing on Family and Child Welfare, in Winnipeg MB, in early October 2018. In this interlude, I attempted to translate the visceral grief of a woman who attended the public hearing who had lost her daughter. Her grief was laid bare for everyone at the hearing to see and feel and it completely transformed the atmosphere of the hearing on that day.

This story also points to the ways in which the National Inquiry responds to affective moments. When she became visibly distraught and started to cry, the woman was immediately surrounded by Inquiry health support staff, and even by several of the commissioners, who hugged her, offered her tissues, and then eventually led her out of the room. It is also important to remember that affect can be, and often is, strategically mobilized and monopolized in archival practices in this context, by the settler media archive. According to early media coverage of the Inquiry, there was very little support from health staff. This was covered numerous times in the media, but there was little reporting on the ways in which the Inquiry's health support improved or changed over the course of its mandate. In this instance, something very important was made visible. It is outside of the norms of a Western legal proceeding to have legal officials show compassion and care in such a particular manner. You would not see a court judge get up from their seat to comfort an audience member. We might understand this moment as a moment which makes visible care, compassion, and relational accountability. Conversely, we might also interpret this moment in a completely different way. For instance, the commissioners and Inquiry staff escorting the woman out of the hearing room could be understood as an impulse to make her grief less visible.

If this interlude about a mother speaks in part to how the national Inquiry responds to expressions of grief, then I argue a further engagement with how the Inquiry responds to this is

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necessary. I draw attention to the “open letter” category constructed by the official archive of the National Inquiry. I argue that that this category makes apparent the Inquiry’s mobilization and considerations of affect. There are two letters in this category, which are entitled “Dear Families of Missing and Murdered Indigenous Women and Girls, Survivors of Violence, Ms. Christi Belcourt and Signatories of the Open Letter”, published on May 19, 2017, and “To: Survivors, communities, staff of the National Inquiry, National Indigenous Organizations, and all those who are dedicated to our shared missions;” published on October 7th, 2017. The first of the two is actually a response to an open letter that was levelled at the Inquiry itself by artist and activist Christi Belcourt and signed by more than fifty-four individuals and organizations. In this letter, Belcourt calls on the commissioners to acknowledge and rectify the lack of communication between the Inquiry and the public. She contends that this lack of communication caused increased anxiety and frustration in the context of an already long-awaited process (Belcourt, 2017). As a response to criticisms levelled at the Inquiry, chief Commissioner Marion Buller states that “[t]he Commissioners and I agree with your criticism of our communications. The National Inquiry has not communicated its work in a clear and timely fashion.” (1) The letter is then broken down into sections which include; respecting the spirits of our relations and ceremonies, trauma-informed process, supports for families and loved ones, and schedule. The Inquiry may recognize the ways in which taking affect into consideration may strengthen public support for the Inquiry. In this sense, the category of “open letters” seems as if it was externally provoked, rather than voluntarily constructed by the Inquiry. The open letters issues by the Inquiry can be understood as a means of mitigating feelings of anger and deception that were circulating in the public. In this way, the open letters might be understood as a strategic deployment of the Inquiry’s understanding of the role of affect. The open letters were mean to

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change the feelings of many who had written to the Inquiry in complaint of its form and processes. The letters in question were meant to address complaints from the public about the opaqueness of the Inquiry's operations. The attention that is paid to affect within the official archive makes visible the importance of affect to the ways in which the public, Indigenous and non-Indigenous engages with the Inquiry.

Beading Circle

The second interlude titled "Beading Circle describes the experiences of my participant Dorothy, as she described them to me. The interlude is about the beading circle that was run alongside some of the Inquiry's public hearings. While attending the St. John's hearing on Sexual Exploitation in mid-October 2018, Dorothy also spent some time in the beading room. As I have previously detailed, the beading circle was facilitated and run by Indigenous community member Gerri Pangman. Dorothy described her time in the beading circle to me as calming, and as welcoming. Eleanor, who came to the hearings with Dorothy also spoke to me about her affective experience in the beading circle. Talking about the difference in the atmosphere of the hearing room and the beading room, Eleanor stated that

on a personal level I really enjoyed the beading. I also think it's a good. I do think it's medicine, and I totally agree to it being referred to as being a medicine. It's also like an experience, a way to learn from other people who are not speaking at the Inquiry, and it's a way to offer support to other people too.

Eleanor relates the beading circle to medicine and care. She explained that for her, the beading circle was "a moment of emotional impact". This interlude, and the presence of this beading circle more generally also relates to conversations about affect and care. As discussed earlier, within the settler media archive there are numerous articles detailing the lack of aftercare

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provided to families and survivors after they participated in the Inquiry process, including two articles by the CBC. This is an example of affect being mobilized through media coverage. Conversely, after searching CBC's website I did not find any articles covering the beading circle. This is important, because it may suggest that through media coverage of lack of aftercare there was a deliberate mobilization of affect to paint the Inquiry in a negative light. Although it is important to report on the lack of aftercare provided by the Inquiry, it is interesting that the media did not report on later efforts to provide culturally appropriate care to those attending the public hearings. Reporting on the presence of a community-led effort for care and aftercare would have provided a more complete image of what was really going on at Inquiry hearings. Reporting only on the lack of aftercare, and not about community efforts to provide care ultimately works to emphasize the dysfunctionality of the Inquiry without acknowledging the spaces of improvement being made by community members themselves. Media coverage, whether inadvertent or intentional, works to position Indigenous community members as helpless victims rather than as agentive in their own healing.

Resistance

The third interlude, entitled "Resistance" is positioned directly before this conclusion. This interlude is a representation of a moment that was repeated several times, by several different representatives of parties with standing. Representatives, largely lawyers who are also Indigenous women, took a moment out of their cross-examinations, or out of their final submissions to the commissioners to make clear their criticisms of the Inquiry process. Each time they did this, there was visible and audible support from others in the room, both other parties with standing and the public. Although the various women speaking seemed visibly upset, sometimes speaking through tears, they also exuded strength and courage. They stood

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their ground firmly and made no apologies for their frustrations. These moments were incredibly affective in a way that is hard to specify. Despite a perhaps outward appearance of an abstract, rigid, legal process devoid of emotion, bureaucracies are inescapably affective processes.

Bureaucracies hold affective weight, and their opaque legal processes often impact people's lives in intimate ways. This interlude provides us with a clear transition into a discussion of the Inquiry's bureaucratic practices, and considerations of affect. This final interlude also offers us a way to transition into thinking about the Inquiry's Final Report. The report makes pointed legal arguments which often take affect into account in strategic ways.

Final Report

The Inquiry's Final Report was published on June third, 2019. It was published in two parts and included 231 Calls for Justice or recommendations. Although important, because of the timing of its release, the Final Report is not a focus in my work. I do not analyze the report in its entirety but give some consideration to Calls to Justice made to the settler public, as well as the media coverage of the release of the final report.

The Inquiry frames their calls for justice as legal imperatives. They categorize Calls for Justice as those for governments, those for industries and institutions, those for educators, those for law professionals, those for people implicated in child welfare, those for correctional services, those for all Canadians, and more. After experiencing the materialization of what often seemed to be the Inquiry's overly Western legalistic framework both in archiving and bureaucratic processes, it is salient that the Inquiry chose to frame their recommendations as legal imperatives. Without the rigid legal framework that they adhered to at hearings, would they have been able to do so? We might also argue that although this may be an effective strategy, it once again reflects the idea of doing Indigenous work through a Western paradigm.

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As already indicated, my focus is on Calls for Justice directed specifically at all Canadians. The Final Report states that “[a]s this report has shown, and within every encounter, each person has a role to play in order to combat violence against Indigenous women, girls, and 2SLGBTQQIA people. Beyond those Calls aimed at governments or at specific industries or service providers, we encourage every Canadian to consider how they can give life to these Calls for Justice” (2019: 199). Below are the eight Calls for Justice aimed at all Canadians.

1. 15.1 Denounce and speak out against violence against Indigenous women, girls, and 2SLGBTQQIA people.
2. 15.2 Decolonize by learning the true history of Canada and Indigenous history in your local area. Learn about and celebrate Indigenous Peoples’ history, cultures, pride, and diversity, acknowledging the land you live on and its importance to local Indigenous communities, both historically and today.
3. 15.3 Develop knowledge and read the Final Report. Listen to the truths shared, and acknowledge the burden of these human and Indigenous rights violations, and how they impact Indigenous women, girls, and 2SLGBTQQIA people today.
4. 15.4 Using what you have learned and some of the resources suggested, become a strong ally. Being a strong ally involves more than just tolerance; it means actively working to break down barriers and to support others in every relationship and encounter in which you participate.
5. 15.5 Confront and speak out against racism, sexism, ignorance, homophobia, and transphobia, and teach or encourage others to do the same, wherever it occurs: in your home, in your workplace, or in social settings.
6. 15.6 Protect, support, and promote the safety of women, girls, and 2SLGBTQQIA people by acknowledging and respecting the value of every person and every community, as well as the right of Indigenous women, girls, and 2SLGBTQQIA people to generate their own, self-determined solutions.
7. 15.7 Create time and space for relationships based on respect as human beings, supporting and embracing differences with kindness, love, and respect. Learn about Indigenous principles of relationship specific to those Nations or communities in your local area and work, and put them into practice in all of your relationships with Indigenous Peoples.
8. 15.8 Help hold all governments accountable to act on the Calls for Justice, and to implement them according to the important principles we set out. (199).

In the spirit of Ahmed (2004), it is important to think about emotions as the very substance of cultural politics and world making. If emotions are the substance of world making and cultural politics, then what might thinking about emotions as formed by circulation incline us towards?

The Inquiry held a final ceremony, which operated as a press conference of sorts, at which the commissioners gave their closing remarks, the Calls to Justice were reviewed in brief, and the report was presented to the Prime Minister Justin Trudeau. I followed along with the event, watching it through CBC Indigenous Live. A convenient feature of many live streams is that they list how many people are streaming at any given time. Although it varied throughout the event, there were approximately 240 other individuals watching the event on the same platform as I, at the same time. Considering the total population of Canada and the magnitude of this Inquiry, this is not a considerable number.

While the media coverage of the Inquiry's Final Report exceeds the time period covered by my fieldwork and research, the release of the Final Report is still revealing of the ways in which affect circulates within bureaucratic and archival practices to produce a certain public "mood" or "feeling". Media coverage of the Final Report fixated on the Inquiry's use of the term "genocide". Interestingly, the legal staff of prior commissions such as the TRC were hesitant to make such forceful legal arguments, choosing instead to settle on the term "cultural genocide" (TRC, 2015:1). Although the National Inquiry has been plagued by public criticism and negative attention, there is something extremely significant about its choice to use the term genocide. As I have explored in earlier chapters, the Inquiry largely adhered to a rigid legal structure, and this was at times to its detriment. Yet, without this already established legal framework and structure, the Inquiry would likely not have been able to make the compelling legal argument that Canada's treatment of Indigenous women and girls is genocidal. There is something important

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about the National Inquiry establishing itself as a legal entity, attempting binding legal work, before arguing the point of genocide. Returning to media coverage, I personally saw countless newspaper articles, from the CBC and otherwise that focused on interrogating the validity of this term in the Canadian context (Dyer, 2019). Problematically, this kind of coverage works to deflect any actual questions of accountability, or immediate action on the part of the settler public. It is arguably a waste of time, and a distraction from the actual Calls to Justice issued by the Inquiry that are in need of implementation. This is an integral piece of the counter-archive I aim to contribute to.

At the press conference/final ceremony, commissioner Robinson stated that as a non-Indigenous commissioner, she continuously struggles with the urge to deny both her own and her ancestors' part in the injustices experienced by Indigenous women. But she also stated that she believes that who we are as settlers depends most importantly on what we choose to do *now*. Speaking about the report, she contended that “this is ‘the truth’, this is my truth, and this is your truth”. On that note, I return to my understanding of affect and ask, in the spirit of Stewart (2007), how might paying attention to the role of affect, and to where affect emerges, attune us towards ways of knowing, relating, and attending to one another? Might paying attention to affect help us to shape future relationships? In the Inquiry's Final Report commissioner Robinson states that non-Indigenous Canadians need to acknowledge their roles and become active participants in decolonization (Final Report Vol 1a, 2019: 9). I argue that this statement is a first step towards paying attention to affect and attuning our selves towards other ways of knowing, relating, and attending to one another.

Final Considerations

To bring some closure to this counter-archival effort, I would like to tend to the larger questions that this work might bring to our attention. In the spirit of situated accountability, I do not intend to offer any solutions or resolutions. In the introduction to this thesis, I suggested that the Inquiry's capacity to unsettle existing structures of power and inequality was highly contested. The National Inquiry has come at a moment when the Canadian state has no choice but to acknowledge the social inequalities and systematic racism facing Indigenous communities living within the its boundaries. Problematically though, inquiries and commissions have historically been used to further define racial distinctions, dictating who is to be considered eligible for state aid, and who is not. Public responses to the Inquiry's Final Report, which fixate on the use of the term "genocide" may suggest that the Canadian public is not yet ready to properly address the longstanding historical racism facing Indigenous communities.

Using Stoler's "along the grain" approach, I have examined the archival and bureaucratic practices of the National Inquiry and engaged with its materialization. I argue that this approach has aided me in providing a counter point to the notion of unsettled power. Reading along the grain and comparing the Inquiry's officially stated goals to its actual materialization may help us to understand if the Inquiry is capable of transformative justice. Examining the on the ground materialization of the Inquiry, in particular its public hearings, makes visible the complexities of archival and bureaucratic processes and may reveal *why* the Inquiry is so highly contested. I have argued that examining the Inquiry's officially stated goals and materialization carefully reveals instances of opacity, an opacity which works to reflect the contested nature of the Inquiry's ability to enact transformative justice.

Throughout this thesis I have raised questions of opacity, asking how the Inquiry's opacity might contribute to an understanding of its archival and bureaucratic practices, or even how its opacity might contribute to its overall effectiveness. I have argued that the Inquiry's opacity is apparent when we look at what is rendered visible and invisible through its archival and bureaucratic practices. In chapter IV "The Archive as Colonial Politics", I argue that through both the Inquiry's official archive, and through the settler media archive, certain things are made expressly visible. The Inquiry's official archive focuses heavily on relations with media and press entities, rather than on relations with the general public. The privileging of press releases over updates disqualifies the importance of more humanistic approaches in favour of a more legalistic approach. In addition, the prioritization of certain archival categories, for example the "statements" category, reveals an overwhelmingly Western legal format. This Western legal format contradicts officially stated Inquiry goals which argue for an Inquiry rooted in Indigenous legal traditions. The dominant settler media archive focuses heavily on staff departures and on problems with the availability of aftercare. This coverage emphasizes or makes visible notions of dysfunctionality, reinforcing visible stereotypical notions of Indigenous peoples, and thus an Indigenous-run Inquiry, as innately dysfunctional.

Conversely, I have argued that archival conventions also work to erase or make some things invisible. The Inquiry's positive achievements are missing from both the official and dominant settler archive, rendering them invisible. One of the most striking elements that I have argued was made invisible through archival conventions is the need for both Indigenous and non-Indigenous public engagement. The issue of MMIWG is not only an Indigenous issue, but perhaps more accurately is one that implicates non-Indigenous Canadians and requires the involvement of Canadian society broadly to effect change. The sole document in the official

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archive's "update" category reveals the low priority that is placed on keeping the public up to date, although the existence of the "update" category could be interpreted as an aspiration to be more transparent. Discursively, a lack of media coverage which keeps the public updated as to how the Inquiry is progressing works to position the Inquiry as static and as having no accomplishments. The Inquiry's official archive likewise lacks a complete communication of both the Inquiry's structure, and its scheduling practices. The absence of this information raises questions about whether the Inquiry's opacity was deliberate or incidental. The shortage of easy access to hearing schedules and dearth of everyday proceedings and transcripts of Inquiry hearings limit access to knowledge shared at hearings and reinforce hierarchies of knowledge. Ultimately, the engagement of lawyers seems to be privileged over that of the public, which is often typical of Western legal frameworks.

The Inquiry is rendered even more opaque through dominant media coverage of the public hearings. I have argued that both power dynamics, and the construction of authority are erased or made invisible through archival conventions. Through the lack of updates in the Inquiry's official archive and selective coverage of expert testimonials in the settler media archive, some voices are privileged over others. In settler media coverage the voices of already celebrated or well-known individuals such as Cindy Blackstock are privileged over the voices of lesser known individuals such as Fallon Andy. One might argue that Blackstock is deemed a source of authority by the media because she has worked for over twenty-five years as a social worker, a profession that is foundationally a Western creation. Similarly, anti-sex work narratives of Winnipeg Police Chief Danny Smyth, First Nations activist Diane Redsky, and Cree scholar Dr. Robyn Fearon were privileged in the media over the pro-sex work stance of Lanna Moon Perrin and the continuing experiences of other Indigenous community members who are victims of systemic

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oppression by the Winnipeg and other police forces. Ultimately, white voices are frequently privileged over Indigenous voices, as seen in the media coverage of Chief Smyth's testimonials versus the coverage of Diane Redsky's.

In chapter V: "The National Inquiry, Bureaucracy, and Power" I examine the Inquiry's bureaucratic practices, considering how they might contribute to opacity, and how they work to illustrate the dimensions of power wielded by the Inquiry. I argue that the atmosphere of public hearings is a direct product of bureaucratic practices. Public hearings were generally held in popular hotels in larger cities, and largely not held in smaller scale Indigenous communities. Significantly, hotels have historically been sites of oppression for many Indigenous folk and are linked to locations of sex work and disappearances. Western legal inquiry protocols and procedures dominated hearings, despite the inclusion of a variety of Indigenous ceremonies. The atmosphere at hearings also varied according to public participation and attendance, which depended in part on the public profiles of those who were testifying. In contrast, the very existence of the community run beading circle which was held alongside several of the Inquiry hearings points to a challenging of existing power relations. The beading circle acted in contrast to the highly legalistic atmosphere of the Inquiry hearings and provided a form of culturally appropriate care. The beading room was an example of Indigenous community members making and taking their own space. The open resistance of parties with standing to some of the legal regulations set out by the Inquiry can also be understood as a challenge to already established relations of power. As argued earlier, inquiries and commissions can be understood as "quasi-state" technologies, that are carried out by individuals outside of the state, but often effectively maintain the boundary between the state and the public.

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The Inquiry's ability to unsettle existing structures of power is visible when we think about the ways in which bureaucracies' function as instruments of power themselves. The Inquiry exercised power in part by amplifying some voices, while eclipsing others. Hierarchies of knowledge and importance were enforced by legal jargon, protocols and procedures which made it hard for the public to understand what was going on at public hearings. Many of my participants stated that they did not understand the Inquiry's structure even after experiencing the hearings in person. This worked to keep the public at arms length, unable to meaningfully or productively engage even if they want to. Additionally, precedence was given to some witnesses over others. Yet, significantly, moments of resistance to power were also made visible at Inquiry hearings. Indigenous women acting as legal counsel to parties with standing came together to rework the Inquiry's schedule by giving some of their allotted cross-examination time to another party. This afforded parties with standing an opportunity to ask witnesses more complex and in depth questions. Parties with standing also chose on multiple occasions to use some of their allotted time to address commissioners directly about deficiencies in the Inquiry's structure. Ultimately, this work may help to make visible why the Inquiry's ability to enact transformative justice is so highly contested.

The Inquiry's legalistic format and structure, which was determined by the federal Inquiries Act, similarly contributed to a sense of opacity. The strongly Western legal format of the Inquiry is almost predisposed to bias and misuse, based on the outcomes of past inquiries and commissions. The slow release of funds from the Treasury Board impeded logistics which in turn affected public notice about the Inquiry's proceedings. Importantly, the Inquiry has both the power to compel people to speak, and therefore draw them into Inquiry proceedings, but perhaps less obviously also has the power to keep people in the dark as to bureaucratic proceedings. This

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is a significant finding of my research. Although structured differently than previous commissions and inquiries, such as the TRC, the National Inquiry still adhered to an overwhelmingly Western legalistic format. At public hearings, there were tangible tensions between the Inquiry's Western legal format and their trauma-informed approach. As Marilyn Poitras seems to have suggested, this indicates that the Inquiry is arguably doing Indigenous work through a white settler paradigm. This approach unfortunately does not afford all bodies of law with equal standing, but instead reinforces a hierarchy of Western law over Indigenous law. As a result, many Indigenous legal traditions were subsumed by the Inquiry's proceedings. For example, in the Inquiry's *Legal Path* document Indigenous understandings of what it means to "witness" are acknowledged, but a Western understanding of the concept is privileged instead (2018: 3).

In the context of the opacity fostered by the Inquiry's legal format and structure, I would like to return one last time to a discussion of the public reception of the Inquiry's Final Report. If the National Inquiry is intended to pave the way for future inquiries and commissions of a similar kind, then we might assume that the National Inquiry's legal format and structure may act as a template for future inquiries and commissions. This is problematic because it reinforces a hierarchy and dominance of Western over Indigenous legal traditions. I do not intend to negate that the Inquiry's Western legal structure made it possible for them to label Canada's actions as genocidal in a manner that was perceived as compelling by the Canadian state. In his response to the Inquiry's final report, Prime Minister Justin Trudeau agreed with the Inquiry's conclusion of genocide (Dyer, 2019).

Finally, we might take some time to think about unanswered questions that may have been opened up by this research and by the public release of the Inquiry's Final Report. For example,

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what will it take to make the general Canadian settler public accept their accountability in the ongoing injustices facing Indigenous communities across the nation? Are commissions and inquiries an appropriate or even effective method for addressing issues of such monumental importance? Might the very format of a legal inquiry inherently keep the public from meaningful engagement? Conversely, are there alternative ways that commissions and inquiries might spur greater public engagement and action? As brought up by many parties with standing at public Inquiry hearings, will the National Inquiry succeed in effecting transformative action, or will the Final Report, like so many others, simply collect dust? Important questions may also be raised about the possibilities and futures of non-Indigenous researchers working within a paradigm of situated or aspirational accountability. What shape might research that takes situated accountability as a grounding principle take? I argue that this is certainly something that needs to be thought about and developed further.

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