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Spring 2012

Review of *Oral History on Trial: Recognizing Aboriginal Narratives in the Courts*. By Bruce Granville Miller

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Mildon, Drew, "Review of *Oral History on Trial: Recognizing Aboriginal Narratives in the Courts*. By Bruce Granville Miller" (2012).
Great Plains Research: A Journal of Natural and Social Sciences. 1228.
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Oral History on Trial: Recognizing Aboriginal Narratives in the Courts. By Bruce Granville Miller. Vancouver: UBC Press, 2011. 195 pp. References, index. \$94.00 cloth, \$32.95 paper.

Anthropologist Bruce Miller's new treatise will prove an essential resource for historians, ethnographers, and anthropologists both inside and outside the academy and for lawyers working in the areas of Aboriginal law and Indigenous rights. Demonstrating the classic "iceberg" principle, Miller's broad and deep knowledge of the contemporary theoretical underpinnings that inform approaches to Indigenous oral history in academic practice and in the courtroom are immediately apparent. He gives us the tip of that iceberg in a readable, comprehensible exegesis backed by solid research and accessible references. Addressing the complex theoretical and teleological divisions among disciplines with remarkable lucidity and plain language, Miller paints a picture of the real and perceived interdisciplinary struggles over where and how "truths" may be ascertained—or valued.

In Canadian courts, a great deal depends on how judges receive and analyze oral history evidence placed before them by Indigenous plaintiffs. The legal tests for illegal impacts on constitutionally protected Aboriginal and treaty rights are often dependent on the oral history residing with the Elders in the communities seeking court protection. The Supreme Court of Canada says that the treaty rights to hunt, trap, and fish "as formerly" must remain meaningful. This signifies that governments must take steps to ensure that the habitat and ecosystems necessary for the practice of those rights are protected. The result is that Indigenous rights law is actually the strongest law for environmental protection in Canada. The negative environmental impacts arising from unbridled mining and tar sands development, and those associated with water issues, throughout the prairies can be most successfully resisted by the assertion of

First Nations treaty rights. To accomplish such protection, Indigenous groups must prove where their ancestors hunted, trapped, and fished at the time of treaty-signing; for those in the Great Plains, much of this information resides in their oral histories.

Miller does a fine job of taking apart the Canadian federal government's oral history gunslinger/expert witness, Alexander von Gernet, who has repeatedly been brought to court to denigrate and downplay oral history evidence (even though the courts themselves have found that his approach offends their own pronouncements on the importance of attending to oral history). Miller points out the inconsistencies in the sources the Crown witness uses to support his claims that oral histories are unreliable and "impure." Still, the author never fully releases the hounds on those he disagrees with, but rather cobbles together what we might call a methodology of hospitality both in his own theoretical practice and in the suggestions he has for lawyers and judges about how they might more appropriately approach, receive, review, and understand the dialogue of oral history within the current legal purview of rights determinations (indeed, the book is structured as a dialogue between academic theory, oral history practitioners, and courtroom outcomes). Ultimately, Miller is optimistic that the interdisciplinary backgrounds of today's legal professionals can support a nuanced cross-cultural dialogue leading to more just outcomes.

Considering the risks that rampant and unplanned developments are creating, both locally and globally, the opportunity to learn to listen to oral history scholars in a more nuanced way will likely prove important for all of us.

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