Tobique First Nation, NB ***February 2011***

Wulustuk Times

Wulustuk - Indigenous name for St John River

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Spring is on the way!!

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

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SKIGINOWEEKOG (NB LAND) STILL IN LEGAL LIMBO
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The government of New Brunswick still clings on to the old colonial belief and concept that is based on misleading and false information regarding ‘true ownership’ and legal occupation of this province. This 30,000 sq.mi. territory was never sold, ceded, given away, surrendered, compromised or legally transferred to the white occupiers since their arrival some five hundred years ago. Native people being assured of that unaltered fact therefore, the land cannot be defined in any other way, than as pure Indian territory.

Native people consequently have serious concerns regarding the ‘handed-down’ inaccuracies, ’historical' distortions, misconceptions and unjustified claims by non-natives 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, it therefore renders non-native occupation and presumed ownership of the land to a blatant mistake and deliberate distortion or misrepresentation 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, Skiginooweekog (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 proceed to fair arbitration until a clear, unbiased decision for settlement is reached. The neutral judicial body could be drawn from reputable outside agencies like the World court, the United Nations or some other international tribunal of global distinction to avoid internal conflicts or misstep into unsavory roads of favoritism and/or biased 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 have lessened or disappeared over the years. This monitoring exercise would prove vital and an invaluable tool in determining the precise remedy to be accorded to native people after an independent arbitration has transpired and resolution recommended. It is imperative however, to remember that the day of reckoning is still before us.

WHO OR WHAT MAY GRANT THE AUTHORITY TO STEAL FROM ANOTHER?

Our white brothers' good book states in it's commandments that thou shall not kill and that thou shall not steal. Both of these commandments sound like excellent moral laws to live by.
As an Indian who lost his homeland through genocide and theft I have to question whether or not Christians then and now do in fact live by their high-sounding virtuous principles in their relationship with Indians over the past 500 years.

As all Canadians know, even through affirmation by their own Supreme Court, Indians were here in Canada upon the arrival of Europeans.
What this means is that our people were here at contact, and in a very short period of time our beloved Skiginaweekoog, our Indian homeland, became someone else's country through genocide, lies, deceit, theft, fraud and denial.

The big question is.: On what authority do our white Christian brothers base their justification in stealing our homeland and in turn continuing to hold on to their ill-gotten gains?
Unless there exists a moral authority out there that Indians are not aware of, which supercedes their God's authority, then I would have to say that our white brothers acted, and continue to act, very badly against the authority of their God.

One rationale that the whites have been using to continue their denial of the theft of that which does not belong to them is some legal fiction referred to as the "doctrine of discovery".
I term it as a legal fiction for the simple fact that whites unilaterally came up with this "idea" in order to rationalize their theft of many homelands around the world. I say unilateral for the simple fact that whites came up with their legal fiction without the free, prior and informed consent of the majority of dark-skinned peoples.

From all of my research, along with all of my queries and soul-searching, the only rationale that I can arrive at is that whites base their justification on the same old mind set that White is Right and Might is Right.
That is the same mind set that they came upon our homeland with. Which is not a lawful nor virtuous authority.
All My Relations, ...Dan Ennis

DECODING THE DOCTRINE OF DISCOVERY

The formative influence of Christian doctrines on U.S. law was once clear and unambiguous. Religious dogmas of fifteenth-century Vatican papal bulls were deployed as the foundation of property law, nationhood, and federal Indian law in the early nineteenth century. Court decisions bound U.S. law to the world of Christendom and Christian imperialism. This process was not hidden or mysterious, nor was it a conspiracy among judges and priests. It was long-range planning for the takeover of a continent and a hemisphere. It was the theory that guided colonial practices. It is the story of Pagans in the Promised Land.

Before we go further, let us distinguish some core terminology. There is a difference between Christ and Christianity: the former is a title given to Jesus of Nazareth by those who believe him to be the Messiah of the family of Abraham; the latter is the teachings these believers produced over many years in the institutional development of their church. Christianity, the belief system of the church, is different from Christendom, which is an amalgamation of churches and states. Christendom consists of alliances among secular princes and priestly authorities; it culminates in the doctrine of divine right of kings and popes.

When we make these important distinctions, we can begin to understand the possibility of differences between the teachings of Jesus and the political and legal doctrines of a church-state complex operating in his name. Jesus is not reported as having ever uttered any words about American Indians, but the official organizations of Christendom most certainly did utter words and enact laws and policies affecting Indians, from the time of first contact to the present. As Newcomb demonstrates, the doctrines of Christendom informed the thinking of jurists and other lawgivers who created property and federal Indian law.

To put it in a nutshell, Pagans in the Promised Land is not an attack on Jesus or Christianity. It is a careful and impassioned exploration of the ways that federal law relating to property, nationhood, and American Indians grew from Christendom. The basic story holds true if we reverse Newcomb's formulation, that Christendom is an aspect of federal Indian law, and say that federal Indian law is an aspect of Christendom. To be specific, property and federal Indian law—the body of rules created by the U.S. government to define the indigenous peoples of this continent, their land rights, and the land rights of the colonizers—is a continental manifestation of the world-historical mission of Christendom: to bring all Creation into its domain.

I emphasize these distinctions to help readers who are unfamiliar with the history of church and state to get past resistance to the charge that Christendom is linked to colonialism and oppression. Readers familiar with Vine Deloria, Jr., and God Is Red will have an easier time with this material because they will already distinguish between religion and spirituality. The point here is for the reader who is sensitive to Christian teachings about Jesus to be open to learning about the problematic history of Christendom in relation to U.S. law.

One more distinction is necessary, to help us understand what Newcomb means when he writes that federal Indian law is the result of the "white man's imagination." This is not a statement about skin color. It is a statement about demographics and the historical development of a conceptual framework. Indeed, the white man's imagination has spread to the minds of many who are not white. The target of Newcomb's critique is a metaphorical, rather than a literal, whiteness. It's about a way of thinking, not about the color of the people who think that way.

We may ask about the apparent acquiescence of so many indigenous peoples to the "white man's imagination": Did not Indians sometimes willingly accept the rules of their "discoverers"? Is this evidence that there was no oppression? The best response is to

look at the demographics of discovery. As Charles C. Mann documents in 1491: New Revelations of the Americas before Columbus, the colonial projects of "discovery" were not possible until indigenous peoples had been decimated by strange diseases, their social relations disrupted and destroyed by widespread death.

From the viewpoint of cognitive theory, which Newcomb utilizes throughout his analysis, we may use Steven L.Winter's terminology to say that the "sedimented tacit knowledge" and "cognitive structures of social meaning" of these peoples were nearly rendered obsolete by the devastation. The invaders' worldview filled the deep gaps that had opened in their cultures.

Newcomb's use of cognitive theory stirs up the deepest parts of today's conventional thinking about law, the sedimented tacit knowledge and cognitive structures of social meaning of twenty-first-century American life. These are the deep layers of consciousness that support our everyday understanding and involvement with legal institutions.

Cognitive theory also suggests that people resist challenges to their worldview unless or until it is obviously not functional. The question is whether and to what extent federal Indian law is no longer functional. The fact that federal Indian law is widely, almost universally, acknowledged to be riddled with contradictions does not mean it is perceived as not functional. Many areas of law carry built-in contradictions, but these areas are accepted and maintained because they solve discrete disputes, even if they cannot be satisfactorily explained in theory.

Dysfunction in federal Indian law is evident from several perspectives. Indigenous peoples throughout the Americas are asserting self-government, directly challenging claims of state sovereignty. State and non-state entities are responding, sometimes violently, with efforts to assimilate indigenous peoples into standard state structures. International organizations, notably the United Nations Permanent Forum on Indigenous Issues, are taking up these matters of self-government and forced assimilation, questioning existing doctrines and practices. Indigenous peoples' issues are a major part of the global movement toward expanding human rights that is challenging conventional understandings of government.

Newcomb challenges us to accept the effort of rethinking federal Indian law, land rights, and Indian nationhood. If we are surprised or angered by what his research has found, we must work through these reactions to study the documents he presents. This is a book to study, not simply to read. It cracks the code that explains the seminal U.S. Supreme Court case Johnson v. M'Intosh, in which "Indian occupancy" and "discoverer's title" intersected. Newcomb's analysis of this cornerstone of U.S. law raises the stakes of legal analysis far beyond antiquarian concern for old cases. His work of decoding is akin to Michel Foucault's "archaeology" of knowledge: It is not the history of the past but the history of the present telling us where we are in the law of property and nationhood and how we got here.

The fact that U.S. law is a precedent-based system means that legal history is always a history of the present. Each contemporary case rests on interpretation of previous

cases. Therefore, a problem identified in a precedent case sends shock waves through subsequent cases. Sometimes a precedent must be overturned to make way for deep change in law, as when the doctrine of "separate but equal" was overturned to make way for civil rights equality.

The religious doctrine in Johnson v. M'Intosh is at the core of federal Indian law and of all property title derived from colonization and "discovery," as the Supreme Court stated when it rendered the decision, saying that "the property of the great mass of the community originates in it." Federal Indian law is the lynchpin of property law in the United States. In light of this precedent that has never been overturned, we can see that the United States is not yet in a postcolonial era. Pagans in the Promised Land shows us the conceptual threshold over which the law must step if we are to enter that era.

This is not the first book to criticize the concept of discovery, but it is notable for not whitewashing our language to make it politically correct. In the latter years of the twentieth century, efforts were made, particularly in educational curricula, to avoid the term discovery and replace it with contact or encounter. Especially around Columbus Day, it became popular to speak about the "encounter" of the "old" and "new" worlds as a way of trying to forget exactly how bloody this event was. But, as Michael Shapiro wrote, "Societies that have thought of themselves as a fulfillment of a historical destiny could not be open to encounters."

The cognitive underpinnings of discovery and attendant laws cannot be eradicated simply by changing the words we use. As John Trudell said in response to the terminological shift from American Indian to Native American, "They changed the name and treat us the same." Newcomb's decoding of the doctrine of discovery is an unpacking, not a relabeling. To decode is to make explicit what was hidden. Decoding implies a new understanding, not just a new way of stating an old understanding.

When Newcomb exhumes the cognitive models implicated in the doctrine of Christian discovery, he brings to light theological and political ideas that have been buried in legal discourse and exposes them to contemporary understandings of law and human rights that do not allow for religious discrimination. A similar process happened when the U.S. constitutional formula that a black person is three-fifths of a citizen was exposed to twentieth-century ideas of human freedom and equality.

Scholars will someday exhume the doctrines of religious discrimination that inflame our early twenty-first-century world, in which competing theologies of domination over homelands and new lands fuel wars of conquest and attrition. The Judeo-Christian-Islamic family of Abraham, from which Christendom grew, carries forward internal feuds stretching across thousands of years.

Newcomb's analysis of the chosen-people doctrine at the core of federal Indian law and property law adds a significant piece to the puzzle of why the Abraham family feud persists: it is because theology is inscribed in the cognitive structures of warring humans, informing their daily lives with visions of eternal truths. Because these structures are the hidden foundation of ordinary thinking, they are resistant to ordinary questions. When they are made visible by cognitive analysis, they can be questioned.

One might speculate that the rise of cognitive theory itself is a response to an increasingly desperate human need for reconsideration of accepted truths in light of our actual experiences of life. As the twenty-first century opens, we find ourselves embroiled in competing claims of unitary truth. Our tendency to continue to assert our own unitary truth collides with our experience of multiple realities. Cognitive theory helps us explore and understand the situation. If we are fortunate, the result will be a heightened awareness of the fact that beneath our separate and competing truths is the common humanity we share.

Pagans in the Promised Land will especially appeal to readers who see legal cases as stories. This is a narrative approach to law that has gained adherents in and out of the academic world. Newcomb's presentation informs us about the master narratives of federal Indian law. He analyzes these narratives from an indigenous perspective and, in the process, sheds light on the ordinary workings of all law: how legal concepts are generated from argument, persuasion, and experience, and how these concepts become socially "real" in our lives.

Newcomb teaches us that the foundation of property law and federal Indian law is not the Constitution, but the idealized cognitive model of the conqueror seizing a promised land for a chosen people. This cognitive model involves not simply a historical right of conquest in the past, but an ongoing, contemporary right to conquer in the present. Newcomb's conclusion suggests that the U.S. government applies this same model not only to American Indian nations but also to nations around the world as it tries to assert global hegemony. All the more reason to untangle and decode this model.

Newcomb's unveiling of the Conqueror and Chosen People-Promised Land models reveals the nakedness of the American empire at its inception and shows that the Bible story of the family of Abraham is, in its own terms, a colonizing adventure. This decoding of the "doctrine of discovery" may be taken as incendiary in the context of the rise of the Christian right in U.S. politics, but it is supported by extensive scholarship and documentation.

The cognitive theory that decodes the founding doctrine of nationhood, property law, and federal Indian law also explains how that foundation is generally invisible today. Relying on standard legal concepts of precedent (stare decisis and res judicata), legal officials don't have to think about the conceptual basis for and conundrums of the foundation. They simply deploy the precedents. This is ordinary legal practice, which, as Karl N. Liewellyn wrote in The Bramble Bush, allows judges to apply a rule "without reexamination of what earlier went into" it.

Where a given rule is benign, we applaud the ordinary practice for its consistency and efficiency; but where the rule is problematic, ordinary practice is an obstacle to understanding and change. Cognitive theory shows us that a premise for rethinking any area of law is cognitive awareness: we must understand what it is that needs to be rethought. This requires a break with ordinary practice and an exercise of our human capacity for self-awareness and reflection. Pagans in the Promised Land provides us

with this break, and encourages us to think anew about foundational legal issues.

ALBERT LIGHTENING - NATURE'S LAW

Albert Lightning was a revered old Cree ceremonialist and medicine person from the Ermineskin band in Hobbema. He was a favourite guest at spiritual and official gatherings. Meli followed his career and reports the following:

He spoke of natural law and how the truth will never lead anyone astray, but individuals must be strong enough to hold on to their good decisions. People must not look for physical or material results from everything they do. Instead, they should pay attention to their dreams and develop their spirits, feeling good about helping others and putting themselves last. They must see what is real in life, not the unreal. I remember Albert nodding in agreement with Chief John Snow's words to the crowd: "Although people think the grandfathers have abandoned us, what with all the bad things that have been going on in the Indian world, these spirits have always been with us. It is we who have forgotten about them." Albert made it clear he wanted to share his knowledge of the spiritual undercurrents in everyday life with conference delegates and invited them into his magnificently painted tipi to see black-and-white, poster-sized photographs of spiritual images he had collected. One, taken at the top of a mountain in the Kootenay Plains area of the western Rockies, showed the distinct form of what looked like a veiled figure standing out in white against a gray, cloudy sky.

"I show these pictures because so many people need to see proof before they will believe. I show them so people might come closer to believing the spirit world and that the Creator looks out for us," he told the group.
Albert talked a lot about natural law. He said that humans' inner natures are an exact copy of the nature of the universe, and deep knowledge of the self comes from nature. Western society's materialism and technology is unnatural to the point that many people are unaware of natural cycles and energies and even fear insects, animals, trees, and birds. As humans become unbalanced, so does their world. Medicine people understand natural laws and work with varying frequencies of energy to accomplish what seems impossible. They know there is a right time and place for everything and what is possible given a certain set of circumstances. They know when to pick herbs and not to waste anything, because waste is unnatural. (Meili, 82f.)

In the Cree language, to take only one example, the prefix kihci denotes a wide range of meanings associated with our word, the sacred…admiration, respect, greatness, venerable, esteemed, holy, hallowed, much regarded, highly thought of, great value, ultimate, saintly, sanctity, heavenly, piety, consecration, being blessed, having to do with deity, taking an oath. Yet it also can have less spiritual connotations, as for example, thinking one's self to be very good (i.e. being 'snooty'), making a good start on things, making reference to the queen or a grand chief and even a great body of water. Consequently, one would adjust one's understanding of the word used by the context in which it as uttered, and even then, one might contend that the usage was not up to standard. Thus we have suggested in the Introduction that Nature's Law can be translated as Kihci weyasowewin kisipikaskamihk, which can be parsed into the prefix

kihci (Ultimate, or Sacred) plus weyasowewin (Law) plus kisipikaskamihk (All-over -the-World). What this means; however, cannot be reduced to the meaning of each of these terms, for the first word alone could be translated a number of ways, as we have suggested, providing rich potential meanings. The following meanings are merely suggestive, not exhaustive.

The Sacred is comprised of a number of traditions related to the origins of the people, to stories and myths of considerable importance, to rituals that are held to be essential for community existence and identity and to extraordinary beings, some obviously greater-than-human, and some having some human-like significance. Among some First Nations peoples, these cultural dimensions are only the most obvious evidence of a reality that is mostly hidden. It is not the purvey of ordinary people, and in any case, not even the specialists, like the medicine people, can be said to comprehend every aspect of this dimension of "nature." What we can point out is that Aboriginal spirituality does not give much priority to an existing Being like God, and such a notion, even if it is found among some peoples, does not drive the ritual structure or dominate the intellectual understandings of traditional knowledge. In that it is fundamentally different from Christianity. The culture that Christianity informed has laboured mightily to overcome these traditional views…unsuccessfully as it turns out, since practitioners are to be found among all First Nations peoples today. This is born out by Paper's perceptive comment:

Native spiritual beings, unlike the Western deity, are not supernatural, that is, beyond nature, but rather are fully natural beings; there is no absolute distinction between creator and created. All beings are relations; hence, the spirits, including animals, plants, and minerals, are all addressed by humans as "Grandfather," "Grandmother," "Mother" and "Father." This connection is often given verbal affirmation at the conclusion of sweat lodge ceremonials and the smoking of the Sacred Pipe when the participants may individually state, "All my relations." Hallowell's now classic "other-than-human persons" still best distinguishes this understanding.

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By taking an orientation toward law as a starting point, we clearly are not going to be able to comprehend all of First Nations' conceptions of the sacred. Hence we will have to focus our discussion on those aspects of Nature's Law that might be said to underlie legal-type phenomena. We are well aware that Aboriginal use of a term like Nature's Law implies a system of relationships that Western thinkers have struggled to define within their own worldview. For such thinkers, the key issue is the relationship of the Eternal law expressed in scripture with the natural law that our intelligence has encountered in the development of science and reason. For Aboriginal thinkers, however, there is no distinction between Nature's Law and Eternal Law, for they are one and the same…it is the modes of understanding Nature's Law that poses the greatest difficulty. In short, whatever validity a concept like Eternal Law has, it must be subsumed under Nature's Law in the Aboriginal system, and no being can be said to exist anywhere in the universe that stands apart from Nature's Law. By that one trajectory of thought, Aboriginal traditions have sidestepped the twists and turns of philosophical and theological effort that have marked Western attempts to square divinity with human intransigence.

In assessing how the Sacred can be said to be the foundation of Nature's Law, we are

speaking of what Indigenous communities have indicated is of supreme importance to their experience. Some stones are powerful…more powerful than others. Some waters are healing (like Lac St. Anne) others are not. The result of thousands of years of encounters with the sacred by First Nations peoples has not developed a systematic or theologically cohesive account of why this is so…this is the sum of their experience and from that sum, societies have responded with attitudes and actions. The most pertinent have been constructed into values and norms for the people.

WABANAKI TRIBE CHEERS UN DECLARATION

The United States' decision last week to reverse its position and support a United Nations declaration defending the rights of indigenous people could have positive implications for the Wabanaki people in Maine.

President Barack Obama made the announcement last week during the Tribal Nations Conference in Washington, D.C., which was attended by representatives of Maine's Wabanaki tribes, including Chief Kirk Francis of the Penobscot Indian Nation.

"On the international side, it shows a unified recognition of rights worldwide, which is extremely gratifying," Francis said in an interview Sunday. "In Maine what it means is the opening of a new dialogue to start to talk about our federal relationship. This [declaration] provides for a great template on how native people are to be treated."

Although the U.N. declaration is not legally binding, the declaration "carries considerable moral and political force and complements the president's ongoing efforts to address historical inequities faced by indigenous communities in the United States," the U.S. State Department said in a statement.

The idea of a declaration dates back to the 1970s, but it has taken decades to draft a resolution the U.N. could support. The declaration first was ratified in September 2007, but the U.S. remained the lone holdout until last week.

John Dieffenbacher-Krall, executive director of the Maine Indian Tribal-State Commission, said that while he believed it was sad that the United States was the last country to sign the declaration, the news was historic.

Francis said he was buoyed by the president's commitment to tribal sovereignty.

"If you look at some of the things that have happened recently — the Indian Health Care Improving Act [signed into law in March], the Tribal Law and Order Act [signed in July] and the $3.5 billion in stimulus funds that went to tribes — it's clear that the president supports us," the Penobscot chief said.

Some tribal leaders in Maine long have believed that two pieces of state legislation passed in 1980, the Maine Indian Claims Settlement Act and the Maine Implementing Act, have harmed the tribes' economic viability. Specifically, Francis has claimed that a stubborn provision of the implementing act — that no federal law passed after 1980 can

supersede it without state approval — has threatened the tribes' sovereignty and hampered their ability to move forward with certain economic initiatives, such as casinos.

Whether the United States' support of the U.N. declaration could have any impact on those laws remains to be seen. In the 30 years since the act was passed, it has seen only minor changes related to expansion of tribal authority over some criminal matters on tribal lands and additions to the land trusts.

However, during his announcement last week, Obama said the declaration is a "powerful affirmation" of Indian rights that could guide legislation and government action accordingly.

"From our point of view, the declaration is important in how the [settlement and implementing] acts get interpreted, and how we live under those laws," Francis said. "We've got a long way to go, but I think this is a big step forward."

In addition to the Penobscots of Indian Island, Maine's Wabanaki people are represented by the Passamaquoddys at Pleasant Point and Indian Township and the Maliseets and Micmacs of Aroostook County.

WTCT POSITION PAPER

The Wolastoqewiyik Traditional Council of Tobic (WTCT) is the traditional government of our people, the Wolastoqewiyik, and has been for thousands of generations prior to European contact.

The Traditional Council, being the governing council that signed those European contracts now

known as The Covenant Chain of Treaties of Peace and Friendship, now issues its position

regarding the conduct of the present-day government of New Brunswick and the government of

Canada's abdication of its fiduciary responsibility to the Wolastoqewiyik regarding the continuing rape and wanton destruction of our traditional homeland (Skiginaweekoog) along with its resources.

Our position is based on a very simple and factual truth, a truth that has been articulated and

confirmed by the Supreme Court of Canada, that our people continue to hold un-extinguished

Aboriginal title to our traditional homeland. We have never sold, ceded, surrendered,

transferred, given away our traditional homeland, nor have we ever been compensated for the

theft of our traditional homeland. Our people, as the true and rightful owners of our homeland, must be consulted in a substantial and meaningful way prior to development of any kind within the boundaries of Skiginaweekoog see (Delgamuukw v. British Columbia). Development and developmental activities of any kind means precisely that, development of any kind.... anything that will adversely impact upon, whether directly or indirectly, the Seventh Generation, the Ancestors, the People and/or our Sacred Earth Mother.

The WTCT bases its position on the following legal, moral, ethical and divine principles:

* Our Birthright

* Prior Occupancy

* Our Great Law of Respect

* On Certain International Legal instruments:

- The Royal Proclamation of 1763

- The Covenant Chain of Treaties of Peace and Friendship

- The U.N. Declaration on the Rights of Indigenous People

* On Certain Canadian Legal Instruments:

- The Canadian Constitution Act of 1982

- The Supreme Court of Canada’s Legal Findings and Opinions such as:

Sparrow v. R., Calder v. Attorney General of British Columbia,

Guerin v. The Queen, and Delgamuukw v. British Columbia

All of the cited Supreme Court of Canada findings and opinions confirm Aboriginal title, un-extinguished Aboriginal title and Indian rights, and title to their homeland. In Delgamuukw the

Supreme Court of Canada wrote that the Crown’s fiduciary duty toward Aboriginal peoples

demands that Aboriginal interests be given priority. And that the Crown always has a duty to

consult with Aboriginal peoples and to receive full consent of an Aboriginal nation. In this context the Supreme Court of Canada wrote that the Crown is under a moral and legal duty to enter into and to conduct negotiations in a good faith manner.

Since our Nation's dispute is with the nation-state that has come to be known as Canada means

that our dispute must be resolved through third-party adjudication and not within the courts of

Canada because Canada has a vested interest in any outcome.

Third party adjudication is the very foundation of British Common Law.

For Canada to refuse third party adjudication is to display to the world Canada's intention to

continue asserting its racist 'white is right' and 'might is right' attitude. An attitude that was

demonstrated when the transplanted Europeans annihilated the welcoming and peaceful Beothuk

of Newfoundland.

To reiterate what was stated in the first part of this proclamation, in this "public" hearing on the Point Lapreau operating licence, our people must be consulted in a meaningful way. To the WTCT this means involving and consulting the Wolastoqewiyik as a whole and not only a few elected leaders, or other assimilated/coopted Indians who are willing to sell away the birthright of the Seventh Generation for a few trinkets and beads.
In this and all we say and do we are of one mind with the Ancestors and of one heart with the
People; and of one spirit with the Seventh Generation.
For your information the Wolastoqewiyik homeland extends from the headwaters of the Wolastoq River (St. John) to its mouth, and also extends some 50 to 75 miles on either side of the river.

HUMAN RIGHTS TO ALLOW COMPLAINTS FROM PEOPLE ON RESERVES

This summer, the Canadian Human Rights Act (CHRA) will change to allow discrimination complaints from First Nations people living on reserves.

As of June 19, 2011, the CHRA will apply to First Nations people living and working on reserves.

"As of mid-June, First Nations citizens will have access to human rights protection under the Canadian Human Rights Act," said Federation of Saskatchewan Indian Nations Vice

Chief Morley Watson.

But he warns many of the implications are still unclear.

“Of course, it’s going to impact our treaty rights, it’s going to impact our First Nation governments, it’s going to impact Indian and Northern Affairs programming, servicing, and funding,” Watson said during a media conference Thursday.

To answer lingering questions, a one-day forum will bring together Chiefs and representatives from Indian and Northern Affairs Canada to discuss the upcoming changes.

The forum will happen on January 31 at the Saskatoon Inn at 9 AM.

FIRST NATION IN CAPE BRETON PLANS OWN HIGH SCHOOL

ST. PETER’S (CP) — Nova Scotia’s Potlotek First Nation has announced plans to establish its own high school.

The band council on the Cape Breton reserve decided to start the school for grades 9 through 12 at a meeting last Wednesday.

Coun. Lindsay Marshall, who advises the band on education issues, says they are concerned about the academic performance of their students who attend nearby Richmond Academy.

Starting Feb. 4 about 32 students will attend classes in two locations — at the Potlotek education administration office and at the Mi’kmawey School.

SPIRIT WALK SCHEDULED MAY - JUNE

www.motherearthwaterwalk.com

Two Anishinabe Grandmothers, and a group of Anishinabe Women, Men, and at times Youths have taken action regarding the water issue by walking the perimeter of the Great Lakes. Along with a group of Anishinabe-que and supports, they walked around Lake Superior in Spring 2003, around Lake Michigan in 2004, Lake Huron in 2005, Lake Ontario in 2006 and Lake Erie in 2007. Lake Michigan in 2008, then the St Lawrence River in 2009, over 17, 000km.

The Annual Women’s Water Walk was chosen for Spring because for the natural re-growth of our natural habitat, as it is a in time for renewal, re-growth, and re-birth.

A team of 6 - 8 Aboriginal people volunteer to walk and help with the everyday necessities such as having multi-tasked drivers to accompany walkers, food preparation, refreshment breaks, camp set ups, cleaners, laundry etc.

Public Relations Personnel have been involved throughout by taking shifts, and also going ahead to communities to aid with the awareness of the walk. This includes the distribution of media releases, posters, pamphlets, advertisements, and meeting and greeting of the participating walkers.

In the Fall of 2010, through vision, Spirit calling, a group of Anishinabe women started to plan the 2011 Mother Earth Water Walk a Petition for the Next Seven Generations.

The Waterwalk 2011 is asking for volunteers; it is hoped that young people will be mobilized to
walk, speak and honor the water as they walk. Spring is sure to be here soon. It cannot be stressed that more than ever, our need to protect the water and motherearth. She, the elements and the animals need us more than ever before. We are the last of humankind who can make the difference. Our consciousness must be united and clear about our need to protect the only precious resource left that will sustain life. If it's gone, we're gone. We cannot stand by and expect our government to act on this precious resource. We know all too well economics is the only language they understand and our resources are seen with dollar sign eyes.

We must work and act together on this; that is from the ocean to the destination in Wisconsin.

Three young people have asked what can they do. This Waterwalk is their way of doing something for our precious resource. We, grandmothers are getting too old to do much walking, but will be there for you.

Nibi Onji, nibi onjih....that's what it's all about. Raising a collective consciousness to the general population will be the challenge. Youth will be called upon to take on this challenge. While carrying the pail of ocean water, great sacrifices will be made by Walkers. That information of the walk will be shared along the way as: 'Walking the Talk', to as many people as can be reached.

The Spirit of the Water must be forever in the minds of the Walkers because the challenge will be great and cautious about not being overwhelmed by the task. Guides/Leaders will be called upon to form a Waterwalk Family with the Walkers. Media/Communications people will also have to be identified for each group. Sponsorship identifications will have to be the responsibility of each group. Funding will have to be the groups' responsibility.

The timing has to be closely synchronized so as to complete the Waterwalk at the same time at the destination.

The importance of information we want to convey is paramount. This information about pending global awakening and peace to the living and to the future is the message. We cannot dwell on the negative. We must, at all times, speak of hope and bring about the message of caring for our environment. The water songs have to be sung continually and tobacco offered at each water siting.

More later... on the www.motherearthwaterwalk.com Me i ewe, nin beedawsigay Josephine Mandamin

“Ni guh Izhi chigay Nibi onji” - Keep saying this! Meaning: “I will do it for the water”.

With each step, women carrying Water, petitioning for the raising of consciousness of ALL Peoples of ALL colors, carrying the Eagle Staff.

In the East, The Water Walk starts in Machias, Me, on May 06, 2011, and finish in Madigan Park, Wisconsin on June 10, with Water Ceremonies on June 12 2011. Walkers will be coming from each of the Four Directions of North America. We welcome you. Our website will carry updates. We are waiting news on the exact location and time.

The Water Walk needs support: walkers, in-kind contributions, and fundraising, contact for the East Direction: madohuntjens@gmail.com

Woliwon Elder Pat

DEAN’S DEN - TALISMAN

I met a true old-timer
And I knew he "had the nerve"
And if the "train of life" came at him
I'll bet he'd never swerve,
His hands were strong as talons
And he had a chiseled chest
He was dressed in his tradition
And wore a short-fringed buckskin vest,
His eye was from the eagle
And his nose came from the hawk
His lips were cast in iron
And I could see he "walked the walk",
And no, he didn't have a swagger
But he stepped like he didn't give a heck
And he said he carried confidence
In the pouch hung round his neck,
I simply asked, "What's in it?"
He said, "Struggles, storms and strife
It holds laughs and prayers and sorrows
It's a talisman for life,
It has tobacco, sage, and sweet-grass
Some cedar, and a little colored shell
There's other things - that's personal
Of them ... I cannot tell,
It's a part of who and what I am

My spirituality, and such
If I slip off the narrow path
It reminds me ... just by touch!"
-D.C. Butterfield

WHEN...
When all the trees have been cut down,
When all animals have been hunted,
When all waters are polluted,
When all the air is unsafe to breathe,
Only then will you discover you cannot eat money.

-Cree Prophecy

Believe in yourself! Have faith in your abilities! Without a humble but reasonable confidence in your own powers you can be successful or be happy.