

Tobique First Nation, NB December 2007
Wulustuk Times

Wulustuk, - Indigenous name for St. John River
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SKIGINOWEEKOG

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This publication now the "Wulustuk Times"

Each month we try to gather and produce the latest, most comprehensive native news material from the Indian country. Proceeding with this concept, we feel that a well informed reader can better relate with, analyze and grasp a situation more effectively when the right tools and information are at hand. Our aim is to provide stories that are easily understood and supported with a solid background.

Web access:

Not only is our local readership serviced with this format of news production, but the Internet audience benefits as well. To reach a global audience, a talented and seemingly tireless worker, Sharon Green, from Ontario, helps us by putting Wulustuk Times on her web site each month. Sharon's website is located at Gathering Place First Nations, and once there, then just hit our indicator marked Wulustuk Times.

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(N.B.) SKIGINOWEEKOG (native domain) STILL IN LEGAL LIMBO

p.paul

The provincial government of New Brunswick still clings on to the old colonial concept, view, belief and false notion regarding their illegal use and occupation of this land they call New Brunswick. The land has never been sold, ceded, given away, compromised, surrendered or legally transferred to the white occupiers and therefore remains legally an exclusive native domain to this day.

Thereby, native people in this province have serious concerns regarding these non-native 'historical' distortions, misconceptions and unjustified claims to rightful ownership and legal entitlement to the land.

Being the fact that land treaties or comprehensive territorial land transactions or concessions were never negotiated, entered into, sanctioned, approved or executed between native people and euro-canadians in this province, therefore renders non-native occupation and presumed ownership of the land a blatant mistake and distortion of facts. The land in the first place was illegally taken over and unduly occupied without gaining clear, ratified permission from native people.

From that indisputable fact, therefore, this land Skiginooweeog (New Brunswick), which covers exactly 28,354 square miles of land and water, still legally belongs to native people and will remain under that title until a universally sanctioned accord or a legally binding settlement or agreement is reached between the rightful native owners and the non-native occupiers.

In coming to terms with this age-old misconception and land question, a neutral (non-canadian) judicial body would have to be recruited from outside to arbitrate and settle the presumed 'land ownership' and arbitrating it to reach a fair, unbiased decision for settlement. The neutral judicial body could be drawn from reputable outside agencies like the World Court, the United Nations or some other international neutral tribunal of global distinction to avoid internal conflicts or mistep into unsavory roads of favouritism and placation. Additionally the neutral body would serve to minimize over-riding pressures and influences from home government(s) who could, by subtle intervention, potentially sway or defer ratification of the final decision.

In the meantime a carefully coded catalogue of damages incurred upon the land and environment should be incorporated to constantly measure and monitor the ongoing changes in the landscape and to record the progressive depletion of wildlife and natural resources that has gone on for years. This monitoring exercise would prove vital and an invaluable tool in determining the precise remedy to be accorded to native people after an unbiased, independent arbitration has transpired and resolution recommended.

It is imperative however, to always remember that the day of reckoning is still before us.

FEDERAL BILL WOULD GIVE \$250M A YR. FOR 10 YEARS TO SETTLE LAND CLAIMS - CP

OTTAWA - The federal government has announced legislation to help ease tensions and speed settlement of more than 800 native land and treaty claims.

If passed, the bill proposed Tuesday would create an independent tribunal of six Superior Court judges to make binding rulings to resolve specific claims that were rejected or have dragged on for at least three years.

First Nations have waited 60 years for a revamped system. The current process is widely discredited as Ottawa acts as both judge and defendant while taking an average of 13 years to settle cases.

"I'm confident this will work because it's our process as well," said Phil Fontaine, national chief of the Assembly of First Nations which co-authored the bill.

Ottawa would commit \$250 million a year in funding for 10 years to the process, although it's estimated the backlog will still take more than a decade to clear.

Fontaine and Indian Affairs Minister Chuck Strahl also signed a political agreement to deal with specific claims outside the scope of the proposed bill.

The legislation would deal with the lion's share of claims valued at less than \$150 million, while the political accord would address cases worth more. The \$150-million cap is a concern especially in British Columbia - home of about half the stalled claims. Chiefs there wanted all cases to come under legislation rather than be settled "at Canada's discretion."

B.C. leaders have also expressed frustration at what they say was a lack of consultation and information prior to Tuesday's signing ceremony in Ottawa.

This, on top of the fact that the federal government retains full power to name judges to the independent tribunal with no joint process with First Nations.

Fontaine acknowledged the criticism but said he had to accept after months of talks that the deal was as good as he could get.

Frustration over treaty violations and protracted land-claims talks has boiled over in several ugly clashes in recent months.

The federal government has itself estimated it owes First Nations billions of dollars for breached or unfulfilled treaties. Basic funding for settlements is set at about \$159 million this fiscal year.

Federal officials say that only about 120 of more than 900 unresolved claims have made it to the active negotiation stage.

The legislation introduced Tuesday deals with specific claims only - not the sweeping, comprehensive claims to huge swaths of B.C. and Ontario. Those cases are to be dealt with in a separate process.

NEW B.C. TREATY REGARDED AS "VISION OF FUTURE"

Deal lets Maa-nulth leave painful past behind, chiefs say

By Jeff Rud and Lindsay Kines, Times Colonist Published November 22, 2007

Leaders of five First Nations spoke about fresh new opportunities for their people as Vancouver Island's first modern-day treaty was introduced yesterday in the B.C. legislature.

Chiefs from the Maa-nulth First Nations on the Island's west coast were invited to the bar of the chamber to address MLAs about the deal, which will see the 2,000 Maa-nulth receive more than \$100 million in cash and nearly 25,000 hectares of settlement land.

"The Maa-nulth treaty is an expression of our vision of the future," Uchucklesaht tribe chief councillor Charlie Cootes told the house. "It is a vision that permits us to see a future filled with opportunities. It is a vision that removes the crippling institutions of our colonial era. ... It is a vision that permits us to move forward and leave the pain of the past behind."

The Maa-nulth people ratified the deal by a nearly 80 per cent margin in a vote completed last month. It is the second pact completed under the B.C. Treaty Commission. The Tsawwassen final agreement was passed earlier this month by MLAs and is just awaiting royal assent.

The Maa-nulth treaty is the first multi-First Nation agreement to be finalized. Besides the Uchucklesaht, it also covers members of the Ucluelet, Toquaht, Huu-ay-aht and Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, many of whom live near Bamfield, Port Alberni, Ucluelet and in Kyuquot Sound.

The treaty, expected to be passed quickly by the legislature, includes \$73.1 million in cash, annual resource revenue payments averaging \$1.2 million for 25 years, program and special project funding, and 24,550 hectares of land.

The total agreement, which includes hunting and fishing allotments, has been estimated by some to be worth up to \$500 million, although Premier Gordon Campbell disputed that figure.

The deal also gives the Maa-nulth nations self-government provisions similar to those of municipalities, including the right to participate in regional district boards and make laws on their lands.

In exchange, the Maa-nulth people will surrender their non-taxable status after 12 years. Their land will fall under provincial, rather than federal, jurisdiction and members will be able to own their homes.

Huu-ay-aht chief councillor Robert Dennis said the Maa-nulth weighed their options and decided a treaty was preferable to court action -- the approach taken by the Tsilhqot'in people. Yesterday, after almost 20 years in front of the courts, the B.C. Supreme Court ruled on the Tsilhqot'in title claim to a large traditional territory in the Interior.

"We're very happy that we've chosen this path," Dennis said, adding the Maa-nulth determined that going to court would cost "millions and millions" and result in multiple appeals.

"But then we looked at the treaty, and we looked at the opportunities it brought," he said. "It brought us more revenue, it brought us more governance, it brought us more land, and it brought an allocation to resources. So, clearly, this is the path we've chosen."

Prior to the treaty's introduction, Campbell presented the Maa-nulth with a canoe and each of the First Nations leaders with a paddle. They in turn gave paddles to Campbell and Senator Gerry St. Germain.

COURT DECISION COULD MEAN \$BILLIONS TO NATIVES FOR BAD LAND DEALS IN PAST

Dana Borcea

An Ontario Court of Appeal decision about a northern Ontario reserve could mean "billions, not millions" of dollars for First Nations engaged in land and compensation claims with the federal government, according to a lawyer working with Six Nations.

The ruling released yesterday says Ottawa must fairly compensate Whitefish Lake First Nation near Sudbury for revenue the band was cheated out of after surrendering timber rights to the Crown in 1886. In its decision, the court upheld that the Crown breached its duty to the native band but ordered a new hearing to determine a fair compensation. The ruling declared the Whitefish Lake band was entitled to compound interest on the money it was owed.

Lawyer Aaron Detlor, who represented the Whitefish Lake Band and also acts as an adviser to the traditional Six Nations government, described the decision as "groundbreaking."

He said yesterday the decision has a direct impact on Six Nations negotiations currently under way. "The amount of money that may be owing from the Crown to Six Nations has to be significantly reconsidered. Any amount ... has to take into account that compound interest." The decision also emphasized the importance of "equitable compensation" in native rights and land claims.

The court wrote that its decision "signals the emphasis (it) places on the Crown's ongoing obligation to honour its (duty as a trustee for natives) and the need to deter future breaches."

Detlor said a requirement for "equitable compensation" strengthens Six Nations' negotiating position as well as their right to return of land.

URANIUM LEGACY OUTRAGES CONGRESS - NAVAJO LAND CONTAMINATED

By Kathy Helms Diné Bureau October 25, 2007

WINDOW ROCK - A picture may be worth a thousand words, but the sound of an instrument used to detect radioactive contamination, clicking away over a soil sample from Tuba City, set a federal oversight committee on its ear Wednesday during a hearing in Washington.

Chairman Henry Waxman's Committee on Oversight and Government Reform heard from a Navajo Nation delegation about the health and environmental impacts of uranium contamination during a four-hour hearing.

Several congressional leaders expressed outrage at the federal government for allowing such conditions to remain unchecked on NAVAJO LAND for so many years, saying they were "ashamed" and "embarrassed." They offered apologies to the Navajo people.

Their eyes were opened as they listened to George Arthur and Phil Harrison of the Navajo Resources Committee; Stephen B. Etsitty of Navajo Environmental Protection Agency; Doug Brugge, associate professor at Tufts University School of Medicine; Larry King and Edith Hood of Churchrock; and Ray Manygoats of Tuba City.

Waxman's committee has held a series of hearings throughout the year, focusing on programs or agencies that once were effective but are now broken or dysfunctional. "This morning we are looking at an instance where the government has never worked effectively. It's been a bipartisan failure for over 40 years. It's also a modern American tragedy," he said.

"The primary responsibility for this tragedy rests with the federal government, which holds the Navajo lands in trust for the tribe. Our government leased the lands for uranium mining, purchased the uranium yellowcake produced from the mines to supply our nuclear weapons

stockpile, and then allowed the operators of the mines and mills to walk away without cleaning up the resulting contamination," Waxman said.

"Over the years, open-pit mines filled with rain, and Navajos used the resulting pools for drinking water and to water their herds. Mill tailings and chunks of uranium ore were used to build foundations, floors, and walls for some Navajo homes. Families lived in these radioactive structures for decades," Waxman said.

"When the U.S. EPA took readings at one mine site, the radium levels were over 270 times the EPA standard. That was last year," he said.

Reservation stories :

The Navajo delegation brought Waxman's words to life with a few stories of their own.

Resources' Chairman Arthur said the Navajo Reservation has served, "in the words of a government study, as an 'energy colony' for the United States ... The Department of the Interior has been in the pocket of the uranium industry, favoring its interests and breaching its trust duties to Navajo mineral owners.

"We are still undergoing what appears to be a never-ending federal experiment to see how much devastation can be endured by a people and a society from exposure to radiation in the air, in the water, in mines, and on the surface of the land. We no longer are willing to be the subjects of that ongoing experiment," Arthur said.

"I myself was present in Shiprock, the largest community on the Navajo Nation, in the late 1970s when federal officials decided to simply pile up all the radioactive mill tailings on land near the center of town, with no lining under the wastes and a lot of rocks on top to limit erosion. In what other town would the government allow this to occur and remain?"

In Tuba City, an open dump and unlined mill tailings site pose an immediate threat to the main aquifer in the western Navajo area. "The government has devoted the money needed to remove similar tailings from a rural area near Moab. Are those people or their water resources more valuable than

Navajos?" he asked.

Navajo EPA's Etsitty said the legacy from past uranium activities lingers "due to the current slow pace of cleanup and the poor quality of remediation of known contaminated sites." Five former uranium processing sites have been cleaned up by the U.S. government, he said, "meaning that the radioactive mill tailings were capped with clay and rock and left in place at or adjacent to the former mill site." However, none of them were lined, he said.

"As we gather mounting evidence that these unlined landfills seep uranium waste into our groundwater, we watch the federal government dig up and properly remediate a similar site located near Moab, Utah, which is outside of the Navajo Nation borders. Why is this not happening on the Navajo reservation?" he asked.

Radioactive soil :

Because statistics alone do not tell the full story, Etsitty demonstrated, using a sample of radioactive soil shipped from the Rare Metals site in Tuba City, "a site that we call Highway 160," he said. "I have in front of me an instrument (Ludlum 19) that the Navajo Superfund uses to detect radioactive contaminants.

"This particular device detects gamma radiation. Gamma radiation is all throughout the cosmos and the atmosphere ... The sample that I have before me is covered, and as we get closer to it, you'll hear the detection device starting to recognize the gamma radiation from the source," he said.

There were a few audible beeps as Etsitty moved closer to the sample, which was 30 times above background level. "I'll remove the cover and just let the device tell you what's going on," he said. The instrument began to beep furiously.

"The sounds that you have heard are just a small demonstration to show that Navajo families are, oftentimes, living within a few hundred yards of materials that we're told we shouldn't be exposed to for more than an hour.

But we have Navajo residents that have lived in these areas sometimes more than 40 or 50 years," he said.

Dr. Brugge told the committee, "There has been too little research on the health impacts of uranium mining in Navajo communities. One study under way, for example, will mostly assess kidney disease, and not birth defects, cancer or neurological problems.

"Today, as we begin the public process of addressing community exposures, I can only hope that the path is far shorter than the one traveled by the uranium miners and their families."

Churchrock spill Larry King, a former uranium miner, described the foul odor and yellowish color of the fluids associated with the Churchrock spill. "I remember that an elderly woman was burned on her feet from the acid in the fluid when she waded into the stream while herding her sheep.

"Many years later, when waterlines were being installed in the bed of the Puerco, I noticed the same odor and color in a layer about 8 feet below the stream bed. To this day, I don't believe that contamination from the spill has gone away," he said.

Edith Hood, who worked at Quivera, also known as the Kerr-McGee mine, was diagnosed with lymphoma in the summer of 2006. She talked about living on Red Water Pond Road, sandwiched between two abandoned mines, where she can still see equipment and "vent bags sticking out of the earth."

"These places are still contaminated. I know because I learned how to survey the ground for radiation when our community got involved in a monitoring program in my area four years ago. I know because the government people told us it was," she said.

"My father has pulmonary fibrosis. My mother was diagnosed with stomach cancer. My grandmother and grandfather died of lung cancer. Many of my family members and neighbors are sick, but we don't know what from.

Today, there is talk of opening new mines. How can they open new mines when we haven't even addressed the health impacts and environmental damage of the old ones?" she asked. Resources' Harrison of Red Valley grew up in uranium mining camps, watching children playing on waste piles and drinking mine water, which also was used to mix infant formula. "My little brother, Herman James Harrison, died of a stomach ailment at the age of 6 months. He drank the uranium-contaminated water.

"My father died of lung cancer in 1971 at the age of 46. My cousin's father, also a mine worker, died of lung cancer at the age of 42. All of my brothers and sisters have thyroid problems and disorders. They didn't work in the mines but they grew up in places around contamination. "I have scarring on my left lung. In 1999 my kidneys failed and I was on dialysis until 2001 when I received a kidney transplant from my sister. My story is not unusual," he said.

Yellowcake grill

Ray Manygoats of Tuba City told how his family cooked their meals on a grill his father brought from Rare Metals. The grill had been used to sift yellowcake. "We would play in the yellowcake sand at the mill, jumping and rolling around in it. We also found many small metal balls at the mill. The balls were used to crush and process the uranium. We played marbles with them and had contests to see how far we could throw them." Manygoats has had surgery three times to remove growths from his eyes. His father had breathing problems, he said. "Many of my sisters and brothers also have had problems with their eyes. I lost my mother to lung cancer and stomach cancer ... Another family member, Lucille, was never able to grow her hair and always wore a wig all her life.

"Today I still live in the same area, the land of my family. The mill is no longer operating, but the waste from the mill is everywhere," he said. Harrison told the committee, "It's been about 25 years since the last mines closed. My people shouldn't have to wait another 25 years for the federal government to accept a responsibility that it should have accepted many years ago."

VETERANS MARK 2007 REMEMBRANCE DAY AT TOBIQUE

p.paul

More than two hundred people headed by veterans along with their friends, families and comrades braved the frigid winds of November 11, Remembrance Day 2007, at the Tobique Cenotaph to recall and honour those who served in the military during the years of conflict.

Nicky Paul M.C.'ed the wind-swept event that lasted for about an hour in front of Tobique's War memorial site at the Mos-Sos Elementary School.

Both adults and children took active part in the ceremony in expressing the bravery and sacrifice our sons and brothers gave in time of war.

Dozens of wreaths and flowers were placed at the Cenotaph where a local WW-II vet, Donald (Spike) Moulton sat in honour and officiated the wreath presentation as the official Sargent-at-Arms.

Amelda Perley, from Tobique and a professor at the University of Maine, read a native written version of "At Flanders Fields" in Maliseet for the audience which captivated the significance and reverence that is embodied in military sacrifice of war involvement.

Children from the Tobique Mos-sos Elementary School, also provided words of honour to the veterans along with a magnificent Maliseet poem entitled "Native Braves" honouring those who served in wars.

At the end of the salute a traditional feast was served at the school gym shortly after the ceremony where many friends and comrades of the vets enjoyed a hot dinner, a fine reunion and a rare occasion to chat and recall the olden days together.

All in all, it was really a cold frosty day to say the least, but everyone attending had a heart-warming and a fulfilling experience from it

RESERVES LITTERED WITH ABANDONED EXPLOSIVES FROM WW-II

Steve Rennie, CP

OTTAWA - Abandoned explosives from bygone military training exercises could be scattered across more than two dozen native reserves in Canada, says a newly released document.

A Defence Department list cites 25 reserves potentially laden with discarded explosives, ranging from Second World War-era bombs to anti-tank mortars and even torpedoes.

The accounting of 731 so-called legacy sites, prepared in April, was obtained by The Canadian Press under the Access to Information Act. It details the locations of sites that may contain so-called unexploded explosive ordnance or UXOs - military jargon for weapons that have yet to detonate.

The federal government made deals in the past - mostly during the Second World War - to lease reserve land for military use, said Fran MacBride, National Defence's UXO program manager. The land was returned to the First Nations when the leases expired.

Not every site on the list contains explosives. However, MacBride said it's impossible to declare a legacy site totally free and clear of all explosives.

"Once we've used a range - and that's anywhere in Canada on any land - we can never state categorically that it is free from UXOs," she said. "There will always be a risk."

The department hired a contractor in 2005 to identify suspect locations across Canada, she said. The contractor identified 731 sites, although MacBride said there could be more.

In January, the department plans to begin determining which sites actually contain explosives by sifting through archival records from Indian and Northern Affairs and National Defence, conducting airborne geophysical surveys and interviewing local residents.

The Defence Department will also use what MacBride calls "an advanced version of a metal detector" to track down explosives on the sites.

The process could take "many years," MacBride said, and even then a legacy site "will always be on the list."

Land in southern Alberta belonging to the Blood Tribe - Canada's largest reserve by land area - was formerly used as a bombing practice range during the Second World War.

The range was located at the northeast part of the reserve. Blood Tribe Chief Charles Weasel Head said the farmland-ringed area is unpopulated, with a canal running through it and bordered to the north by an irrigation dam. The closest house is about three kilometres away, he said.

However, there's a community of about 2,000 people roughly nine kilometres from the range, which Weasel Head said gives him some cause for concern.

"The possibility is, there still could be some explosives that are out there," he said. "It's kind of been assumed to this point that there's no more explosives that are out there."

The air force also once used an area on Vancouver Island near Tofino, B.C., as an air-to-air gunnery and low-level bombing range. The Defence Department list shows there may be 159-kilogram depth bombs from the 1950s in the water surrounding the Tla-o-qui-aht First Nation.

During the summer months, the waters beyond the shores of the Tla-o-qui-aht First Nation are often dotted with fishing boats, said chief councillor Moses Martin.

Some drag their nets along the sea bottom, trawling for shrimp and sole, he said.

The possibility of depth bombs alongside the fish on the ocean floor "would be a concern," he added.

Other First Nations have long been aware of unexploded ordnance on their reserves. The Tsuu T'ina Nation, whose territory is adjacent to the southwest city limits of Calgary, may still have anti-tank weapons, grenades and mortars on its land from military training exercises spanning eight decades, from 1910 to the 1990s, the list says.

The Tsuu T'ina made headlines in the 1980s when they claimed the Defence Department reneged on a deal to clear explosives from reserve land it leased for nearly 70 years.

The Tsuu T'ina formed their own cleanup company - Wolf's Flat Ordnance Disposal - after rejecting the Defence Department's offer to bring in an American outfit to do the job.

The federal government awarded Wolf's Flat Ordnance Disposal a contract in the 1980s to dispose of "munitions, flares, rockets, simulators and pyrotechnics of all kinds," according to information on the Department of Indian and Northern Affairs' website.

Meanwhile, Lac Laberge in the Yukon, just north of Whitehorse, is listed as a 1950s-era bombing and gunnery range that may contain high explosive incendiary rockets, a type of ammunition specially designed to pierce armour and to ignite readily combustible materials.

RASH OF YOUTH SUICIDES IN B.C. - A CRISIS: RCMP

JUDY MADDREN (Anchor): A rash of suicide attempts has shocked a small community in British Columbia. This month there were seven attempts and one death in just one week in the community of Hazelton. As Robert Doane reports, there are many calls for action, but many of the underlying problems are still unaddressed.

ROBERT DOANE (Reporter): The town of Hazelton is nestled along a lonely stretch of highway in northern BC. Surrounding it are seven Aboriginal communities, all facing what one Hazelton doctor is calling an epidemic of suicide attempts. Dr. George Deagle.

DR. GEORGE DEAGLE (Hazelton Doctor): This is not acceptable, it's not normal and in fact we really collectively have to do something about it.

DOANE: Deagle says most suicides and attempted suicides in the area are among First Nations youth. Many factors are being blamed; a lack of resources, high unemployment, drug and alcohol abuse - the list goes on and on. RCMP Constable Warren Brown calls it a crisis. He recently held an emergency meeting after four suicide attempts in one weekend.

CONSTABLE WARREN BROWN (RCMP): What I asked people to do is, if they had a wish to fix the problem up what would it be. The first one was to have more police, more social services, just more resources in that regard. Some sort of recreation for the communities here. There is no place you can take youth here, involve them in that sort of activity.

DOANE: Cynthia Joseph is a councillor in one of the Aboriginal communities. She says if nothing is done about the issue of suicide in northern BC, there's only one guaranteed outcome.

CYNTHIA JOSEPH (Councillor of Aboriginal Community): More deaths of young people.

DOANE: Robert Doane, CBC News, Prince George.

ONT. STUDENTS PROTEST DISTRIBUTION OF CANDY FLAVOURED CHEWING TOBACCO

The tobacco industry lures teenagers to chewing tobacco with tasty flavours like peach, cherry and lemon-lime, according to a group of high school students protesting in Ottawa yesterday.

"They are targeting youth with candy-flavoured chewing tobacco. That's why we're calling it cancer candy," said Monica Sarkar. "(People) think chewing tobacco is safe, but it's not."

Sarkar, 17, said it's important to get the word out about the deadly affects of chewing tobacco.

That's why she took part in yesterday's march organized by the Area Youth Coalition of Eastern Ontario.

About 75 students from as far away as Belleville snaked through the Byward Market and Centretown, hoping to raise awareness about how chewing tobacco kills people.

"The tobacco industry says it's safer than smoking, but it's not," said Josh Oulton, 17, from Pembroke.

Oulton said chewing tobacco has been related to stomach and throat cancer.

There's the equivalent of 60 cigarettes in one package of chewing tobacco, said Catherine Laska, youth facilitator with expose, a city initiative to get youth to butt out.

"Chewing tobacco is as addictive as cigarettes. It has over 3,000 chemicals and 28 known carcinogens," said Laska.

Since 2003, when the smoking rate among youth was 21%, expose has been raising awareness about the dangers of tobacco.

The latest youth smoking figures are said to be around 15% and their goal is to lower it to 10% by 2012.

BORDER CROSSING RIGHTS FOR ABORIGINALS -RE: JAY TREATY

p.paul

Two treaties, the 1794 Jay Treaty and the Treaty of Ghent, constitute and entrench the right of Indians to cross and re-cross the Canada/United States border freely and legally. From these treaties Indians are free from undergoing official requirements, bureaucratic red tape and/or physical harassment or molestation, and are not are subject to conventional border crossing searches or procedures when crossing the border. Those, plus other attributes of the treaty assure and guarantee free and uninhibited border crossing rights for Native people.

(This material made available through the auspices of the Indian Defence League of America, (IDLA) Est. Dec. 1, 1926 by its late founder, Chief Clinton Rickard. Current address is PO Box, 305, New York, 14302) which states as follows.

[*] It is agreed that it shall, at all times, be free to His Majesty's subjects and to the citizens of the United States, and also to the INDIANS dwelling on either side of the boundary line, free to pass and repass by land, inland navigation, into the respective territories and countries of the two parties on the Continent of America (the country within the limits of the Hudsons Bay Company only excepted) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other.

[*] No duty of entry shall ever be levied by either party, on peltries brought by land or inland navigation into the said territories respectively, nor shall the Indians passing and repassing with their own proper goods and effects of whatever, but goods in bails or other large packages unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

Furthermore, to reinforce and consolidate the right, and as Chief Rickard had instructed, a mass Native American (IDLA sponsored) border crossing demonstration across the Rainbow Bridge, at Niagara Falls, New York and Canada, shall be celebrated yearly in July, by Indians from either side of the border.

More recently, an article in Wabanaki Legal News, published 1996, prepared a brief summary and related facts about the Jay Treaty, and its affect for Native Americans born in Canada. It reads as follows:

Specific rights include the right to:

- Cross the U.S./Canada border freely
- Visit the United States
- Live or work in the United States

You do not have to:

- Have an alien card, "green card"
- Register at the post office as an alien
- Obtain work authorization

The U.S. Government cannot:

- Deport you
- Exclude you from entry
- Deny you services
- Impound or search sacred objects you have in your possession having religious significance

To you as a Native American

Private Employers cannot:-Deny you employment for lack of a "green card"

NOTE:

In the U.S. Jay Treaty rights were originally recognized as statutory rules but became US law in 1952.

Situation in Canada:

Canada has failed to recognize and ratify the Jay Treaty for 211 years in face of continuous urging and lobbying by native people in Canada. The most recent national effort to enforce and ratify the Jay Treaty in Canada was made at an AFN (Assembly of First Nations) general assembly, July 17-19, 2001, in Halifax, N.S., where designated native leaders from across the country were assigned specifically to prepare a Resolution for submission to the Canadian Parliament for consideration. As in previous attempts, Canada failed to acknowledge this submission and no progress was made.

Situation, post 9/11:

According to Bill Trahan, Area Director, U.S. Immigration Service, Houlton, ME. as at 2003, no procedural changes have occurred regarding regulation or procedural requirements for North American Indians born in Canada when crossing Canada/ United States border. The original blood quantum standard stays in effect.

DAN'S CORNER - NEW AWAKENING COMES FROM OUR WOMEN

Recently, I witnessed an event which touched my heart and my spirit deeply. It had been a long time coming and when it did, it was no surprise that it was the women who led the way.

It was our women who led the people in our community to take back their power from those elected Indian Act leaders who appear to have forgotten our traditional ways. It was an historic event and I believe the reverberations of these women's voices will be felt far and wide, all the way back to the Ancestors and as far ahead as the seventh generation to come. It will be felt for a long time to come and I feel honored to have witnessed it. For many of us men who have a tendency to become complacent it was a wake up call.

The people in Tobique are demanding to be heard. They want accountability and respect from their leaders. They want the traditional attributes of our leaders once again, in our present day leaders. Attributes like integrity, truth and trustworthiness. The imposed democratic election system has not produced this kind of leadership.

The issues and concerns brought to the forefront in our community are the same issues and concerns that need to be addressed in all Native communities. It has been the same since the first reserve was established and certainly since the Indian Act became the ruling legislation for Native people. We are all concerned about the lack of accountability, abuse of power, corruption, mismanagement and nepotism from the leaders in our community. We are all concerned about the lack of proper housing, lack of proper infrastructure, and the lack of proper resources for the elderly, the children and single mothers. But, it took our women to bring it to the forefront once again.

It was our women who marched on Ottawa more than 20 years ago to protest some of these same issues. It was a woman, Sandra Lovelace, who challenged Canada before the United Nations, and won. The UN ruled in favor of Sandra Lovelace and all Indian women in Canada and forced this country to make some major changes with respect to the treatment of Indian people in the Indian Act. But, here we are, 20 some years later, forced to fight for some very basic human rights such as the right to proper housing and adequate resources for the care, safety and well-being of the young, elderly, single mothers and children.

The women showed us once again during last year's takeover of the Tobique band office that they have had enough. They are taking back the power so many of us gave up willingly, without any resistance at all. For most of us, including myself, this power was surrendered to intimidation; surrendered through our lack of concern and lack of awareness of the imposed eurocanadian system. This is a system which differs greatly from the traditional principles of leadership that were observed by our Ancestors before contact. We became complacent. We gave up. What can I do about it? I'm busy with my own life, my own family, my business, my bingo, my TV, my alcohol and drugs, etc. Let someone else do it.

Well, someone else has done it. Our women remembered the traditional teachings and they were not willing to allow our people, our children, and all the generations yet unborn, to suffer any longer.

Many of us have forgotten the real purpose for our earth walk. The women remembered. It is to grow and develop from our experiences and to be of service to humankind. The original

instructions from our Ancestors need to be passed on. Those original instructions tell us to love and honor the Ancestors, the people and the seventh generation to come. We are to love, honor, respect and protect our sacred Earth Mother and all living things, all of creation.

I want to thank the women who had the vision and the heart, the respect and the courage, to stand up and speak out about these things. To these women who have begun to take back the power, I send peace and healing prayer hoops. I pray they remain strong and steadfast on their path as the teachers who draw us all toward our own healing paths. I am very confident there will be similar stands by the women in other Native communities.

More and more women will band together to awaken us all so that the self-destructive ways of our present society can be brought to a halt. Only then will people return to the healing life path.

It is very important for us all to remember one thing: we must remember what and who the enemy is. The enemy is not our own people, even those who have strayed from the traditional path and fallen into corruption and greed, the enemy is the system that nurtured these kinds of leaders. That system and the thinking that goes with it must be destroyed so we can all survive and live in peace and harmony once again like our Ancestors.

We must pass this on to all the generations yet to come.

All My Relations,

Dan Ennis

DEAN'S DEN -STRAIGHT FROM THE HEART

It's much more than findings, figures, and facts

Much more than Treaty's pertaining to facts

It's much more than "word lines" that are drawn in the sand

It means motivation - for the good of the land,

It's much more than talks, discussions, and such

Yet, "give and take" on the table, can accomplish so much

When co-action's abundant, and reciprocated in kind

And mutual entente is entwined and enshrined,

It's where opposing contentions quite often are found
But together, collected, all can find common ground
If impartial, unbiased - meet determined, resolved
Then "terms of agreement" can often be solved,
Crucial issues to change, means questions to ask
Forthright, free-spoken, to accomplish the task,
Understanding, defending, but avoiding "demand"
Confrontation and conflict, but side-stepping "command",
For architects of advancement, an opportunity gained
For respect and regard - mean tensions unchained
Viewpoints put forward, about nature, and need
Unimpeded implied - etiquette guaranteed,
For today, and tomorrow - enough reasons to act
In direct retrospect - to revisit "the pact"
The people's protector - then vital your part
So, shadow . be seen - speak straight from the heart!

QUOTES FROM CHIEF TECUMSEH (1768-1813), SHAWNEE

- Live your life that fear can never enter your life.
- Let us form one body, one heart, and defend to the last warrior our country, our homes, our liberty and the graves of our fathers.
- Show respect to all people, but grovel to none.