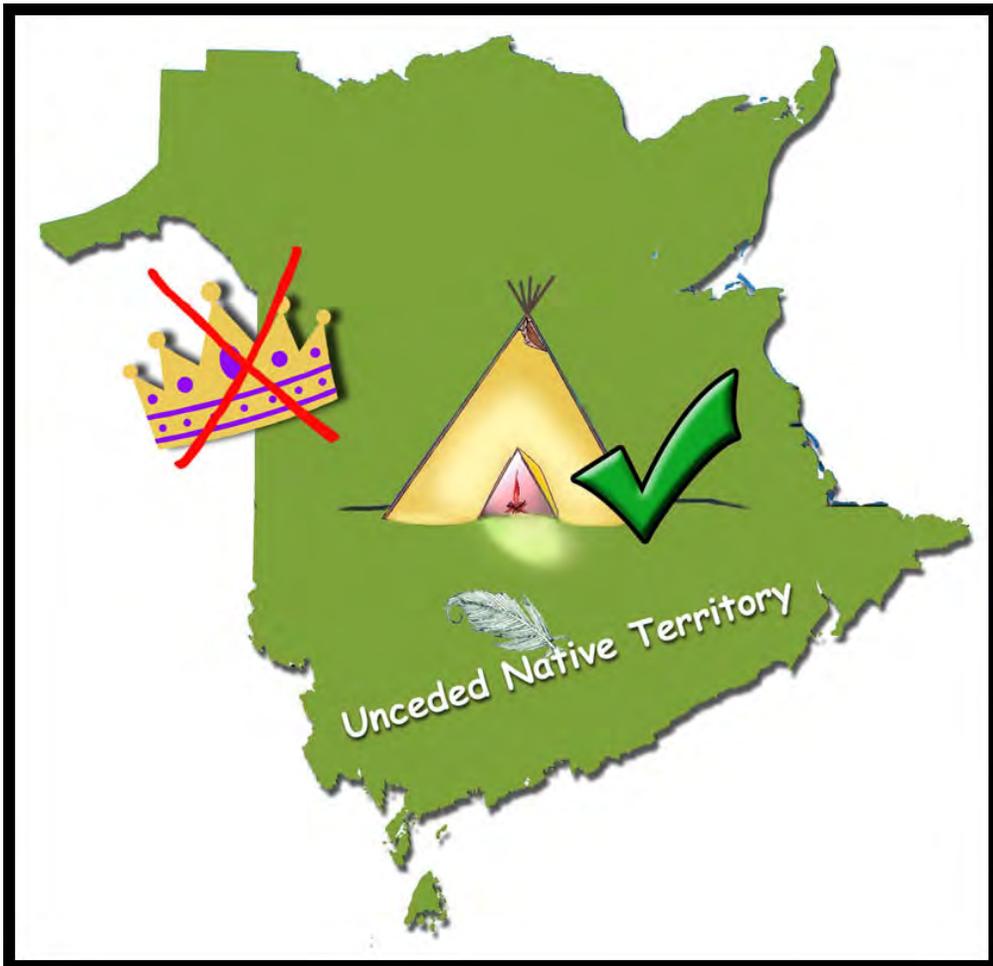


# Wulustuk Times

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

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



CROWN LAND IS INDIAN LAND

## **CONTENT**

**CROWN LAND IS INDIAN LAND**

**A LETTER TO DAN ENNIS, -TOBIQUE GRAND CHIEF, TED BEHNE (OCT. 17, 1942 - MARCH 7, 2014)**

**CAPTIVES OF THE SYSTEM**

**ANICINABEK, ATIKAMEKW AND INNU FIRST NATIONS JOIN FORCES TO DEFEND THEIR ANSCESTRAL RIGHTS AND TITLES**

**ALBERTA FIRST NATIONS OPPOSE B.C.'S SITE C DAM PROJECT: FILING LAWSUIT**

**ABORIGINAL WOMAN HAS RIGHT TO TAKE CANCER-STRICKEN DAUGHTER OUT OF CHEMOTHERAPY, JUDGE RULES**

**KAMLOOPS TEEN LEFT WITH BRAIN DAMAGE AFTER HAVING WISDOM TEETH PULLED**

**OPINION: WHAT IT MEANS TO BE AN 'ABORIGINAL' STUDENT**

**MALISEET CHRISTMAS**

**DAN'S CORNER : You Might Be A Colonized Indian...**

**DEAN'S DEN: CHRISTMAS CHARLIE (2) COMMUNITY CHRISTMAS (3) ONE AND ALL**

### **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 you with the precise tools and the best information possible.

### **Contact:**

We can be reached at Box 3226, Perth-Andover, NB. Canada, E7H 5K3, or at Box 603, Ft. Fairfield, ME 04742. Call us at 506-273-6737. Net – [pesun \(at\) nbnet.nb.ca](mailto:pesun@nbnet.nb.ca)

## **CROWN LAND IS INDIAN LAND**

TOBIQUE FN - The land that has come to be known as Canada is Indian land, our land, and has always been our land. At some point after contact those transplanted Europeans arrogantly decided that they would begin referring to Indian land as Crown Land. This represents the beginning of the theft of our land. It also represents the beginning of the creation of the legal fiction and political illusion that has come to be known as Canada. This was the eurocanadian means of legitimizing what they knew and still know as the theft of land. Theft of Indian land. If one reads European history one will discover that the theft of Indian land began much earlier. This was when the Christian church divided North America into portions and gave certain portions to different countries. Along with land grants the church also granted to European whites its go-ahead to conquer and populate Indian lands for in the minds of Church officials the occupiers were/are only sub-human savages. These savages were not civilized, not Christians, were/are not like Europeans for they did not try to conquer and convert "others" and they did not develop the land.

In the minds of Europeans the "permission" from the Christian church was and is the legitimizing force for the act of stealing land that does not rightfully belong to one. After all, the church gave its approval to steal savage land. The Christian churches "permission" was what began the religious theft process of our land, and the methods that gave it life and sustainability, into the present, was the concept of Indian Crown Land. From there, it was simply a matter of time and eurocanadian chicanery attitudes for it to become simply Crown Land. In the present day you add to the mix the eurocanadian's deliberate and calculated state of denial with respect to their theft of our land along with their "white is right" and "might is right" attitude and you have a situation where those eurocanadians are more than willing and able to annihilate more of our people in the same manner that they managed to annihilate the Beothuk, so that they may continue holding on to our land. Maybe the eurocanadians won't annihilate our people in as blatant a manner as they once did but annihilate they will for they will not return our land simply because they know in their hearts that this land is our land. For their individual and collective greed is too great. Greater yet then even their individual and collective guilt for their theft of Indian land.

As Indian people we are duty-bound to do what we must do to continue what the Ancestors have instructed us to do. To honor, respect, nurture and protect our Sacred Earth Mother. And to honor, respect, nurture and protect the Ancestors, the People and

the Seventh Generation.

All My Relations, Dan Ennis

**A LETTER TO DAN ENNIS, -TOBIQUE GRAND CHIEF, FROM TED BEHNE**  
(Dates Oct. 17, 1942 - March 7, 2014)

Re: Legal Ownership of land

Dan:

I want to let you know that I support you 1000 percent in opposing Crown control of what is.....and always has been...Maliseet land. The entire mass of land what is now called New Brunswick has never been sold, ceded, conquered or surrendered by the Maliseet people. There is no legal document the Crown can produce to support the Crown's ownership contention. Dummer's treaty of 1725 agrees to let the British live, hunt and trade, and acknowledges Maliseet ownership of the land. The Annapolis treaty of 1726, which was supposed to be a simple resigning of the 1725 treaty by a larger number of tribal leaders, was actually an attempt by the British to swindle the Maliseet out of their land by rewording the treaty to make the Maliseets into British subjects. But Mascarene's Promises, also signed at Annapolis in 1726, and hidden in the British National Archives until it was rediscovered by Andrea Bear-Nicholas, makes clear that the treaty only calls for peaceful relations between the British and the Maliseet and that the Maliseet retain their traditional rights to full use of the land.

Adney said it well in 1946 when he defended Peter Paul in a Crown court when Paul was charged with theft of ash poles to make barrell hoops. He said "When the British first arrived, the Maliseet gave them permission to hunt and live and trade on their land. Now it would seem that the British are giving the Maliseet permission to live here."

At some point in the future, a test case on Maliseet sovereignty will make its way to the Canadian Supreme Court. I can't wait to follow the arguments and the political manauverings that will follow when it becomes clear that the Maliseet still own all southern half of New Brunswick.

The Loyalist land grants that followed the American Revolutionary War were an illegal, shameless theft of Maliseet land. No matter how much time passes, they remain illegal. I applaud and support your effort to maintain the true story and I hope it becomes a legal test case soon.

Ted Behne

---

**CAPTIVES OF THE SYSTEM**

Just as the various traditions of celebrating Christmas have changed dramatically over the past couple of centuries with more attention being given to the commercial side of Christmas, that is, the busy shopping malls, Christmas decorations, Christmas parades, Christmas parties, and of course the American Santa Claus and his elves, so too have the

cultural traditions of Maliseet First Nation changed. Giving at Christmas is no longer making something by hand personally for someone, but rather buying it from a global chain store, or sticking some money or a gift card in an envelope so the receiver of the "gift" will have to go to the store and buy it themselves. Very few First Nations people can make beautiful baskets from ash and sweetgrass, or colorful porcupine quill boxes, or beaded deer or moose hide moccasins. We've all fallen into this trap. All societies and all nations today are being impacted by this capitalist system. The values behind the original ancestral cultures are being lost and replaced with the deceptive values of this ensnaring global system. Youth today know no other tradition except this "system." It is presented by governments as being all about economy and jobs, but in reality it's about padding the bank accounts of huge global corporations.

In regards to the never ending "jobs versus environment" debate, 81% of today's population are urban dwellers who have no idea how to supply the necessities of life without having a job and enough money to buy everything they require from the capitalist system. Their basic needs are met through the "system" established by a handful of monolithic global companies supported by governments. These people have never connected with the natural world. The environment they see around them has concrete, steel, asphalt and brick. They wouldn't know how to grow or gather their own food, or to hunt and fish, or to make their own clothing or shelter. They are totally and ignorantly dependent on the "system" like livestock on a farm. The present generation of youth do not know any other life. It was always that way from the time they were born. They take it for granted. All foods and clothing come from large chain stores that get most of their products from China (the once sleeping giant that has opened one eye) to where the big multinational companies have moved their shops to make even bigger profits using near slave labour wages. Internet, Facebook, Twitter, and various blogs are bringing all cultures together. Young people today are becoming culturally melded, or perhaps a better phrase would be "culturally synthesized", for the new world culture is artificial. It has no reality, no relationship to the natural world. It hypnotizes all of us. How many in today's society actually understand and seriously worry about pollution of streams and lakes, when the industrial plants of big corporate companies and petroleum industries create abundant jobs and provide them with exciting "stuff" to buy? Youth have been both insulated and isolated from the natural world. Politicians want to create jobs to get votes, and the big corporations make the jobs. Therefore it becomes an enticing opportunity for collusion. The number of people protesting the monstrous industrial projects that can do long term damage to the environment are only a small percentage of the total population. Although many people claim they care about the environment, about Mother Earth, their lifestyle actions demonstrate that it is just lip movement.

First Nations young people, especially those living in communities on the "reserved lands" that the dominant white society set aside for them generations ago, are also impacted by outside global influences. Television and Internet technologies flaunt the luxuries of the material world every minute of the day. These media forms exist because of financial benefits from big corporations who advertise on them. These media technologies infiltrate reserves and influence the culture which only a few generations ago was thought to be protected there. As far back as the treaty conferences of the early 1700s the sakums (chiefs) pleaded with the colonial leaders to please stop selling whiskey and rum to the Indians. They saw how this white man's product was affecting their people. How did

reserves come about and why do some First Nations live on them, but some do not? The story begins back when the first French explorers and missionaries landed here in Wabanaki land.

In 1611 Father Pierre Biard, a Jesuit missionary here in l'Acadie, wrote to Father Christopher Baltazar in France about the "savages" he encountered living here, "On the whole, the race consists of men who are hardly above the beasts. .... They are savage, haunting the woods, ignorant, lawless and rude. .... They are wanderers, with nothing to attach them to a place ..... They regard themselves as much richer than we are, although they are poor and wretched in the extreme." One of the reasons that he thought the Indians were lawless was because in their primitive society, "hardly above the beasts", they could all go hunting with their dogs in the forests. In Father Biard's home country of France hunting was reserved as a privilege and right of Kings and nobility, and not of the common people. That privilege was fundamental to the "system" of feudalism, a tri-component system of nobility, clergy, and the peasantry. The Indians lacked this law of privilege, and with every person permitted to go hunting, surely there would be chaos. Having no laws to bring order to their society they could not be considered a civilization, but more like beasts of the wild. That's how the Pope's papal bulls directed the kings to "capture, vanquish, and subdue the saracens, pagans, and other enemies of Christ," to "put them into perpetual slavery," and "to take all their possessions and property." This became known as the Doctrine of Discovery.

Likewise, in his *Novia Francia*, written in 1606, Marc Lescarbot writes about being surprised to find all of the Indians hunting in the woods and using dogs to help them in their chase of the game. He gives biblical references and other reasons to justify why hunting should be a "heavenly privilege" of the aristocracy. In Europe at that time, the lands had been for the most part stripped of the forests and there were but limited areas left to find wild game. So, the King and nobility who owned all the lands, restricted these hunting areas to themselves (basically they were designated Crown Lands). For example, King Canute of England established the "Forest Laws" in 1014, which reserved large areas of the country for hunting strictly for the nobility. Later in 1066 William the Conqueror introduced even more stringent forest laws. The Greyhound dog was used for hunting by the nobility, and it was illegal for any "meane person" (common person) to own one of these hunting dogs. The Greyhound was a dog of the aristocracy. If a commoner (i.e. a serf) was caught owning a Greyhound hunting dog they were severely punished and the dogs toes were mutilated to prevent it from being able to hunt. In fact, the value of a Greyhound hunting dog exceeded that of a serf, and the punishment under the king's laws for killing a Greyhound was equivalent to the punishment for murdering a person. So hunting in Europe and Asia was reserved exclusively as a sport of nobles. It was also reserved for the wealthy clergy, mainly because they owned or controlled much of the land suitable for hunting. The common people were only allowed to get their meat from domestic livestock such as cattle, hogs and poultry, but not from hunting. The church and state colluded. That was the society of the time in the land where Lescarbot came from.

Now consider Lescarbot arriving over here in Wabanaki land and seeing the "common" Indians hunting, and using dogs in the hunt to chase down the large game. He observed that they didn't have a nobility class who had this privilege of hunting, in fact, these Indians treated themselves as all being equal, and all of them were allowed to hunt and trap. He

was so fascinated by this different way of life that he wrote at length about it. First of all, like Father Biard, he considered this being evidence of a total lack of law and order, a type of chaos. All people cannot be equal. It was ordained by God that hunting be reserved for royalty. It was one of the things he could see improved upon by the Europeans. The Old World order would have to be brought to the New World, he reasoned. The Indians should be encouraged to give up hunting and taught to raise livestock, to work in trades, to become civilized, basically to become like serfs and pay taxes to the aristocracy like all other common people. And when the Europeans eventually took over this land and cleared most of the forests, the nobility could bring in their horses and Greyhounds and hunt in the remaining forest land reserved for themselves.

When the first French barons first came here to New Brunswick in the early 1600s, some of them immediately recognized the Indians' lifestyle as being quite privileged like themselves, the noblemen of France. Among these French barons were the St. Castins, St. Aubins and d'Amours who began to trade with the Indians here in Wabanaki land. There were only a handful of French families living here, some along the St. John River and some in the Passamaquoddy Bay area, all part of Wolastoqiyik (Maliseet) territory. Some of them appreciated the privileged lifestyle of the Indians so much that they started living with them and marrying into their families. They saw how "rich" these Indians really were, living, traveling, and hunting wherever they wanted in this huge territory. No taxes to pay. Some of the French barons' children became "coureurs de bois" or "runners of the woods" and a few of them, who had one of their parents from the Wabanaki nations, grew up to become prominent sakums (chiefs). They lived the culture of the Indians and spoke their language, and therefore they were as one of them. The barons who came here had been granted seigneuries by the King of France, that is, large blocks of land over which they were lords (landlords). But some of the barons soon realized that by living with the Indians, as Indians, they could freely travel in the Indian lands far beyond their assigned seigneuries, from the Bay of Fundy to the St. Lawrence River. This was Indian hunting territory shared in common by them all. Unfortunately the Kings of England, France and Netherlands never considered land tenure in the same way as the Indians. All land was to be owned by the Crown and rented to their subjects for "occupying and improving." These European immigrants would continue to infiltrate these lands as years went by, claiming them with their forests and minerals as their possessions, establishing artificial boundaries, and fighting horrific battles over them. After many decades of wars the English defeated the French in 1759 for the very last time. The English soon began surveying lands to set up artificial boundaries of townships in the lower part of the St. John River (Wolastoq). They would send families here (called planters) from the Old World to settle these townships and to establish their cultural and social "system" with both the poor and the elite classes. The elite class was allowed thousands of acres, but the lower class only a couple of hundred per family at most. It was at this time that they also surveyed off lands along the Wolastoq above Fredericton at Eqpahak. These lands were reserved for all the "Malecite" or "St. Johns Indians" in 1765. The concept of reserved lands originated with the Royal Proclamation of 1763 by King George III, which set out the rules for establishing reserved lands in "parts of Our Dominion" for the Indians as their hunting grounds [I have addressed this in December 2012 issue]. Thus began the concept of reserved lands. At Eqpahak, above present day Fredericton, there were 500 acres reserved on the mainland, plus a 200 acre island in the river, and another 4 acres down river near St. Anne's Point (Fredericton). By suspicious coincidence these three lots each happened to have Indian burial grounds, which by giving to them

would hopefully keep the Maliseets complaisant and manageable. This Eqpahak reserve grant was the first in present day Canada. It is a historic location. It was the beginning of the generous gift of the white man to the Indian, giving him a small piece of his original homeland and permitting him to live on it. This land grant was considered large enough for the Indians to be able to cultivate, grow crops and raise livestock. They would be taught agriculture. That would be all they needed. Thereafter began the long history of restraining the Indians, of holding them back from their winter hunting trips throughout their territory, and preventing them from moving to summer camps along the streams and rivers for fishing throughout their traditional territory. They would be confined to one place where they could be better monitored, managed and controlled. In 1779 these three reserved lots at Eqpahak were officially granted to the "Malecite Indians, inhabitants of the River St. Johns" with Michael Francklin, Superintendent of Indian Affairs and five chiefs or captains "in trust for and in behalf of the Malecite Indians." In this early grant the Maliseets were also required to pay an annual rent for this land that was granted to them, just like any other serf would pay in the British grantee-grantor system.

The plot thickens. During this time the British settlers in this New World had a major split among themselves in regards to their loyalty to the British Crown, and a fierce revolt began throughout all of the British New England territories. The Maliseets were again drawn into in wars with the white man, this time "father against son" as one Maliseet, Pierre Toma, put it. Eqpahak Reserve and the Maliseets played an important part in this "American Revolution." At the end of the war over 10,000 Loyalists were expelled from the New England colonies (calling themselves United States of America) and were transported on ships to the St. John River (Wolastoq) and disbanded there. Thousands more were shipped elsewhere to Nova Scotia and Upper Canada. All of a sudden the Maliseet hunting territories were flooded with thousands of white immigrants, all of whom had been given surveyed lots to settle on. They began clearing the forests and building log homes and barns. Never before was there such sudden and dramatic impact on the Maliseet hunting grounds.

To add to this devastating impact on their way of life, in 1794 a high-ranking and influential Loyalist, a Colonel and Judge, connived to get the reserved lands at Eqpahak conveyed to himself. He wanted these because portions of these lots had been cleared by the Indians for their village at Eqpahaq. It would save him the effort and expense of clearing the land if he could obtain them. With some brilliant scheming he was "legally" granted the Eqpahak Reserve, and the Indians were told to move up river to a new and larger block of lands that had been reserved for them at a place called Tobique [I have addressed this fiasco in March 2013 issue]. Many of the Indians did not want to leave their home lands with their sacred burial grounds and also an excellent salmon pool, so they only moved up river a short distance to a location near French Village. Very few moved up to the Tobique. As time went on there were many clashes and confrontations as the Indians refused to all relocate into one reserve. Eventually the Crown divided them into "bands" and encouraged them to move onto a number of new and smaller reserves along the river. This is how it began with reserves here in present day New Brunswick. It was also the beginning of assimilating the Indians into the white man's "capitalist system" of destroying their traditional culture, sending them to white man's specialized "residential schools" that didn't teach subjects like tracking, hunting and trapping of animals, digging roots, making fish spears, birchbark canoes or how to stretch and cure beaver pelts. Their language was deliberately taken away from young children. Basically the plan was that they would be converted into white

peasants without their privilege of hunting and fishing and trapping whenever and wherever they wanted in their traditional territory. By this time too, they had become totally dependent on the white man's guns, gun powder, iron pots, brass kettles and steel knives, none of which they could make themselves like they did with their traditional tools and utensils. The children were used for labour such as doing the laundry, scrubbing floors, and chores in the barns. They were taught how to read and write the white man's language, and not much more. The biggest portion of their schooling was in religious training. In the early years of Christianizing the adults were made to get rid of their drums and medicine pouches. Sad though it is, this assimilation has almost worked except for a very small minority of elders who quietly and sometimes secretly kept their language and traditions and are today grasping desperately to keep it alive. Even sadder is that in their desperation to rescue their traditional culture that has been gradually erased over several generations, the Maliseets are grabbing onto traditions of other First Nations across the land who were later being impacted. This borrowing from other cultures doesn't preserve their own culture but destroys the traditional one and creates a new one, which is exactly what happened when the Europeans came here.

But not all the Indians were moving to the new reserves as hoped. How to get them to settle on the reserves and stop wandering throughout their traditional lands was a challenge? In 1876 the Indian Act was introduced which defined what constituted being an "Indian", and once identified and officially registered as an Indian they would be entitled to certain services and other benefits under the Act. In particular Indians who would move onto the reserves would get special benefits that Indians living off reserves would not get, such things as tax exemptions for goods bought on the reserves, wages earned on reserves, exemption from taxes on properties on the reserve, as well as health care, housing and education benefits.

Apparently these benefits were not enough enticement for some of them to remain on reserves because today 60% of First Nations people live off reserves, and 78% of those off-reserve live in large metropolitan or urban areas. In these locations they are completely removed from their traditional culture and assimilated into the "new world order" so to speak. Overall, there are but a small number of the elders left who remember how to trap muskrats, pound ash, make baskets, snowshoes, and birchbark canoes.. and speak their old language. Moreover, very few of the youth even care to learn. They are not alone. The present generation of non-aboriginal youth have also lost the ability to be self-sufficient, to provide for themselves as their ancestors did. They are hooked on the "system." But as many people say, "You can't go back to the past. You can't stop progress." The sad part of that attitude is that the values in those past traditions, the respect and stewardship of our Earth Mother, are fast being lost as we become spellbound by the glitz and glamour of capitalism. The connection to nature, to the environment for our sustenance is gone. Capitalism is the new social system which now exists in all countries of the world. The capitalists live off the profits they obtain from exploiting the working class, who are the captives of the system.

.. all my relations, Nugee-kadoonkut

## **ANICINABEK, ATIKAMEKW AND INNU FIRST NATIONS JOIN FORCES TO DEFEND THEIR ANSCESTRAL RIGHTS AND TITLES**

newswire canada

MONTREAL, Nov. 13, 2014 /CNW Telbec/ - The chiefs of the Innu Nation, Atikamekw Nation and some Anicinabek communities today announced the creation of the Innu Anishnabek Atikamekw Political Coalition, with the aim of working together to defend their ancestral rights and titles, in particular, those covered by the territory of the James Bay and Northern Quebec Agreement (JBNQA) and the Northeastern Quebec Agreement (NQA).

"The chiefs of the Coalition are speaking with one voice to better inform their Cree, Inuit and Naskapi brothers and sisters, as well as Quebeckers and other Canadians, about the unilateral expropriation that resulted from the signing of the JBNQA and the NQA," states the declaration signed by the chiefs just days before the 40th anniversary of the signing of the JBNQA agreement in principle (November 15).

After the agreement in principle was signed on November 11, 1975, a final agreement was reached that awarded broad political and administrative autonomy to the Cree and Inuit communities and recognized their exclusive hunting, fishing and trapping rights on 170,000 km<sup>2</sup> of territory, as well as providing financial compensation in the short and medium term. In the legislation enacting the Agreement (James Bay and Northern Quebec Native Claims Settlement Act, S.C. 1976-77, c. 32) adopted by the federal government and commonly referred to as Bill C-9, a clause extends the extinguishment of rights to all First Nations on the territory covered by the Agreement, even to those that did not sign it. This is directly detrimental to the Anicinabek, Atikamekw and Innu First Nations, whose ancestral lands partly overlap with the territory of the JBNQA. Since then, these First Nations have always contested the legality of this clause while continuing to maintain a strong connection to their ancestral lands affected by the legislation. Indeed, for 40 years, Innu, Anicinabek and Atikamekw families have carried out their traditional activities on this territory, where their rights are no longer recognized.

The Anicinabek, Atikamekw and Innu never participated in the negotiations that resulted in these agreements. They were excluded from these negotiations and they never agreed to the extinguishment of their rights on their ancestral lands.

"The Cree and Inuit concluded a modern treaty that gives them important rights over a vast territory, but other First Nations also had ancestral rights on a portion of these lands. The unilateral extinguishment of our rights was a serious error at that time, one that governments must now rectify," said Christian Awashish, chief of the Council of the Atikamekw of Opitciwan.

The chiefs who founded the Coalition say they intend to work together and if necessary, take joint legal action aimed at contesting the clause that extinguishes their rights to the territory covered by the Agreements. "We have never surrendered, abandoned or renounced our ancestral rights and titles to these lands. The extinguishment clause in Bill C-9 is unconstitutional and contravenes international human rights standards. We are determined to use every means necessary to put an end to this serious injustice," said Innu

chief Réal McKenzie.

Over the next few weeks, the Coalition will also raise awareness in Cree, Inuit and Naskapi communities, explaining that this process is not an attack on the Agreements but rather, is aimed at rendering the extinguishment clause inapplicable to the Nations that did not sign it. The Coalition's actions will not call into question the Agreements reached with the Cree, Inuit and Naskapi, nor the settlement legislation that applies to the Agreements.

The Coalition's members are asking to be able to participate in developing the part of their traditional territory covered by the Agreements, including natural resources and economic development, and to benefit from the economic development and tax revenues. "For thousands of years, our people have shared territories without borders. Today, we are embarking on a process aimed at settling the sharing of territory and the full recognition of our ancestral rights. We will find a satisfactory solution that the governments of Canada and Quebec will have to recognize," explained Bruno Kistabish, chief of the Anicinabek.

"This process is a logical continuation of the Atikamekws' recent declaration of sovereignty by our Nation's elected officials. We have never abandoned, surrendered or renounced our ancestral rights and titles to our traditional lands and are more determined than ever to correct the injustice that was done to us," concluded Chief Awashish.

SOURCE Innu Anishnabek Atikamekw Political Coalition

For further information: Source: Éric Duguay, Office: 514-843-2325, Cell: 514-377-1980, [eduguay@national.ca](mailto:eduguay@national.ca) Information: Alexandre Bacon, Innu Nation, Cell: 418-262-3153,

---

## **ALBERTA FIRST NATIONS OPPOSE B.C.'S SITE 'C' DAM PROJECT: FILING LAWSUIT**

The Canadian Press

EDMONTON - Alberta aboriginals have joined British Columbia First Nations in filing legal challenges to a BC Hydro proposal for another dam on the Peace River.

The Athabasca Chipewyan and Mikisew Cree First Nations have begun a lawsuit challenging Ottawa's approval of the Site C dam project. They say its environmental assessment didn't consider any of the dam's possible downstream effects in Alberta.

"We wanted studies done on what the impacts would be on the Peace-Athabasca Delta," Mikisew spokeswoman Melody Lepine said Thursday. "Those were not done."

The lawsuit, filed in Federal Court, is in addition to a separate one filed Wednesday by four B.C. bands. They want the dam approval overturned on the grounds the project would damage their ability to exercise treaty rights.

The Alberta lawsuit points out that BC Hydro's Site C environmental assessment stops at

Peace Point, upstream of the delta, and that research ignores how the ongoing impacts of the existing Bennett Dam will add to those of Site C. The bands say the Bennett Dam has already created significant changes in the delta that were never studied when that project was built in the 1960s.

Research has since documented significant impacts on the Athabasca Delta, despite being hundreds of kilometres downstream. Nearly half of its wetlands had disappeared by 1989. Animals that depend on them, such as muskrats or ducks, had lost up to 90 per cent of their numbers.

Annual flooding patterns, which refresh many lakes and flush streambeds, were severely disrupted. River levels during normal high-water periods were found to be significantly lower post-Bennett.

No environmental assessment was ever done for the Bennett Dam.

At least six Alberta bands, supported by the provincial government, registered those concerns during hearings on Site C. Lepine said they were ignored.

"None of our concerns have been addressed throughout the consultation process."

Lepine said the Alberta-based lawsuit alleges the federal approval breached Ottawa's duty to consult.

BC Hydro has said that it's now impossible to get good data on what the Peace River and Athabasca Delta were like pre-Bennett. As well, it says Site C is much smaller than Bennett and is unlikely to make much difference.

The utility argues the environmental impact assessment is for Site C - not a retroactive examination of the Bennett Dam - and that Site C won't change the Bennett's pattern of high- and low-water periods.

The \$7.9-billion dam would be the third on the Peace River and would flood 55 square kilometres of land. It would generate enough power for 450,000 homes.

A joint federal-provincial environmental assessment panel reviewed the proposal and released a report in May, but it did not make a clear recommendation for or against.

The panel's report said the dam would cause significant, adverse effects on the environment, wildlife, aboriginals and farmers. It also said BC Hydro had not demonstrated the need for the dam on the timetable it set out.

But the panel also concluded there would be clear benefits to the proposed dam.

## **ABORIGINAL WOMAN HAS RIGHT TO TAKE CANCER-STRICKEN DAUGHTER OUT OF CHEMOTHERAPY, JUDGE RULES**

National Post

RANTFORD, Ont. - An emotional dispute over a family's decision to pull their cancer-stricken daughter out of chemotherapy ended Friday with a potentially far-reaching constitutional decision, as a judge ruled First Nations' people have a legal right to seek out traditional native remedies.

That right under the Constitution extends to eschewing modern medicine in the process, suggested Ontario Justice Gethin Edward.

He rejected a request by the hospital that had been treating the 11-year-old girl to force the local children's aid society to apprehend her so she could resume chemotherapy. Doctors have said her kind of leukemia has a 90% cure rate with modern treatment, but is an almost certain death sentence without it.

Earning applause from many in a packed courtroom Friday, the judge said traditional health care is an integral part of the family's Mohawk culture and therefore protected by the Constitution. He cited Section 35(1), a provision that recognizes "existing aboriginal and treaty rights," but is more often associated with native fishing and hunting practices than treatments for deadly diseases.

Evidence showed the mother from Six Nations reserve is "deeply committed to her longhouse beliefs and her belief that traditional medicines work," said Judge Edward.

"This is not an eleventh-hour epiphany employed to take her daughter out of the rigours of chemotherapy," he said. "Rather it is a decision made by a mother, on behalf of a daughter she truly loves, steeped in a practice that has been rooted in their culture from its beginnings."

And that right is not dependent on the treatments being proven to work according to the "Western medical paradigm," said Judge Edward.

The judge did not address the fact that the girl's parents also took her to a private Florida clinic run by a non-native businessman whose only licence is reportedly for providing massages - but who claims he can treat cancer.

Regardless, the ruling was hailed as a major victory by local aboriginal leaders, who said the girl is faring well outside of hospital. (She cannot be identified under a court-ordered publication ban.)

"This is monumental for our people right across the country, and we're going to get the news out right away," said Ava Hill, elected chief of Six Nations band. "We were the first people here, we looked after ourselves, we had our traditional medicines. We looked after your ancestors when they arrived here, and what medicines do you think we used?"

The hospital offered a muted response to the decision, without indicating whether it planned to appeal.

"We have always supported this family's decision to use traditional aboriginal healing practices in conjunction with conventional medical treatment," it said in a statement. "We remain committed to support this child's treatment with compassion and respect."

Juliet Guichon, a University of Calgary bio-ethicist, was more blunt, saying the case seems no different than those where the courts have ruled a religious belief - like that of Jehovah's Witnesses - is no justification for denying a child needed treatment.

"The real issue is not whether the mother has a treaty right to practise traditional medicine but whether the child has a right to life and to medical decision-making that can help her live," she said. "How does 'traditional aboriginal medicine' mean taking a child by motored vehicle to a white man in Florida, who has no apparent medical qualifications and recommends eating raw vegetables to cure leukemia?"

The girl began chemotherapy for acute lymphoblastic leukemia in late August but pulled out after 10 days, she and her parents saying the hospital was putting "poison" in her body.

As well as receiving unspecified aboriginal remedies, the girl travelled to the Hippocrates Health Institute in Florida for other alternative treatment. According to a CBC report, the institute provided cold laser therapy, vitamin C injections and a strict raw food diet as part of a service that cost \$18,000.

Chief Hill said it was the family's right to seek out any alternative care they chose. As for actual traditional medicines, she said she did not know exactly what the girl had received.

The hospital turned to Brant Child and Family Services after the girl quit chemo, but the agency refused to intervene, noting she has loving parents and arguing it was a matter of health-care consent, not child protection. McMaster Children's Hospital then took the agency to court, leading to several days of hearings this fall.

Judge Edward ruled that it was, in fact, a matter of child protection, but called the situation "untenable." If he was to order in favour of the hospital, it might mean a social worker having to apprehend the girl. "That will have its challenges given the support the Six Nations community has shown this family."

Regardless, he cited case law to conclude that the mother's actions were protected by the Constitution.

By odd coincidence, another 11-year-old girl from the neighbouring New Credit reserve also dropped out of chemotherapy for leukemia earlier this year, opting instead for similar alternative therapy.

## **KAMLOOPS TEEN LEFT WITH BRAIN DAMAGE AFTER HAVING WISDOM TEETH PULLED**

Dental surgeon faces penalty that could include being barred from practice

VANCOUVER SUN

The story of a young woman who suffered severe brain damage after having her wisdom teeth pulled is at the centre of disciplinary hearing for a Kamloops dental surgeon.

The 18-year-old patient went into cardiac arrest while under sedation at the Kamloops Oral Surgery and Implant Center, the clinic of Dr. Bobby Rishiraj, in November 2012.

The disciplinary committee of the College of Dental Surgeons of B.C. is hearing allegations this week that Rishiraj failed to quickly recognize that the young woman was in distress, delaying efforts to resuscitate her.

He's also accused of providing deep sedation without approval, improperly administering anesthetics and monitoring sedated patients, and falsely advertising that the clinic was an approved non-hospital and certified IV facility.

During the second day of the hearing Thursday, a woman who previously worked as a dental assistant for Rishiraj told the panel she had no emergency training before the day of the incident.

A publication ban has been issued on the names of all witnesses and patients involved in the hearing.

The assistant testified that she was with another patient when she heard her name being called.

"It was urgent," she said.

She ran into the surgical room and found another dental assistant performing chest compressions on the young patient. Rishiraj asked the first assistant to check the teen's wrist for a pulse. They couldn't find one.

Paramedics arrived and rushed the patient to hospital. According to court documents, an ambulance attendant discovered a piece of gauze in the patient's mouth that had been blocking her airway, but was not removed by Rishiraj or his staff.

The assistant testified that "the staff was pretty shaken up" by the incident and the office was closed for several days afterward.

She told the hearing that one of her usual duties during surgeries was to monitor patients' oxygen levels. If they fell below a certain level, she would inform Rishiraj.

Normally, the dentist would take measures to correct that, by cutting down on the anesthetic

or tilting the patient's head back to open the airway, but "sometimes I personally felt that he would let it go too long," she said.

When the office eventually reopened, Rishiraj brought in numerous changes in procedure, according to the witness. He hired nurses to help with surgeries, began using nasal prongs to supply oxygen during every procedure and asked for more frequent readings from the device that monitors oxygen levels.

Jerome Marburg, CEO of the College of Dental Surgeons of B.C., said this week that he is confident no other patients are at risk now that Rishiraj has made changes to his practice.

"We are deeply saddened by this case, and the tragic outcome for one of Dr. Rishiraj's patients. Our thoughts and prayers remain with this young woman and her family," Marburg said.

Depending on the outcome of the disciplinary hearings, the college could have the power to reprimand Rishiraj, suspend his registration or bar him from practice.

Rishiraj also faces a civil suit filed by the family of the young woman. According to the statement of claim, she will require care for the rest of her life. The suit asks for damages and payment for past and future health care.

---

## **OPINION: WHAT IT MEANS TO BE AN 'ABORIGINAL' STUDENT STEPHANIE WILLSEY, SPECIAL TO MONTREAL GAZETTE**

First of all, I should introduce myself: I am a First Nations Canadian, of the Chippewa, or Ojibwe, community of Rama, Ont. I was raised off the reserve, but only a short drive away, and I am there often.

Being native is often characterized by deprivation and suffering - be it with respect to land, language or identity - and unfortunately, this is often the truth. My grandmother was forced to reject her native language, culture and customs as a child, through a tragically misguided view that she, like all other Aboriginal people, would be better served by assimilating into the "white" world. The fabric of family life was shredded within Aboriginal communities for generations, and many of the issues in these communities that exist today are resultant of this governmental dismantling.

However, Aboriginal students in college and university today were born in a much more tolerant time. Living not only in a more socially inclusive and progressive era, but also in as liberal and diverse a city as is Montreal now, my upbringing and college experience have been inclusive. Being an "Aboriginal student" today means something very different from what it did even a couple of decades ago.

I am well integrated, perhaps seemingly "assimilated" with fellow students at my university.

That being said, I am not white. I simply have a modern indigenous identity. Just because I have not been directly affected by the suffering of previous generations does not make me any more or less indigenous than any other.

That's because being Aboriginal is so much more than being a victim. It was an entire culture before the settlers arrived, and despite its low profile in urban Canadian society and in the media, it remains so. Being Aboriginal is about more than being involved in the political controversies, it is a special part of Canadian culture that should be recognized and cherished in itself.

I have learned that there is so much more that defines us, even off the reserve. I always have been very much a part of the First Nations community. Our culture is reliant on kin connections, and the Grandfather Teachings, which are moral teachings that have been passed down in my family; similar concepts of wisdom, love, respect, bravery, honesty and so on can be found in many religions and cultures around the world.

Upon attending the annual pow wow this summer, I realized how much of the celebration was about spending time with family, eating traditional dishes, listening to live music and dancing. Others celebrate their history and traditions in similar ways, no matter the race or culture. We really aren't that different.

I am among the very luckiest of our culture and I am very aware of that, and do not for a second take that for granted. And I do not want to minimize the problems that remain. I know that not all legal issues have been cleared regarding our people, land and status.

Yet we have made tremendous progress and I hope to be part of an even more successful future generation of Aboriginals. Now, more than ever, it is possible to hold on to and be proud of my native heritage while also being part of a larger and more heterogeneous community.

Stephanie Willsey is a full-time student in philosophy, sociology and political science at McGill University.

---

## **MALISEET CHRISTMAS**

It was cold. The wind was blowing the light snow around that rose in circles finally falling in a new resting place. Yes we enjoyed being out of that bitter wind and sitting at Minnie's favorite table after enjoying another of her hearty meals. The old wood cook stove with its water jacket and plate warmer purred sending its warmth into the room. It was colder in the 1950 and 60s than it is now. The snow became deeper and deeper until at the end of February or early March it was up "to a moos' belly." By that time there was a good crust on the snow so even the moose could easily walk on the snowy surface without sinking down to his thigh.

Although the Woodstock Maliseet lived in the middle of Christmas tree country, they only began adopting the custom of Christmas trees in the early 1930s. In 1950 there were Christmas decorations here and there and a lighted outdoor Christmas tree in the small Maliseet community. About the same time moderate gift giving began. The usual gifts were a pair of heavy woolen sox, a wool cap, and mittens, all home made. An orange, nuts and candy filled stockings. Naturally our conversation turned to Christmas and what it meant to the Maliseet.

There was no Christmas until the missionaries came. One of the first things that they did was to create a calendar with all the Sundays and holy days especially marked to encourage Indians to take time for prayers. The calendars were printed to be used with several tribes and were easily attached to the hunter's wigwam wall making it simple to say prayers at the proper time. Sunday, or "Sunte" as the Maliseet pronounced it, was the most important day of the week in the missionary calendars. The names of the months on the calendars are also of importance. Almost all of the earliest Maliseet names for months referred to animals, fish, or birds that were seasonal foods. This meant little to the missionary so his calendar emphasized what was important for Catholics. December became Ni pai-mi-e-wi-gi-zos or "Prayer at night moon." Formerly it was called Ki-chi-gi-zos "Great moon." December nights were longer than in any other month permitting the moon to shine longer.

After the midnight Mass the Maliseet honored all those whose names were Mali, a form of Mary, and Noel or Newell. The chief or head man was given the title Nee-con-e-me-ak, "prayer leader." After the service the chief carried his hand-made cross leading a procession of all the village to the homes of those to be honored. When they arrived at the home of the one to be honored, Christmas hymns were sung. Then there was a special song sung to the honored one. The song for Noel was: Ma-we-aw-mon-age, Noel, "Let us be with him, Noel." Then the leader said the beads; Noel kissed the cross and the procession marched to the next person to be honored. If there were many in the village to be honored, the dignified ceremony could last several hours.

The missionaries terminated the Christmas season with Epiphany, the twelfth day after Christmas. The Maliseet named the day "King-jam-es-win" or "Day for a King." Feasts were always special events in Maliseet life. "King-jam-es-win" was noted by an especially big feast, an annual event that everyone looked forward to. The feast was held in the council house. The men sat at a table on one side, the woman sat together at a table on the other side. If there was not enough room for everyone to eat at the same time, the men ate first, as was the custom, and the woman and children ate when they finished. Those who had birthdays about this date celebrated them at this this event. The highlight of the feast was the desert. There were two big cakes, one for the men, the other for the woman, A button was put in the men's cake, a bean in the woman's cake. The man and woman whose piece of cake contained the favors were proclaimed King and Queen. They were given paper crowns and were directed to a platform above the others. Here they reigned for dances that customarily lasted until dawn. This French custom introduced by the missionaries was called " le jour des rois," the day for the King. Most of the older folks happily remembered these pleasant parties.

Although New Year's Day is considered a secular holiday, the French missionaries also introduced French small village customs to the Maliseet Reserves for New Year's Day. These traditions began to fade after World War II. It was a day when everyone arose early so they could visit everyone in the community. Between four and five in the morning a family would visit those in the nearest house to them. The entire family, including the children, arose to visit their neighbor. Each visitor embraced each member of the neighbor's family touched both cheeks and then proceeded to the next family. When the first visiting family left the third home, the first family visited went to their neighbors. Each family proceeded in the same manner until all in the village had been greeted in this manner. After participating in this ritual it would be difficult to carry a grudge against any member of the community. It was a Medieval Catholic attempt to make everyone in small villages live in harmony with the entire community.

Nicholas Smith

---

### **DAN'S CORNER : You Might Be A Colonized Indian...**

If you think that you are a Canadian... you might be a colonized Indian

If you think that you are a Christian... you might be a colonized Indian

If you think that your mother tongue is English or French... you might be a colonized Indian

If you think that an Indian reservation is your homeland... you might be a colonized Indian

If you think that you are a first nation person... you might be a colonized Indian

If you think that our homeland was not stolen by genocide... you might be a colonized Indian

If you think that the so-called Canadian culture is your culture... you might be a colonized Indian

If you think that INAC is there to help Indians... you might be a colonized Indian

If you think that the Indian Act is in place to protect Indian land, resources and rights... you might be a colonized Indian

If you think that the residential schools were about educating Indians... you might be a colonized Indian

If you think that the so-called Canadian identity is your identity as an Indian... you might be a colonized Indian

If you think that destroying our earth mother for any reason such as mining, drilling, clear cutting, etc. for the benefit of a few rich white people... you might be a colonized Indian

If you think that the white man's capitalism based economic system was or is the way of our people... you might be a colonized Indian

If you think that the white man's imperialistic way for spreading democracy around the world is the way for our people... you might be a colonized Indian

If you think that the white man's way of war to accomplish things is the way of our people... you might be a colonized Indian

If you think that not knowing where our Ancestors' sacred burial sites are located is acceptable... you might be a colonized Indian

If you think that a foreign white government should be telling our people where to live (the Indian Reservation)... you might be a colonized Indian

If you think that a foreign white government should be telling our people how to live (the Indian Act)... you might be a colonized Indian

If you think that a foreign white government should be telling our people how to teach our children (the Residential School and public school Acts)... you might be a colonized Indian

If you think that the Canadian Government is not a foreign government to our people... you might be a colonized Indian

If you think that any of this brainwashing applies to you as it does myself... you might want to begin decolonizing yourself.

- All my relations -- Dan Ennis - November 21, 2014

---

**DEAN'S DEN: XMAS CHARLIE (2) COMMUNITY CHRISTMAS (3) ONE AND ALLChristmas Charlie**

We called him 'Christmas Charlie'

He was full of Christmas cheer

And not just in the Season

He had it all the year,

You could always find him smiling

He was never blah nor blear  
He most of all liked laughter  
But, he'd sometimes shed a tear,  
Never vain nor stuck-up  
He considered everyone his peer  
And it wasn't just pretension  
He was honest and sincere,  
Solid, sure, and down-to-earth  
Was the way he would appear  
He'd never try to put you on  
Tho his point'd be plain and clear,  
A kind word had for each and all  
And, each and all held dear  
A fixture and a friendly face  
Well known both far and near,  
He was a real-life legend  
To everyone round here  
And we sure miss 'Christmas Charlie'  
At this time of the year!  
We called him 'Christmas Charlie'  
He was always full of cheer  
And we'll sure miss 'Christmas Charlie'  
At Christmastime ... this year!

-- D.C. Butterfield

## **Community Christmas**

Its 'Community Christmas'

And Auxiliary Groups

Support the Local Food Bank

Back up our serving Troops,

The Christmas Dance, the Xmas Party

The 'Lighting Of The Tree'

Christmas carols for our Seniors

The 'Parade Of Lights' to see,

Its goodies and hot chocolate

"Season's Greetings!" and "Good Cheer!"

Remember the less fortunate

And those - no longer here,

The children in church concerts

The ageless manger scene

As well, of course, old Santa

And traditional cuisine,

But most of all its "Christmas!"

Recognized most everywhere

A time of special sentiments

To react, to care, to share!

- D.C. Butterfield

## **One And All**

To each, my friends, from anywhere

Short or tall, or big or small

Of every view, belief, or creed

"Merry Christmas!" ... one and all!

- D.C. Butterfield