

Peter R. Grant

CLASS OF 1975

PROLOGUE

This story runs in linear columns on a standard page, like any other. But it is carved in circles: film reels and moving pictures; ancestors and descendants; reunions. Choose any starting place; you will find you end where you began.

After graduating from UBC in 1971 with a BA in Film Production and English and then traveling through Europe and Asia for a year, Peter Grant was without work. An employment counselor asked him what he was trained to do, and he answered, “I’m in film. I want to be a film producer.” And she said, “Have you got any other options?” And I said, “Well, I’ve been accepted to law school, but I don’t really want to go.” So she said, “Go to law school. There is no future in film in this country.” Grant went to law school.

He admits he felt little passion for law at first. “There was only one course in Aboriginal law,” he says, “and it was the only thing I was really keen on.” In third year, he discovered he could further satisfy that interest by doing a directed research program. He chose to study non-Western legal systems—specifically, traditional laws—and conducted an analysis of the traditional laws of the Tlingit and the Gitanyow. During his articles, Grant was contacted by Stuart Rush and Don Rosenbloom, then with the BC Law Union, who were assembling a group of articling students to work with them on Leonard Peltier’s extradition case. Grant joined their team. “I thought if I was going to do law,” he says, “I wanted to work for the underdog. I realized that Aboriginal people certainly were the underdogs in Canadian legal jurisprudence up to that stage.”

After articles, Grant and three others formed a law collective in downtown Vancouver and began to generate their own work. But a notice in the old courthouse (now the Vancouver Art Gallery) caught his eye: the community of Hazelton was seeking help to set up a community law office for the Gitxsan and Wet’suwet’en. He interviewed in September of 1977 and left Vancouver in December. “I was just overwhelmed by the people and the warmth,” he recalls.

Hazelton was, Grant says, as remote as you could get. Intending to be there for a couple of years, he made a home in the community and was adopted by the people, and stayed until 1995. After handing the operation of the community law office over to an Aboriginal lawyer, Grant built a log law office, married, raised his two daughters there and established a private law practice.



Early on, he was approached by the land claims research office to take an Aboriginal title case for the Gitxsan and Wet’suwet’en. He refused, claiming to be too junior a lawyer and too ignorant of the cultures to be of genuine help. A couple of years later, the request came again, and this time, he said yes. The case was *Delgamuukw*.

Grant prepared the evidence of over 100 elders who testified at trial, his arguments strengthened by his first-hand knowledge of traditional laws. “Part of ... *Delgamuukw*,” he says, “was the recognition by the courts of traditional legal systems and traditional Aboriginal governance.” After a 14-year process, *Delgamuukw* established in the Supreme Court of Canada that Aboriginal rights exist, and that they have not been extinguished by any legislative act of government.

Grant is the founding partner of Peter Grant & Associates, and has worked on behalf of Aboriginal peoples in Canada for the whole of his career. As well as acting as one of the lead counsel on *Delgamuukw*, he acted on *Nikal* (fishing), *Luuxhon* (duty to consult) and *Blackwater, Aleck and Barney* (residential school claims). Past Chair of the National Aboriginal Law Section of the Canadian Bar Association (CBA), he is the ongoing CBA representative for Aboriginal law on the Federal Bar and Bench Liaison Committee and serves on the Board of Directors of EAGLE. He has published extensively on residential schools; assistance to Aboriginal governments; treaty negotiations; and Aboriginal title.

Grant discusses his ongoing representation of the Semiahmoo Nation with respect to the Tsawwassen treaty, which was tabled in the legislature two days before this interview. The treaty would give the Tsawwassen Nation unlimited access to the Boundary Bay crab fishery for 11 years; Grant’s team claims this would seriously impact the s.35 rights of the Semiahmoo.

Citing *Haida* and the government's duty to consult, he says, "The government has said 'No, no, no, that doesn't apply to these kinds of treaty negotiations!' So this is a very important case, because it'll be whether or not the government's duty to consult and seek accommodations with other Aboriginal Nations applies when they're entering into treaty negotiations with a Nation."

Since *Haida* (2004), Grant has taken the provincial government to court four times for failing to consult, and won every time. "I don't know how many times the Crown has to be taken to court," he says, "to be told, 'Look, we're serious—you have to accommodate other Nations' rights!'"

According to Grant, the way forward is through acknowledgement, accommodation and respect. "What we really want to do," he says, "is figure out how we share the resources" and he points to extra-judicial procedures such as an accommodation tribunal as a way to do that. He draws a comparison between his clients in the residential school cases and those in title cases: "They want an acknowledgement," he says, "and not so they can sue. An acknowledgement of the veracity of what they[re] saying. And I think it's the same with Aboriginal title. You want respect. And once you have the recognition, that leads to the respect."

EPILOGUE

On December 11, 2007, the legal team on Delgamuukw reunited to celebrate the tenth anniversary of that landmark decision. "We had different legal approaches," Grant says, "but we all remain good friends. I [count] that as a badge of honour."

* *Grant's younger daughter majored in film production and history at UBC. "[Film] was my passion," Grant says, "but I never even talked to the kids about it." She associate produced Reservation Soldiers, a documentary about the Canadian military's campaign to attract Aboriginal recruits. Directed by award-winning Anishinaabe filmmaker Lisa Jackson, it aired for the first time on CTV in early December.*

* *A year after his father died and many years into his practice, Grant learned that his great, great, great grandfather, who was a chief trader, was married to an Aboriginal woman. "I have to prove myself to [my clients] through the quality of my work, and not through my ancestry," Grant says. "But I find it quite fascinating that in fact these things sort of come full circle."*