

At Long Last, "Nike nestm teplutagn."

Eskasoni's Tuma Young is called to the Bar as Nova Scotia's First Mi'kmaq Speaking Lawyer

by Maura Donovan

"I always had it in my mind to get a university degree. But it seemed so far-fetched, it was almost impossible."

Tuma Young arrives to meet with me looking every part the lawyer, complete with a suit, shoes, and glasses - a far cry from the old days of jeans or shorts and a t-shirt. He is fresh from a photo session with a Daily News photographer, and assures me that he doesn't dress like this all the time. And anyway, his long, dark ponytail graces his back as always, a tell-tale sign that Tuma is still Tuma - and not your run-of-the-mill lawyer.

Far from it. Tuma is a son, brother, cousin, nephew, and uncle, and even after years of living mostly away, still very much a part of his home community of Eskasoni, Cape Breton. He is a loving partner to Nick, his companion on an amazing journey that has taken them both to British Columbia and will soon take them to Arizona. He is a founder of the Atlantic First Nations AIDS Task Force, a graduate of the Mi'kmaq Studies Program at UCCB, and a student of ethnopharmacology - also known as traditional indigenous medicines. He is a traditional two-spirited person, a twentieth century pioneer in this area and a role model for many lesbian, gay, bisexual, and transgender people. And, as of June 8, Tuma is a lawyer - the first Mi'kmaq-speaking lawyer to be called to the bar in Nova Scotia (see sidebar).

Tuma did not start out wanting to be a lawyer. He started out by coming out, and after travelling for a while in his young adulthood, by settling in Halifax. In the early 90's, he went to work for Stepping Stone, supporting and advocating for people who were working the streets. At the time, Stepping Stone had funding specifically to do HIV prevention. "Working at Stepping Stone, I was able to become known because I was talking about AIDS. No one else in the Mi'kmaq community was talking about AIDS at that time."

Tuma recalls the steps that eventually took him to university studies. "I was burned out after I left Stepping Stone. I needed a break and wasn't sure what I was going to do next. I went back to

the family cabin at Malikewej'k (Malagawatch, in Cape Breton). There was no electricity, no phone. I decided to get a phone. A half hour after it was hooked up, it rang. It was Elizabeth Paul (from the Union of Nova Scotia Indians) saying, 'Where have you been? I've been trying to get in touch with you. I want you to do a project on AIDS.' And that's

decided he wanted to focus on his education without the demands of a full-time job. So, when he left the Task Force, he decided to pursue Mi'kmaq Studies at the University College of Cape Breton.

At UCCB, "I discovered I had a talent for science... ethnobotany in particular." Tuma did extensive research on plants and

recruiter we would write the LSAT's (Law School Admissions Test)."

Tuma recalls his lack of interest in the whole process. "I had no intention of going to law school. I wrote it (the LSAT), and I thought it was a good mark, because I was in the 80th percentile... I went home and told Nick that I might go to Dal Law

county court in Nova Scotia. It was about my great-grandfather." Sitting in his apartment in Vancouver, four thousand miles from home, that case was all the proof he needed to know that he was in exactly the place he should be.

Later, when his confidence faltered again, Nick told him, "Write down your reasons for being in law school." So he wrote them on a card and posted the card on the refrigerator: "Help my people, help my community, make a change." Whenever he needed a reminder, "I'd go to the fridge and read these statements."

Throughout law school, "my goal was just to survive and pass. I was making B's, but I kept thinking, 'What the hell am I doing here?'" Over time, though, Tuma's confidence increased. "There were fifteen First Nations students, and we supported each other, tutored one another. There was no competition." There was, however, inspiration, in the form of his fellow classmates: "There were single mothers in my class, and I thought, 'If they can do it, so can I.'"

Tuma also benefitted from the experience of being at a law school "that has probably the most 'out' faculty of any law school, maybe in the world." And, he took part in the Indigenous Law Association, meeting lawyers from across Canada, the US, and Australia.

Tuma's experience at UBC was not all peaches and cream - racism always rears its ugly head. "There's this pressure, if you're First Nations: you have to be twice as good to be considered half as good as white people." Though that reality was still a factor, Tuma says, "I'm really happy that I went to UBC."

Tuma was eager to return home, and after graduation last year, he and Nick moved to Truro where he articulated with Patterson Palmer Hunt Murphy (PPHM). Upon his appointment at the firm, the Eskasoni band council showed their approval of this decision by switching their general counsel to PPHM. Already, Tuma has seen the impact of having a Mi'kmaq speaking lawyer available to native people in Nova Scotia. "When I went and addressed the Chief and Council, I spoke to them all in



how the Atlantic First Nations AIDS Task Force started."

The First Nations AIDS Task Force was a huge undertaking, and it combined the things Tuma knew best - culture, sexuality, a deep love for his people and a respect for traditional ways, and the need to talk about difficult subjects like addictions and sexual abuse. He brought to the Task Force an intrinsic belief in the holistic approach, and it resonated with people. Demand for the Task Force's services came from across the Atlantic region - workshops, groups, individual support. Soon, Tuma was not the only person talking about AIDS.

While working at the AIDS Task Force, Tuma completed a Certificate in Addictions Counselling - his first chance at his dream of pursuing a university education. However, working full-time and going to school was a challenging mix, and Tuma

roots that had traditionally been used for healing. "I went to the elders, and got the Mi'kmaq names for the plants. Then I'd go to the botanist, and try to figure out which plants they were." The research was ground-breaking; many of the plants had not been documented before. And the timing was urgent: the elders were getting on in years, and their knowledge was in danger of dying with them. In the end, the Mi'kmaq names and uses of over 800 plants were identified.

While Tuma was busy combining his interests in "linguistics, botany, and traditional ecological practice," a recruiter from the Dalhousie Law School was headed to UCCB to talk to native students about the legal profession. Tuma laughs, remembering that "(Native Students' Advisor) Patrick Johnson pulled a bunch of us into this session. He promised the

School, and he said, 'What about Victoria?' Nick had visited Victoria and he liked it."

Tuma did not end up in Victoria. However, in their search for information on law schools, he and Nick discovered that the University of British Columbia in Vancouver had several courses in aboriginal law. UBC also had a greater number of native students than did Dalhousie, and did not have quotas on the number of native students who could enroll. "They said, 'Your marks are fine, your LSAT's excellent. You're in.'"

The three years of law school "just flew by." However, Tuma recalls, the first year was "really rough. I almost gave up about four times." In the first week of school, having arrived home with over 300 pages of readings, he felt completely overwhelmed. "Then I opened up the first case. It was a treaty case from 1929, from the

Mi'kmaq. It was the first time they had been addressed about legal matters in their own language."

Tuma sees endless benefits to having Mi'kmaq-speaking lawyers available to people, especially in Cape Breton, where Mi'kmaq is still the language spoken in many homes. "People defer to the lawyer... they may not understand what is being said, but they won't speak up." Indeed, considering how confusing 'legalese' can be when English is one's first language, it seems formidable to attempt to follow a legal discussion or document when it is one's second language. Having a Mi'kmaq-speaking lawyer allows not only for the interpretation of complex and precise legal concepts, but also gives the client the chance to ask important questions in his or her own language.

will not affect people on reserve in the same way. We are seeing piecemeal changes," he says, and further changes are needed.

Tuma cites the example of the voting age which, until 1985, was 21 for First Nations people and 18 for everyone else in Canada. "Very few (non-aboriginal) people even knew the law was different." Understanding how the law is different for First Nations people - especially those on reserve - is an important part of the work Tuma will be taking on.

Tuma is now headed to Phoenix, Arizona, where he will complete his Masters in Indigenous Law. When he and Nick return next year, he will be that much more prepared to serve his people, in their own language, in a legal system where they have traditionally felt disempowered and silenced.

"I may be the first Mi'kmaq-



It is also important for clients to be able to relate to their lawyer. "When people go to see a lawyer, they are usually in trouble or expecting trouble. People are worried about the cost, about what's going to happen." Like a same-sex couple dealing with a straight-and-narrow lawyer, the wide cultural gap between a non-native lawyer and an aboriginal client can make an already difficult situation that much more stressful.

The law also is applied differently to native people, especially those who are on reserve. "The Minister of Indian Affairs has ultimate discretion" in several areas. There are also differences in areas such as family law and real estate law. "So, some provincial changes, like those to the Matrimonial Property Act,

speaking lawyer in Nova Scotia... but I wish that wasn't so. Fourteen years ago, the Marshall Inquiry recommended that there be Mi'kmaq-speaking lawyers in Nova Scotia. It has taken fourteen years to get that."

Fourteen additional years of racism in the legal system in Nova Scotia; fourteen years of a problem that has been named, but that continues to thrive at the expense of individuals and communities with a great deal at stake.

Tuma Young's desire to serve his people and to celebrate and preserve Mi'kmaq culture has found a new avenue. And the people he represents will have the opportunity, finally, to say, Nike nestm replutaqn: *Now I understand the law.*

Tuma's Call to the Bar, Eskasoni First Nation, Cape Breton, Nova Scotia June 8th, 2001 by Andrea Currie

7:00 a.m. Rowan wakes up and she and I hang out in the living room at Flo's house, playing as quietly as possible so as not to wake the others. Flo, Tuma's Mom is not home; she has a job staying overnight at an old woman's house who needs to have someone there. My godson, Vince, and his girl friend, Sherry, are downstairs asleep. Tuma's brother Phillip called late last night from the fishing boat, saying he would be ashore in Arichat in the wee hours of the morning, but his truck is in Sydney so he needs someone to come and get him. He's going to call Mar (short for Mary), their sister, and hopefully she'll do it. He wants to make it back in time for the ceremony. There is sweet anticipation in the air, quiet excitement, everyone is in good spirits.

8:00 a.m. Vince and Sherry are up, Flo arrives home, and Tuma and Nick roll in from Iona, where they stayed in a hotel. There is a flurry of activity and the pace picks up as we all figure out who should shower first, etcetera. Tuma is going to dress here; he checks his gown and all the related paraphernalia. Anyone who knows Tuma might have guessed that he would find a profession in which he is required to wear a dress. I get Rowan's clothes ready, but I'm not dressing her until the last minute. I'm trying to fool myself that she will stay clean for the big event.

9:00 a.m. There is much ado when David and Rose come over. David is one of Tuma's older brothers (there were fourteen of them in all), who lives in Fredericton and would not say whether or not he would come. According to Rose, he just told her up yesterday morning they were going to Eskasoni, the first she heard of it. I guess it takes some doing to get David to come to something like this. They arrived last night but it is obvious that the novelty of having them around has not worn off. Having them here really underlines that something very special is going to happen today. David is full of jokes, laughter is everywhere.

10:00 a.m. The call is being held in the new high school, the multipurpose room being turned into the Nova Scotia Supreme Court. The discussion of who will go there in which cars takes place. Tuma and I joke that this is a close to a wedding as he will ever come. How can it be that I was up before everyone and technically had the most time to get ready, yet am the last one out the door? I feel a bit panicky. I can't be late. I don't want to miss a single word.

10:30 a.m. The room is filling up with a fascinating mix of humanity. In the centre is Tuma, with a swarm of people around him, gowned lawyers, reporters, organizers from the Band Office, Judge MacLellan, and beloved elder Murdena Marshall saying she really didn't feel the need to wear a gown. Judge MacLellan says she really should and she is handed one by a woman lawyer from Sydney who was had brought hers along to wear. Murdena in a black lawyer's gown, a visual oxymoron. In the middle of this buzzing hub, Tuma is giving an interview, cool as dirt. The dignity in the way he carries himself is a noticeable characteristic of Tuma's, always, but today it really shines. I feel so proud to be his friend and to have him as Rowan's kekkunit (godfather), I could burst. Surrounding the buzzing hub are lots and lots of people. I don't know how many seats there are in this place but there is standing room only, all the walls are lined with people of all ages. Folding in the obvious non-native people, mostly lawyers, the community is out in full force. Probably a quarter of the assembled are family, immediate and extended. And non-biological, as Rowan and I find out when we scout the walls for a place to stand and are invited by Flo to take the one empty seat left next to her in the front row. She is gorgeous in her traditional regalia, shining like her son.

At the head table up on the stage, Tuma, Judge MacLellan, Chief Blair Francis, and Justice Minister Michael Baker. My experience of the proceedings from this point on is in the form of vignettes, as any parent of a toddler would understand. The young boy from the community singing Oh Canada in Mi'qmaq.....the prayers to the spirits of the Four Directions.....the Judge's words which seemed very low profile and left no major impression on me, it was Tuma's day.....Justice Minister Michael Baker's tribute to Tuma.....the introduction given by the acting president of the Barrister's Society which provided Tuma's personal and professional coordinates and long list of achievements and awards.....my favorite part of which was when the speaker mentioned Nick, Tuma's partner of eight years and I felt the power once again of Tuma's connection to his community and the recognition and love from them which embraces him as two-spirited medicine man, warrior, and more often than not, Trickster.....dignity is in abundance in this room.....and then Tuma's speech.

Tuma spoke in Mi'qmaq and English, alternating gracefully between the two, guiding the unilingual listeners along. He told lots of funny stories, mentioned that he and Chief Blair Francis had been in Springhill together, raising a mild twitter in the crowd, then explained that they had both been part of a drum and dance group when they were kids that had gone to Springhill to perform for the people there. He talked about how the justice system has not served our people well. He explained that, in addition to the vows he was required to take by the Nova Scotia Supreme Court, he had added one of his own, vowing that he would never use his knowledge against his own people. He thanked his community for nurturing him, and his mother and family. And for the first time, I heard Tuma tell a story about his Dad. In it, he thanked his Dad for teaching him some important things about justice. He spoke about his concern for the young ones coming up, how he wants them to be fully aware of all their possibilities, how we are obligated to them. I stood outside the open door at the back of the hall for most of his speech, where I could see Rowan picking dandelions and chasing the older children on their bicycles, and still listen. It was a beautiful day, indoors and out.

When Tuma was sworn in, he swore on an Eagle feather and a Bible, a version that was translated into Mi'qmaq. The scroll he was presented with was also written in Mi'qmaq. Great warmth and pride came through in the long, steady applause. And then it was all over.

Noon. We are all milling around again, waiting for the feast to appear on the tables that have been set up in the foyer of the main entrance of the high school, down the hall from where the ceremony had just taken place. Then the word gets around: the caterers took the food to the Band Council offices by mistake. It'll be a bit late. It was well worth waiting for, an amazing meal, enjoyed in great company. We closed down the place and headed back to Flo's.

The afternoon. Naps, a tour of Sydney for Vince and Sherry courtesy of Tuma and Nick, a stop at Value Village, and a decision to get a feed of lobster for supper. Once home again, Tuma and his Mom and sister Mar took Vince and Sherry fishing at Little Narrows and I was sent to fetch the lobsters. When the fishers returned, everyone had caught a fish except Flo and Mar who stayed on to keep trying, apparently unwilling to come home without having had at least a nibble. Tuma caught a cod of a very respectable size. The lobsters were devoured, with just the right amount of a special occasion atmosphere to make them taste their best.

At the end of the day, you could probably have overheard Tuma say that it was a good day for fishing.

