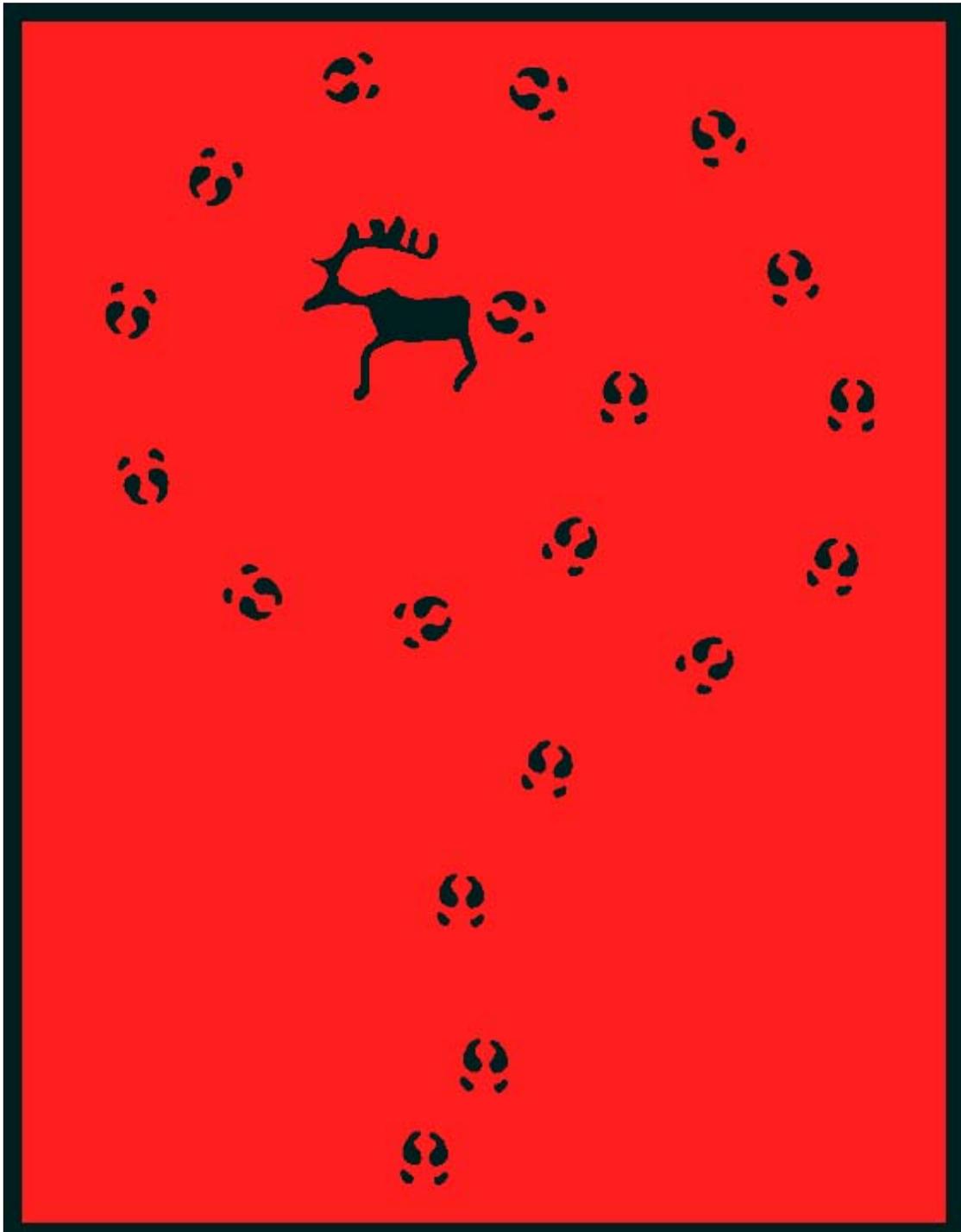


# **Wulustuk Times**

**Wulustuk - Indigenous name for St John River**

*This publication produced monthly at Tobique, NB, Canada E7H 5K3*



## TABLE OF CONTENTS, JUNE 2009

MOSSOS AND CARIBOU

TOBIQUE FOREST WATCH BEGUN IN 2004 CONTINUES TODAY UNDER NEW FORMAT

PARLIAMENT AIMS TO FINALIZE LEGAL DEFINITION OF “ INDIAN” WITHIN TEN MONTHS

MARTIN SAYS HARPER POLICY AIMS TO ‘ASSIMILATE’ NATIVES

KICHESIPIRINI ALGONQUIN FN NOW A NON-ADMINISTERING STATE NGO AT U.N.

BORDER REGS ALTERED FOR NATIVE AMERICANS BORN IN CANADA

THICKENING OF CAN./ U.S. BORDER IMPACTS ON FIRST NATIONS

CANADA CUSTOMS TO EXPAND AT CORNWALL ISLAND? - “NEVER” SAYS GRAND CHIEF

MOHAWKS: ARM GUARDS AND WE’LL SHUT THE BORDER

HUGE CHALLENGES AHEAD FOR FIRST NATIONS

DUTY TO CONSULT NATIVES ADDS TIME, COST, CONFUSION FOR DEVELOPERS

IPPERWASH LAND TAKEN OVER BY MILITARY DURING WW-II, RETURNED TO NATIVES

APPEALS COURT UPHOLDS URANIUM MINING CURB ON NAVAJO LANDS

DAN’S CORNER, ..Protecting our Right to Self-Determination (Border)

DEAN’S DEN, ...Celebration of Summer

### **Wulustuk Times:**

Each month we gather and publish the latest, most current and relevant native information for our readers. Proceeding with this concept, we feel that a well informed person is better able to see, relate with, and assess a situation more accurately when equipped with the right tools. Our aim is to provide the precise tools and the best information possible.

Contact

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## MOSSOS AND CARIBOU

As you travel along the scenic St. John River today, you will see signs displaying a white spiral symbol on a dark green background, marking the scenic valley route for tourists. This symbol is supposed to represent the ostrich fern, *Matteuccia struthiopteris*, or "fiddlehead" to the English, and "tête-de-violon" to the French. But to the people who have harvested these tender unfurled ferns for thousands of years along the Wolastoq, the plant is called "mahsus" or "maasus."

The Europeans who arrived here in the 1500s learned about harvesting and eating mahsusiyl (plural) from the native people who they found living here. Just as they learned about maple syrup, corn, squash, beans, snowshoes, and birch-bark canoes, they learned that the mahsus is a very important spring food and tonic.

The Maliseet name that the Wolastoqiyik gave this early spring plant, mahsus, or maasus, held significant meaning. The name refers to an odour or scent. There is a traditional and cultural history behind this name, one that has been lost over the generations since the white man came here.

Old Peter Jo, son of Gabe Jo, took a couple of young white men hunting eastern woodland caribou in the winter of 1887. He taught them about the habits of the woodland caribou, and how to hunt them. There were many caribou in New Brunswick in those days in the backlands of the St. John River, in fact, there were so many of them that the trains had to be very watchful for herds (or "bands") of them crossing the railway tracks. For hundreds of generations the Wolastoqiyik hunted caribou and lived in harmony with them. They cooked and smoked the meat, and the bones could be made into tools such as fleshers, scrapers, knives and blades, or carved into needles, awls and fishhooks. They used their hide for making clothing, moccasins, gloves, and for carrying pouches. Their hide was also excellent for making the webbing or "babiche" in snowshoes, because when laced while wet, and allowed to dry while under tension, it actually shrinks tighter. These are only a few of the uses of the caribou, nothing was wasted, not even the hooves and brains. The caribou was like a walking general store to the Wolastoqiyik.

A caribou makes a wide spiral trail before finally lying down to rest. If a hunter finds the tracks, especially in the winter snow, this knowledge can be used to his advantage in locating the animal and not being detected by it. He will not follow the trail because it is a trick of the caribou. A predator such as a wolf will follow the scent of the tracks, going along the winding spiral trail, taking it completely around the spot where the caribou is resting. Why does the caribou do this? No matter which direction the breeze is coming from, the wolf's scent, at some point in following this spiral trail, will drift towards the caribou and alert it to the predator. The two young men, Tappen Adney and Humboldt Sharp of Woodstock, learned this peculiarity about caribou and applied it when hunting in the backlands of Woodstock, and up in the Tobique area along the Odell stream. Adney, a talented writer and artist wrote about these hunting trips, and he sketched maps of their travels in the woods, showing the spiral trails of the caribou.

When a Wolastoqiyik hunter sees the coiled head of a fiddlehead, it reminds him of the spiral path a caribou makes to ensure the scent of a predator will be detected – the scent trail. Many generations ago the Wolastoqiyik gave this plant the obvious name of mahsus.

There are no eastern woodland caribou left in Wolastoq land, and the white Europeans who eliminated them do not associate the spiral shaped fern head with an animal track. They associate it with the head of a fiddle, and so it took on its New World name.

The next time you see that unique highway sign with the WHITE fiddlehead symbol, may it remind you of your ancestors who hunted caribou that were in such abundance in Wolastoq land before the WHITE man wiped them out. It represents the scent trail, mahsus.

The caribou in the graphic included with this article is a replication of an ancient petroglyph, one of several, etched into smooth bedrock by pre-contact Maliseets (Etechemin) at Machiasport, Maine. The caribou was sacred to them.

----- Nugeekadoonkut

## **TOBIQUE FOREST WATCH BEGUN IN 2004 CONTINUES TODAY UNDER NEW FORMAT**

p.paul

Ten members of Tobique Forest Watch concluded a tour to NB northwoods this year to look at a number of specific factors affected by clear-cut operations of the forest.. The group also reported on the general status of the environment this year in comparison to last year's conditions.

From general observations the clearcuts were noticed to be growing larger in every dimension and becoming more intrusive to the protective buffers zones around lakes, rivers and other waterways causing deeper erosion and larger seepage into the waterways, creating sludge build-up in and around the watersheds.

Although many of the cleared areas were scheduled to be re-forested with new seedlings, the areas in reality, appeared mostly abandoned, uninhabited, barren and in a miserable condition to sustain any form of wildlife.

As a matter of fact, very few animals were seen throughout the whole day's journey through logging routes that extended from Mt Carleton area to the Northumberland region or the Miiramachi river headwaters.

In all seven deer were seen at the starting point near Riley Brook. adhering close to inhabited areas. But as the journey headed eastward, towards the Mirimachi, the normal population of wildlife expected in these areas was not evident through approximately 40-50 miles of barren clear-cut zones.

As the tour approached the Miramachi area, generally located near the east/west provincial boundary, a single red railed hawk and a few songbirds were observed by the group. That was the entire count of wildlife seen.

No larger species , eg., moose, deer, bear, etc. were evident throughout the whole trip except for the seven deer seen at the starting point near Mt. Carleton highway..

Generally speaking, the water quality was observed to be in fairly good in terms of having no foreign floating matter, debris or observable algae growth in it. Waters were all flowing freely.

During the midday lunch break, a traditional native ceremony was conducted at the Fraggie Rock location. The event was to commemorate the trip and to perform a purification ceremony honoring and respecting the the natural species and habitat in that region.

The scene today, -due to vast clear-cutting of huge portions of New Brunswick, wildlife essentially has been forced to vacate or abandon its natural habitat on crown lands. or has migrated to safer areas for survival. As a result, our forest watch program has also shifted its course. The present (2009) practice is more an observing exercise of identifying physical and/or geographical changes of the terrain, eg. taking note of the quality of new growth, condition of brooks, rivers, lakes, etc. and even observing stagnant water sites, altered water courses, mending of damaged areas, resettlement of topsoil, and generally checking overall conditions of the torn landscape. In short therefore, fewer manual treks are taken through the cutting zones due mainly to budget constraints. One practice however that has continued is our Talking Circle. In that effort, a local resident from the area, Diane, has taken on the responsibility of overseeing the Circle gatherings on regular basis. Anyone wishing to take part in the Talking Circle may contact either Pat at 273-6737, Dan, 273-2212 or Diane at 356-2337. The next Talking Circle is scheduled for Sat. Sept. 27, 2009. (1 pm). Everyone is welcome to attend.

## **PARLIAMENT AIMS TO FINALIZE LEGAL DEFINITION OF "INDIAN" WITHIN TEN MONTHS**

Globe and Mail

OTTAWA... Parliament has less than a year to craft a new definition of "Indian" before Canadian Native policy risks tumbling into chaos as the existing rules for determining Native status are thrown out by the courts. The clock is ticking after the B.C. Court of Appeal set the tight deadline for the minority Parliament. It's a ruling that has experts in Native law scratching their heads, wondering how such a contentious issue can possibly be resolved in time.

Some lawyers say the ruling means hundreds of thousands of natives are now 12 months away from losing status entirely. Conversely, writing a new definition that complies with the Charter of Human Rights could mean a dramatic increase in the number of Canadians eligible for status.

"It's going to be a mess," said Winnipeg lawyer Norman Boudreau, who represents Natives living in Treaty 1 territory. "If you take that a step further, if you no longer have Indians, then some reserves will no longer be in existence because the reserves are set aside for Indians. So if there's no Indians any more, then the reserve itself falls by the side as well."

Mr. Boudreau is among the many legal experts both outside and inside government currently grappling with the potential implications of this month's B.C. Court of Appeal ruling, in what is known as the McIvor case.

Mitchell Taylor, who represented the Crown in the case, disputes the interpretation of Mr. Boudreau and others. He said Natives would not lose status if nothing happens by the deadline. However, new individuals would not be able to register if the definition was struck down, he said in an interview.

"That's obviously an unacceptable situation and something would need to be done," he said. Mr. Taylor said there are several options available over the coming 12 months, including a request for a deadline extension, a new law in Parliament or a potential appeal to the Supreme Court.

A spokesman for Indian Affairs Minister Chuck Strahl said the government is considering its options.

The outcome will have a significant impact on native communities and families, who have long struggled with social divisions created as a result of the Indian Act's definition. The existing six-part definition is a complicated one, based on family ancestry as well as several side-arrangements.

An expansion of the definition would also have an impact on the public purse, as status Indians currently qualify for federal coverage of non-insured health benefits such as prescription drugs and can apply for postsecondary assistance.

In the case at hand, Sharon McIvor and her son Jacob Grismer claim that in spite of amendments made to the Indian Act in 1985 aimed at treating men and women equally, the act continues to discriminate against women. They point out that, unlike men, women cannot pass down status to their grandchildren in certain cases.

From 1868 until the Indian Act was amended in 1985, Indian women who married a non-Indian lost their status, while Indian men who married a non-Indian were able to keep their status and bestow status on their wives.

In a June of 2007 ruling, the B.C. Supreme Court agreed that the 1985 changes did not do away with all discrimination in the act. That ruling called for status to be extended to anyone who could show that somewhere in their pre-1985 ancestry a woman had lost status through marriage.

This month's B.C. Court of Appeal ruling said the lower court went too far, and that Parliament must fix only the problems with the 1985 amendment. However, Mr. Justice Harvey Groberman candidly wrote that he's not sure what MPs could have done in 1985 to fix the complicated definition.

"I am even less certain of the options that the government might choose today to make the legislation constitutional," he wrote.

But while Judge Groberman's concerns appeared to be narrow, lawyers say they are surprised by his solution: striking down key parts of the act's definition of Indian within one year.

The 2006 census found 698,025 Canadians self-identified as "First Nation," a term used by people who are likely to have Indian status. However 1,172,790 describe themselves as Aboriginal, which includes 50,485 Inuit, 389,785 Métis and First Nation. An expanded definition of Indian status would likely

incorporate some of the people who are Métis or Aboriginal but do not currently qualify for federal services.

Statistics Canada also found that between 1996 and 2006, the Aboriginal population grew by 45 per cent.

### **MARTIN SAYS HARPER POLICY AIMS TO 'ASSIMILATE' NATIVES -CP**

**VANCOUVER, B.C.** - Paul Martin says the Harper government is returning to failed policies meant to "assimilate" aboriginals.

The former prime minister, speaking at the Liberal convention in Vancouver, says Stephen Harper failed aboriginals by scrapping Martin's \$5-billion Kelowna Accord.

Martin took credit for the Harper's apology last year for residential schools, and questioned how the Conservatives could make the apology and still throw out the accord.

He says Harper is returning to policies that have failed for half a century.

Harper dismissed the accord as nothing more than a "press release," and successive Conservative budgets included little new aboriginal spending.

In the most recent budget, the Conservatives included money for aboriginals in stimulus spending targeting vulnerable Canadians hit by the global recession.

### **KICHESIPIRINI ALGONQUIN FN NOW A NON-ADMINISTERING STATE NGO AT U.N.**

Paula LaPierre is thrilled with the steadily increasing international presence at the international level being afforded the once thought extinct Kichesipirini Algonquin First Nation. LaPierre, Principal Sachem for the Indigenous Peoples, claims that such United Nations opportunities affirm the international communities' commitment to the Rule of Law when regarding the rights of Indigenous Peoples. The Kichesipirini Algonquin First Nation have experienced a long and complex history negatively affected by "Canada's" British colonial administration and quasi claims to jurisdiction.

The Kichesipirini claim a documented record proving the Indigenous Peoples as being the legal founders of the polity known as Canada, but being wrongfully denied their rightful recognition. LaPierre claims that such illegal denial has very serious negative effects for all Canadian citizens, and that all Canadians are being denied access to very important information regarding their political, social and economic status.

Besides gaining support through the United Nations the Kichesipirini is also relentlessly pursuing justice through the independent International Criminal Court and hope to soon set important precedents for all Indigenous Peoples.

LaPierre, on behalf of the Kichesipirini members, is also very appreciative of the support received by so many persons interested in establishing legitimacy and historical accuracy regarding Canada and our genuine participation in the international community. Because of the severity of omitting to ensure such legitimacy LaPierre expresses serious reserves

regarding the possible liabilities that can be incurred by those entities still attempting to maintain an old regime destined to collapse without genuine reversal.

Kichesipirini leadership, and increasing grassroots Indigenous community citizens, are strongly committed to ensuring the continued efforts until there is appropriate and complete resolution and reconciliation. LaPierre represents a strong leadership body and a committed community that has never compromised their integrity or identity and claim that it is the commitment to traditional values that will secure Canada's national future and legitimate sovereignty....and that such integrity is dependent of the morale will of people to do what is right and not the abusive misappropriated monies currently used to trick and trap Indigenous Peoples away from their inherent rights.

## **BORDER REGS ALTERED FOR NATIVE AMERICANS BORN IN CANADA**

Here is information about Jay's Treaty and how it affects Native Americans and members of the First Nations of Canada who wish to enter the United States under Section 289. It's also known as The Jay Treaty.

Members of the First Nations and Native Americans Born in Canada:

The Jay Treaty, signed in 1794 between Great Britain and the United States, provided that American Indians could travel freely across the international boundary. The United States has codified this obligation in the provisions of Section 289 of the Immigration and Nationality Act (INA) as amended. Native Indians born in Canada are therefore entitled to enter the United States for the purpose of employment, study, retirement, investing, and/or immigration.

Qualifying as an American Indian born in Canada:

In order to qualify under Section 289 of the INA, eligible persons must provide evidence of their American Indian background to the U.S. Department of Homeland Security Customs and Border Protection (DHS/CBP) officer at the intended Port of Entry. The documentation must be sufficient to show the bearer has at least fifty percent of American Indian race. Such a person may then be admitted without a visa.

Generally such evidence would include either an identification card from the Ministry of Indian and Northern Affairs or a written statement from an official of the tribe from which you or your ancestors originate - substantiated by documentary evidence (tribe records and civil long form birth certificate bearing names of parents). Such a statement would be on the tribe's official letterhead and should explicitly state what percentage American Indian blood you or your parents possess, based on official documents/records. You should also provide photograph identification, such as a driver's license or passport.

The INA does not distinguish between "treaty" and "non-treaty" or "status" and "non-status" Indians as determined by Canadian law. The only relevant factor is whether the individual has at least 50% American Indian blood. Similarly, letters or identification cards from Metis associations generally cannot be accepted, as the Metis are not an Indian Tribe. If such identification helps to establish that an individual is at least 50% American Indian, however, it can also be included with other conclusive evidence.

#### New Documentation Requirements:

The Western Hemisphere Travel Initiative (WHTI) is the implementation plan for Section 7209 of the Intelligence Reform and Terrorist Protection Act of 2004. It requires generally that all travelers into the United States must be documented with a passport or other WHTI designated document. The first phase began in January, 2007 and affected those entering by air.

Beginning January 31, 2008, verbal declarations of citizenship (or Indian status) alone is no longer acceptable as proof of citizenship (or status) at any U.S. land-border and seaport Port of Entry. The Indian Affairs Canada card (INAC) and Tribal Enrollment cards, with an affixed photo, as well as any duly-issued attestation to 51% Indian blood (accompanied by a government-issued photo ID such as a driver's license or Provincial Health Card,) will be accepted and will serve as an identity document for all Native American Indians. The U.S. Department of Homeland Security (DHS) has been, and continues to work with the various tribal organizations in both the U.S. and Canada to develop an identification that will be WHTI compliant.

The final phase, affecting those entering by land or sea, will go into effect at a date to be announced, but no later than June, 2009. Both DHS and the Department of State are aware of the concerns of American Indians regarding changes resulting from implementation of the WHTI.

#### Applying for U.S. Permanent Resident Status (Green Card)

Subsection 289.3 of the Combined Federal Regulations (8 CFR PART 289) provides guidance requiring that any Canadian-born American Indian who declares intention to move to the U.S. and reside or work, that upon initial entry at a land-border Port of Entry, they declare the intention to live and/or work in the U.S., provide CBP with documentation proving American Indian status, and complete a Form I-181, Creation of Record.

The I-181 begins the process in which a Canadian-born American Indian is afforded PR standing and issued an I-551, Permanent Resident card (also called a 'green card'). This process is NOT an application for status, but simply the initial action required in order to convey - within the law - the appropriate status as authorized under the Jay Treaty. A Canadian-born American Indian cannot be denied PR status, but is required to complete the I-181 in order to receive any benefits under U.S. federal law.

Persons granted permanent resident alien status will be issued a resident I-551 (green card) by DHS. Recipients are entitled to all rights and privileges accorded legal immigrants to the United States, including if they desire, eventual naturalization as American citizens and the right to sponsor immediate family members into the United States. Resident aliens are entitled to file on behalf of a spouse and unmarried children if they are not also eligible to be admitted under Section 289 of the INA.

#### Additional Information:

Section 289 Cases of the Adjudicator's Field Manual

For additional information please go to the U.S. Citizenship & Immigration Services (USCIS) website, The Adjudicator's Field Manual. Chapter 23.8 describes the process on how to obtain evidence of lawful status in the U.S. - which is the green card. Click the button above for a link directly to the relevant information.

For additional information please go to the following U.S. Citizenship & Immigration Services (USCIS) website. Once on the USCIS homepage, click on 'Laws & Regulations' in the grey-colored banner along the top of the page. Then on the next page, click on the link to 'Immigration Handbooks, Manuals, and Policy Guidance'. This will open another page where you click on the 'Adjudicators Field Manual' link. Scroll down to Chapter 23.8, Section 289 cases. This will describe the process on how to obtain evidence of lawful status in the U.S. - which is the green card.

Entering the U.S. One can hold both U.S and Canadian citizenships but one must always enter the U.S. as an American and maintain allegiance to the U.S.

The State Dept. offers advice about possible loss of U.S. Citizenship and Dual Nationality.  
Continued

Links related to this page The Adult Citizenship Determination form is to be used by adults who believe they may have a claim to U.S. citizenship.

Continued The Report of Birth Abroad form is for children who have a claim to U.S. citizenship.

Continued

U.S. Consulates in Canada

CalgaryHalifaxMontréalOttawaQuébecTorontoVancouverContinued

[http://www.consular.canada.usembassy.gov/first\\_nations\\_canada.asp](http://www.consular.canada.usembassy.gov/first_nations_canada.asp)

## **THICKENING OF CAN./U.S. BORDER IMPACTS ON FIRST NATIONS**

The Star Phoenix

The administration of the Canadian-U.S. border is about to change and it will have a direct affect on First Nations people.

The Americans now have a policy that everyone entering their country must have a passport - including their own people.

This issue has been brewing for several years now, as the U.S. grows increasingly paranoid and insular. It doesn't help that their own leaders get the facts wrong. Canadians were recently introduced to Janet Napolitano, the U.S. Secretary of Homeland Security, who shocked us when she stated that the 9-11 terrorists entered the United States from Canada. This remains common folklore in the U.S. in spite of the overwhelming evidence to the contrary.

Border guards will also be armed, as of June 1, on the Canadian side of the frontier. This has sparked protests across Canada, especially at The Akwesasne Mohawk Nation, which straddles the border.

The Mohawks recently threatened to block the Seaway Bridge at Cornwall, Ont. There were also threats coming from Kahnawake to block the Mercier Bridge in solidarity. You may recall that the Mercier Bridge was blocked during the Oka crises and it created havoc on Montreal's south shore.

Historically there was no Canada or U.S. divided by a border -- only aboriginal territory. Our people roamed freely across the continent. But with the creation of the United States and Canada our people became citizens of the new nations. The border was totally artificial and did not respect traditional territory. First Nations were randomly divided and in some cases even given different names. In Canada we have the Ojibway Nation, but south of the border the same people are known as the Chippewa.

The Dakota, Lakota and Nakota peoples, named for their different dialects, are otherwise known as the Sioux Nation. They live on both sides of the border and have a long history that predates European contact. The west-coast Salish people live on both sides of border in British Columbia and Washington State.

Probably the most glaring example is the Akwesasne Mohawk territory near Cornwall. This territory was randomly divided between the two countries and put into two provinces and one state. The Canadian side of the territory is located in Ontario and Quebec. The American side is located in New York.

The people used to travel freely and live on both sides of the border. Families are spread over three jurisdictions and issues like medicare, automobile licenses and birth certificates get all mixed up.

The United States and Canada have paid for their lack of respect for the Mohawk Nation and the territory has become the smuggling capital of Canada.

The Jay Treaty has historically been cited as a document that legitimized the right to cross the border unencumbered. In 1794 the Americans and British negotiated this treaty to settle disagreements that persisted after the American Revolution.

It was named after John Jay, a justice and signatory to the treaty. The two parties recognized the importance of the First Nations and that they were an essential element in the diplomatic relations between the two parties.

Some tribes fought with the British and others on the American side, so their support was necessary. The treaty granted the various tribes free access across the border and over the years the Americans recognized the treaty and allowed First Nations to pass into the United States and work there. While the Americans recognize the Jay treaty the Canadian government does not.

The situation is not restricted to Mohawk territory but applies over the length of the border. Other tribes travel to the United States to work throughout the year. Many tribes have communities on both sides of the border with relations and friendships forming an international community. Also, people travel freely throughout Indian country to attend rodeos, pow wows and religious ceremonies.

The Mohawks used this access to the American market for years and worked in the United States as steel workers. Mohawk steel workers have being credited with building the skylines of New York, Baltimore, Boston and other cities.

The requirement that they need a passport to enter the United States is seen as an insult and a violation of the Jay Treaty. This coupled with the arming of Canadian border guards, has

created a volatile situation and the Mohawk leaders have vowed that it will be a long, hot summer.

We call North America Turtle Island and our people consider it all as Indian land. The changes brought on by homeland security and Canada's arming of the border guards is only complicating our relationship with our traditional land and relationships with each other.

**BORDER TALK SCHEDULED AT SPRUCEHAVEN LODGE, CARIBOU, ME -JUNE 10**

Pine Tree Legal Assistance Inc. Mike Guare and Danny Mills of the Bangor Office, will give brief presentations and answer questions on border rights and issues affecting Native American Indians born in Canada who freely and routinely cross the Canada/US border under the terms of the 1794 Jay Treaty. The discussion will begin at 7pm. First Nations persons from either side of the border are welcomed to attend. A Pine Tree Legal Assistance rep, Jeff Ashby of the Presque Isle office (207) 764-4349 can provide more details on this meeting

### **CANADA CUSTOMS TO EXPAND AT CORNWALL ISLAND? - "NEVER" SAYS GRAND CHIEF Sun Media**

A proposal to expand the customs facilities on Cornwall Island is a "no-go from the start," Akwesasne Grand Chief Tim Thompson said Thursday.

According to Thompson, the federal government wants to expand the existing 10,000 square-foot customs facility to 37,000 square feet, which is about the same size as the new customs building on the U.S. side of the border.

The grand chief made it clear such a move won't be happening on his watch.

"It will never happen. Never," he said.

Thompson said federal officials have been advised of Akwesasne's position on the proposed customs expansion, and they're awaiting their response.

The size of the customs facility is believed to be the final sticking point on the proposed new low-level bridge crossing between the city and Cornwall Island. Thompson said the Mohawk Council of Akwesasne supports the new bridge and a plan to move the bridge tolls further south, but the proposed customs expansion is a different story. "We told them it's not going to happen," he added.

Mayor Bob Kilger said the city has little information or involvement in the matter. However, he appreciates the concerns raised by Thompson. Kilger said he can't imagine a customs facility similar in size to the new U.S. facility being built on Cornwall Island. "I can't see it (on that spot)," he said.

Despite the hang-up on the customs issue, Kilger said he's hopeful the bridge project will remain on track.

Mississauga-based McCormick Rankin Corp. is currently working on the design plans for the new bridge crossing and nearby roadways, as well as the demolition plans for the existing Seaway bridge. Modifications will be made to the south end of Brookdale Avenue and International Road on Cornwall Island as part of the project. The design work alone carries a price tag of \$1.5 million.

Local MP Guy Lauzon said he's not directly involved in the negotiations surrounding the future customs footprint on Cornwall Island, but he's hopeful the two sides will be able to find common ground.

The existing customs facility was built 50 years ago, Lauzon said, and many other customs buildings have been upgraded with special equipment.

"I think that's been the problem here. The (border) crossing itself is antiquated," said Lauzon. The MP said he understands Akwesasne residents don't want a "monstrosity" at the border crossing, but at the same time, border guards need to have the adequate equipment at hand to do the job.

Earlier this year, an assistant from Lauzon's office confirmed that \$75 million has already been earmarked in a previous federal budget for the new bridge, which will be built in the same area as the existing crossing and connect at the foot of Brookdale Avenue.

The questions over the future size of the customs facility is just one of the grievances that's on the minds of Akwesasne officials. Community leaders are continuing to voice concerns over a plan to begin arming border guards with sidearms come June 1.

Thompson said they're tying the issues together in hopes of getting answers from the government.

## **MOHAWKS: ARM GUARDS AND WE'LL SHUT THE BORDER**

By The Ottawa Citizen

Mohawk Warriors from the Akwesasne Mohawk reserve near Cornwall say they will storm a Canada Border Services Agency post on Monday and shut down the international border crossing, unless their political leaders receive a commitment from the government not to arm border guards at the post, which stands on reserve territory.

The agency started arming guards in 2007, and officers at the Akwesasne reserve, which straddles the Ontario-Quebec-New York state boundary, are scheduled to begin carrying 9-mm guns on Monday.

The Mohawks say they don't want armed guards at the post because it would violate their sovereignty and increase the likelihood of violent confrontations.

"We are going to clear them (border guards) out," said Thomas Stacy, a middle-aged former professional wrestler who stood across from the border post with a small group of young men carrying large Mohawk Warrior flags.

They kept a low profile Saturday during a peaceful rally organized by the Akwesasne Mohawk Council. About 100 people gathered at the post to demand that the agency not arm the guards and that their demand be sent to officials in Ottawa.

"Tomorrow night at 12 o'clock (midnight) we have to have an answer," Stacy said.

"If that answer don't come, that's it. Monday is going to be the worst. That's the crackdown. It's going to be over. It's going to be done. No more signing papers, no more negotiations -- nothing."

Stacy said the reserve's political leaders have been in fruitless discussions with the border agency and federal officials.

"We are not getting anywhere with the government. The government is going to come over here and take over everything," Stacy said.

The Mohawk Warriors are a long-standing group that is separate from hereditary chiefs or more modern elected chiefs and councils. Stacy said they have made it clear to the council and to the Akwesasne police that if the government does not back away from its plan, then the Warriors will act.

"What we are waiting for is an answer from Ottawa. We don't get that answer ... action has got to be taken by the people," he said.

Brendan White, a spokesman for the First Nation, said the elected leadership is working toward a negotiated settlement and will "continue to make itself available to have that dialogue with the federal government."

"We remain hopeful that the federal officials will see the need to address our concerns," White said. "I guess we are in a wait-and-see mode right now. The community is frustrated."

After Monday, he said, it was "in the hands of the community."

Howard Thompson, chief of the Mohawk Nation Council of Chiefs, representing all Mohawks in Canada, said he was worried about "someone instigating something that would get out of hand."

"We don't want to have to come and pick up the pieces later," he said. "We would rather do it peacefully and negotiate something, rather than doing some kind of physical demonstration."

"June 1st isn't the end; it's the beginning for us to continue to working toward not having armed customs officers here."

Akwesasne Grand Chief Tim Thompson said he had a three-minute meeting in a corridor on Parliament Hill Monday with Public Safety Minister Peter Van Loan, hoping the minister would reverse the initiative.

He said the minister made it clear to him that it was an "operational decision" and that Stephen Rigby, the president of the border services agency, has the authority to stop the arming of the guards.

Thompson also met Rigby on Thursday, but said it is clear the arming of the guards will proceed as planned.

Chief Larry King also met Thursday with Rigby, who rejected compromises offered by the council of chiefs. The chiefs asked that the policy be delayed for a year or until the end of the agency's arming process in 2016.

"Our priority remains the safety and security of our officers and the public," said the agency's Rick Comerford, in a written statement Saturday.

"As we do every day, we continuously monitor our operation to maintain our commitment to safety and security and to ensure the flow of traffic. Our managers will take appropriate action when necessary -- such as additional staff."

Throughout May, the Akwesasne Mohawks have held a number of rallies opposing the arming.

A large tent and a campfire have been set up by the protesters, who plan for the site to be constantly occupied until at least Monday. The council has been told that 18 border guards from the Akwesasne post are receiving weapons training and some of them will be ready to carry them.

The Akwesasne leadership has long warned against the move to guns in letters to federal politicians.

"We seriously consider your government's actions in arming the (CBSA) guards as a direct assault on our sovereignty, which resonates into an act of war against our people," wrote Thompson in a 2008 letter to Stockwell Day, the public safety minister at the time and now minister for international trade.

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## **HUGE CHALLENGES AHEAD FOR FIRST NATIONS**

Times Colonist

The leader of the Northwest Rebellion, Louis Riel, was taken into custody 124 years ago this month. His surrender -- on May 15, 1885 -- marked the effective collapse of the rebellion. And it ended the last major attempt by Canada's indigenous peoples to change their fate by force.

The authorities of the day were optimistic. They believed the aboriginal population would be assimilated into white society, and eventually flourish.

Riel's followers had a different premonition. Over the preceding 200 years, the native tribes had been decimated. Before the white man arrived, between one and two million inhabitants lived north of the 49th parallel.

By 1885, fewer than 100,000 survived. Disease and famine had brought an entire civilization to the brink of extinction.

Peaceful co-existence had proved impossible. With armed resistance at an end, the fate aboriginal leaders expected was not assimilation, but subjugation.

Unfortunately, as we look back on subsequent events, it appears their view was more accurate.

Certainly the threat of cultural extinction has been lifted. Canada's aboriginal population recently passed the one million mark and continues to grow.

And standards of living have improved somewhat. The two most important barometers of good health -- life expectancy and infant survival rates -- both show significant gains. More aboriginal kids are graduating from high school and universities work hard to recruit them.

There are still enormous disparities in income levels; poverty rates among urban natives are two-and-a-half times the national average. Yet here also, there are signs of progress. Employment levels have grown significantly in the last two decades.

But there, the good news stops. Physical conditions on many reserves are appalling. Housing is shoddy, meaningful jobs are few. Public facilities, such as libraries and community colleges, are scarce or non-existent.

And those are only the material measures of well-being. The psychological indicators point to an even grimmer reality. Suicide rates among native youngsters are five to eight times the national average. Substance abuse and alcoholism have reached epidemic levels. More than 40 per cent of the country's aboriginal children have only one parent at home.

On a different front, consider last week's provincial election. Although there are more than 125,000 status Indians in B.C., none of the 85 successful candidates were aboriginal. In our history, there have been only two native MLAs.

The same state of affairs exists in most professions. There are shockingly few native lawyers or physicians or teachers.

These are the symptoms of hopelessness and despair. They do appear to suggest that subjugation, rather than assimilation, is still the reality for many native people.

Thankfully, there are signs of change. First Nations leaders strongly encouraged their members to participate in the provincial election. Although none were elected, three took part as candidates, including Marion Wright, a former Kwakiutl chief who ran in the North Island riding.

And Premier Gordon Campbell's government recently offered a new power-sharing deal to First Nations. The proposal, which was put on ice until after last week's election, is controversial. It gives aboriginal peoples a broader right to be consulted on public policy matters that affect them.

Some business owners oppose the deal, and there are certainly weak points that must be corrected. But the fundamental vision is correct. Although the overt racism of earlier years has been largely expunged, Canada has not yet lived up to its promise.

Riel was hanged as a traitor, but his goals in the main were honourable. Indeed much that he demanded is now written into our Constitution.

But while equality is certainly guaranteed, native peoples are not yet equal. There is still much work to be done.

## **DUTY TO CONSULT NATIVES ADDS TIME, COST, CONFUSION FOR DEVELOPERS**

Vancouver Sun

There is nothing new about development fees. Or the grousing that goes with them.

Developers know that part of getting a project off the ground is going through an approval process with the applicable local government. They know they have to pay the costs of having their projects assessed and monitored, through application fees, building permits, development levies and the like.

Nobody likes such fees, of course, but they only really become an issue when they start driving business away.

What's new is that first nations are now being recognized as a level of government -- whether de facto or real -- that has to be consulted. And to their shock and quite legitimate consternation, other parties are starting to realize that the new requirement is going to add time, costs and confusion to the process.

No one should be surprised by the news last week that a North Shore first nation, the Tsleil-Waututh, is charging the Village of Belcarra \$36,000 to review a \$6-million water pipeline project.

The fees are a natural outgrowth of the court decisions over the past five years that ruled governments at all levels have a duty to consult first nations before allowing developments that affect their traditional territories.

Even though that duty has not been defined as the power to veto a project, it still represents more work for project proponents and first nations alike.

The Tsleil-Waututh decided in January to start charging fees to cover their costs for consulting. Taken by itself, it's a reasonable decision. It is expensive to effectively assess development proposals, either through assembling in-house expertise or by hiring outside consultants.

But the Tsleil-Waututh represent just the tip of an iceberg that threatens to rip a deep gash in the provincial economy.

The Tsleil-Waututh are just one of more than 100 bands in B.C., many of which have overlapping claims to traditional territory.

So the nightmare scenario for developers -- whether a private company, a municipality, as in the case of the water project for the Village of Belcarra or a Crown corporation, such as BC Hydro -- is that the duty to consult means they have to consult each first nation with a claim to the territory in which they hope to build.

Each of those first nations can legitimately claim to have costs in reviewing the proposal along with their own idea of what constitutes a harm or a benefit. In the case of a major project, such as the proposed Enbridge Northern Gateway pipeline from the oilsands to Kitimat, those costs may be considerable.

Failing to pay the fees demanded, reasonable or not, may result in court challenges based on whether the proponent engaged in meaningful consultation. The proponent may win in court. But the only certain outcome is more delay and higher costs.

So the nightmare scenario for the provincial economy is that the uncertainty of outcome and the certainty of higher costs related to the court-ordered duty to consult starts to drive investment away.

All of this adds impetus to the argument that we need to achieve certainty over our land base through the settlement of land claims.

Yet immense a challenge though that is, settling land claims won't by itself make this new problem go away.

Even with all the overlapping claims resolved, adding another layer of government will add to the cost of doing business.  
In that scenario, no one wins.

## **IPPERWASH LAND TAKEN OVER BY MILITARY DURING WW-II RETURNED TO NATIVES**

Ipperwash Provincial Park -- the site of the police shooting death of aboriginal activist Dudley George -- will be officially handed over today to his First Nation band.

Ontario Aboriginal Affairs Minister Brad Duguid will participate in the signing with Chippewas of Kettle and Stony Point First Nation Chief Elizabeth Cloud.

"This is like a watershed event in many ways," Duguid said yesterday.

"It's like putting the past to the past."

The Ontario government first announced in December 2007 that it would be honouring the request of George's brother to transfer the park to the Chippewas of Kettle and Stony Point First Nation.

George was shot to death during a botched OPP raid on the park on Sept. 6, 1995.

Duguid said yesterday that relations between the Ontario government and the Aboriginal and Metis communities hit a low point at the time, but have since improved tremendously.

"There are a lot of issues to work on but we're working together," Duguid said. "And that's the key."

The park, located near Grand Bend, has been closed to the public since 1995.

## **APPEALS COURT UPHOLDS URANIUM MINING CURB ON NAVAJO LANDS** By Indian Country Today

DENVER – The Navajo Nation’s anti-uranium mining ban scored a victory April 17 when the 10th Circuit Court upheld federal, rather than state, control over a permit for a proposed in situ leach uranium mine in a mixed-ownership area of northwestern New Mexico.

Hydro Resources Inc. asked the federal appeals court to overturn an Environmental Protection Agency determination that HRI’s proposed mine near Church Rock was in “Indian country” as legally defined and therefore must be permitted by EPA and not by the state.

The Diné Natural Resources Protection Act bans uranium mining on Navajo Nation reservation lands, but rising prices have drawn uranium mining companies to so-called “checkerboard” areas where private and Indian trust lands are intermingled.

In a hearing before the court last year over the mine’s licensing by the Nuclear Regulatory Commission, judges heard testimony that health hazards are posed by the in situ process, which involves the removal of uranium by pumping water and bicarbonate into the groundwater aquifer, withdrawing the solution, and recovering the uranium.

The court questioned whether mining-related contaminants would be removed before they reached the drinking water supply. EPA would enforce the Safe Drinking Water Act, directly addressing concerns that have been expressed about municipal water quality if HRI’s mine operations affected an underlying aquifer.

Although the 10th Circuit currently upheld EPA’s decision, one judge in the three-member panel dissented April 17, expressing concern about measures used to define “Indian country.”

“Never before has non-Indian fee land outside the exterior boundaries of a reservation or Pueblo been held to be a dependent Indian community,” said District Judge G.K. Frizzell, who said it has the effect of eliminating checkerboard jurisdiction outside the boundaries.

The issue may cause jurisdictional uncertainty in states “where Indian country consists of original allotments and/or trust lands interspersed with non-Indian land holdings,” he said.

The question of whether the HRI mine site constitutes “Indian country” rests on federal law defining it as including reservation lands under U.S. jurisdiction, Indian allotments, and all “dependent Indian communities” in the U.S. whether in original or acquired territory.

The parcel in question is within the boundaries of Church Rock Chapter (a tribal unit established by the federal government in 1950), has a predominantly Indian population, and is largely devoted to Indian use by the federal government, the court said.

Members of the chapter, nearly all Navajo, live adjacent to the site, and there are educational facilities, churches, and buildings housing chapter, tribal and BIA entities at Church Rock Chapter east of Gallup.

The New Mexico Environment Department had asked EPA to decide whether the mine site was in Indian country so that jurisdiction could be established as to whether state or federal entities should issue a leach mine permit.

Earlier, the state had approved HRI's request for an underground injection permit, but the Navajo Nation told EPA the site was in Indian country, a conclusion with which both EPA and the solicitor for the Department of the Interior later agreed.

Among adversaries of the uranium mine are the Eastern Navajo Diné Against Uranium Mining and the Church Rock Chapter, with support from the Southwest Research and Information Center and several environmental groups.

### **DAN'S CORNER, ..Protecting our Right to Self-Determination (Border)**

We are acting with complicity to our own demise when we permit or otherwise neglect to prevent the continuing erosion of our birthright to live as our Ancestors did for thousands of generations, to live as self-determining people.

Our Ancestors lived for thousands of generations as self-determining people: living, preserving, protecting, respecting and passing on that birth right.

One may ask the questions what does that mean? What is our birthright as Indian people? My reply is simple: to live, enjoy and practice those same rights that our Ancestors lived, enjoyed and practiced at the time of contact with the European invaders. Meaning to live, enjoy and practice our own spiritual ways, our own language, our own culture, our own Indian identity, our own institutions of government. It also means to enjoy our land and resources and to enjoy the freedom to move about Turtle Island - our homeland. In a word to continue to be self-determining people. Our ability to move about our homeland freely, much as our ancestors always did, is the focus of this essay.

When those transplanted Europeans insisted that our two nations sign treaties, they were very much aware of their intentions and of the need for such treaties. They were first and foremost protecting their own birthright as English, French, Dutch, German, Spanish people etc. in the event that things turned out to be not to their liking. Meaning Indians gaining the upper hand in the Europeans' attempt to kill us off, and in stealing our land.

Those transplanted Europeans, who committed theft and genocide, feel that by virtue of the fact that our people "agreed" to sign treaties that they are now able to point to those treaties as "proof" that they have rights to the land and resources that they stole through genocide, deceit, cheating, lies and denial. All while conveniently forgetting that our people did not read or write, knew nothing of treaties on paper, and were forced at the point of a gun to sign those European-created treaties.

Our people's way of making and committing to peace and to peaceful coexistence between two peoples was by giving their sacred word of trust, and sealing their word through their participation in a sacred ceremony such as a Sacred Pipe Ceremony or a Sacred Sweatlodge Ceremony or even both.

We all must bear in mind that we are the survivors of the great North American holocaust and therefore the children of genocide. The people whose forefathers committed genocide are the

same people who are in positions of power today and who possess the power to continue their denial game when it comes to the origins of the America/Canadian nation states.

All that has been written in this article leads me to speak on our birthright, as affirmed by treaty, to pass freely across what is now known as the northern boundary of the United States.

In 1794 the United States and Great Britain signed the Jay Treaty. It recognized that... "the Indians dwelling on, either side of the... boundary line [shall have rights] freely, to pass and re-pass by land or inland navigation; and to navigate all lakes, rivers and water thereof, freely, to carry on trade and commerce with each other." The Treaty of Ghent in 1814 also recognized that right.

Since September 11, 2001 our border-crossing rights are being eroded even more while we stand idly by doing nothing.

For our people, crossing the white-man made border represents our treaty right. For the white-man it represents a privilege.

As this is, and always has been, our homeland and since this fact has been affirmed through different treaties, our people should be able to traverse our homeland freely without any fear of molestation or otherwise being detained by the American or Canadian forces of oppression.

In my grandmother's time our reserve community had our very own "special Indian border crossing road" that extended from our reserve community right to the "American" border with no border guards, where we crossed the white-man's border unmolested. How did we come to lose this?

The Mohawk people still continue to maintain their border crossing rights and continue to maintain their own separate border crossing road within their homeland and have fought both the American and Canadian governments to hold on to their border crossing birthright. The Onandaga people have been issuing their own passports for the past 100 years as their way of demonstrating their birthright to self-determination.

There have been articles in both American and Canadian newspapers reporting on talks that have been taking place between American and Canadian governments which discuss border crossing issues. Were our elected and/or traditional leaders part of these border crossing issue talks? No, they were not asked to be part of these talks. In the same way that our people were not asked to be part in talks when the white-man made border was conceived and agreed to by those transplanted Europeans.

My question is: if it is so easy and simple to accommodate the needs of eurocanadians and/or euroamericans, in terms of border crossing privileges, then why not the same accommodation for our people with our treaty protected birthright?

As with the Ancestors the present generation has a responsibility to the Seventh Generation in protecting their birthright to self-determination. All My Relations, Dan Ennis

## **DEAN'S DEN, ...A Celebration of Summer**

By: D.C. Butterfield

Summer - the best of the seasons    OF SUMMER  
Daughter of heaven and earth  
Arms wrapped warmly around you  
An embrace of fairness and worth,  
Summertime - so super and sultry  
Sunglasses and vertical rays  
Opportunistic occasions  
Soaking up the laissez-faire days,  
Contemplate, meditate, passion  
Green grass to run racing through  
Lounging, relaxed, nothing stirring  
Lightning and thunderstorms too,  
A scorcher, sizzling - with languor  
Urgent - yet time's standing still  
Laze about, or just dilly-dally  
Indulge, as the sand-glass lets spill,  
Hummingbirds, honey-suckle, and hayfields  
Her hair, her smile, and her eyes  
Summer - the solstice of sanguine  
Summer - whence ardency lies!

Summer - and Sirius    THOUGHTS OF SUMMER  
Brightest star of the night  
Summer - and serious  
My most bountiful light,  
Summer - of youth  
There's never enough  
Summer - of you  
There's nothing but love!

Summer - is growth    SUMMER IS  
To bird and to plant  
Summer - is progress  
To man ... and to ant!

Have a nice day