

Tobique First Nation, NB **July 2011**

Wulustuk Times

Wulustuk - Indigenous name for St. John River

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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.

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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 than 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

KEEPERS OF THE LAND

p..paul

It is a fact that this massive territory of Canada covers 10 million square miles from one end to the other which, at one time, was inhabited wholly and exclusively by native people.

From documented evidence Native people have never ceded, sold, surrendered or wholeheartedly given up the land, outright, to any foreign agent, state, nation or individual since the European arrival in 1492. Neither has the land been legally or legitimately conquered, signed away, lost or conceded through a nation-to-nation war or conflict.

There has never been a declared war between whites and aboriginal peoples in Canada whereby the victor could legally impose or assume sovereign rights and ownership over aboriginal lands and peoples. Aboriginal Title is based on Natural and Inherent Rights that universally entitles original land users and first inhabitants the primacy of a land and territory. The land was underhandedly stolen from various native groups across the country, piece by piece, through contrived fraud, force, manipulation, deceit, exploitation and pre-arranged or 'doctored' treaties.

By the very fact native people at the time communicated orally were at a disadvantage. They were incapable of reading, writing, speaking or understanding foreign languages, not to mention interpreting the legal jargon that was used in the pre-arranged one-sided treaty-making.

Suddenly bombarded by these 'unintelligible' and highly technical people and documents confronting that in effect severed them from their lands forever, the intended or presumed legality aided with the presumed rights and dignities bonded under the British Common Law, the resulting 'treaties' should immediately have been declared invalid, improper or rendered null and void, and fundamentally fraudulent, corrupt and non-representative.

In the legal world a contract has to have at least two competent sides on hand to negotiate and agree on the subject terms and conditions. Secondly they must personally comprehend, endorse and execute a valid, legal document by their signatures. In these pre-arranged instances of treaty making these technical procedures were deliberately disregarded due to the language difficulty. A question therefore arises in the propriety, procedure, legitimacy and validity when the Native/White treaties were transacted, forcefully imposed and formalized. Can these questionable, ill-willed and ill-enacted documents that were forced upon illiterate native participants at the time be considered valid, consumable contracts?

But the biggest question that one day could possibly face the Justices and Courts of British Common Law who have the responsibility and are obligated to rule and determine whether those ancient 'fixed' treaties, then and now, were ever valid and considered by law to be honourable and beyond reproach and question.

As a result of these 'questionably legal' treaty documents written by alien or foreign individuals and/or agencies of the Government, native people were automatically unprepared and completely dumbfounded, out-maneuvered by the language used, and were also victimized in every detail by the unscrupulous acts, deeds and highly technical language used in the 'contracts' that were pre-arranged by select 'agents' of the Crown or the colonial system.

In the eventual takeover process through the forced treaties, native people were reduced, neutralized, victimized and physically set apart from the rest of the Canadian society to live in absolute poverty, despair and depravation forever on minor isolated Indian Reserves, in effect destroying our solidarity, our well-being and our nations.

These glaring misdeeds executed by misguided government agents during the colonial period must one day be reckoned with and ultimately redefined and corrected to add fairness, honesty and legitimacy to the modern 'treaties' that would reflect firmness and fairness between two competent sides.

If this position were honored, it would mean that Canada, through her responsibility as an honourable UN member, would need to respect, honor and uphold legal principles and obligations invoked by the Crown for Canada's native nations specifying fairness, honesty and with assurance that legal procedures be succinctly upheld when managing or expediting contracts or formal transactions for and with native Nations.

MANITOBA PROTECTS FIRST NATIONS' TERRITORY

CBC News

More than 8,000 square kilometres of boreal forest and wetlands on the east side of Lake Winnipeg have been designated as protected territory of the Poplar River First Nation, the Manitoba government announced Thursday.

"We have committed to protecting this area for future generations and bringing into law the management plan the Poplar River First Nation has developed," Conservation Minister Bill Blaikie said in a news release. "We will continue to work with them to implement the plan for the Asatiwisipe Aki area and look forward to including it as part of the UNESCO World Heritage Site bid."

The province has legally designated the planning area and approved the community's plan, ensuring the Poplar River First Nation assumes a significant role in developing and implementing strategies for the use, management and sustainable development of the First Nation's traditional area, Blaikie said.

"The Asatiwisipe Aki Management Plan protects the traditional land [of the Poplar River Anishinabek] from industrial developments, sustaining natural ecological processes for present and future generations," Aboriginal and Northern Affairs Minister Eric Robinson said.

The plan incorporates traditional knowledge, elders' oral histories, traditional land and resource uses, and mapping and scientific data relating to climate, geology, vegetation, fish and wildlife. The rights of First Nations and aboriginal communities to access the area for hunting, fishing, trapping and other traditional pursuits will be respected and continue.

Manitoba will support implementation of the plan, Blaikie said.

'The Manitoba government got it right, and the Wilderness Committee and its thousands of members couldn't be happier' — Eric Reder, Manitoba Wilderness Committee

Poplar River's land management plan will be part of the UNESCO World Heritage Site bid that will be formally submitted in 2012. The land-management plans of the Bloodvein, Pauingassi and Little Grand Rapids First Nations, two provincial parks and one First Nation in Ontario will also form part of the UNESCO bid, the province said.

Provincial conservation groups are elated.

"This is momentous," said Eric Reder, Manitoba campaign director for the Wilderness Committee, said in a news release. "The future of the greatest forest left on the planet is more secure, while the desires of the local First Nation community are being supported. The Manitoba government got it right, and the Wilderness Committee and its thousands of members couldn't be happier."

With this action, the Manitoba government has combined protection of one of the world's most important ecosystems with support for a local, community-led initiative. This announcement demonstrates a 'think global, act local' success, the group said.

"This is tremendous news, and important on so many levels," Reder said. "It is the first traditional territory in the Heart of the Boreal to be permanently protected from development. It is one of the first Park Reserves nominated for protection by First Nations communities—most over a decade ago—to receive permanent protection."

"It is also the first permanently protected land under the new East Side Traditional Lands Planning and Special Protected Areas Act, introduced in 2008," Reder added. "It is the first major permanently protected area in the Heart of the boreal since the Manigotagan River Provincial Park was created in 2004, and it is now one of Manitoba's largest protected areas at 800,000 hectares."

CANADA CORRECTS HISTORIC HUMAN RIGHTS INJUSTICE

But Legal Battles Could Thwart Parliament's Intent

OTTAWA, June 17, 2011 /CNW/ - A legislative gap long seen as a black mark on Canada's human rights record will finally be closed on June 18, 2011 when, for the first time in more than 30 years, First Nations and other Aboriginal people will have the same human rights protections as everyone else in Canada.

This means they will be able to take action against First Nations governments as well as the Government of Canada when they experience discrimination in decisions affecting their daily lives.

"The Canadian Government has taken an important step toward correcting this historic injustice," David Langtry, Acting Chief Commissioner of the Canadian Human Rights Commission said.

"The purpose of the Canadian Human Rights Act is to ensure equality of opportunity and freedom from discrimination for all people in Canada. The exclusion of people governed by the Indian Act from human rights law was discriminatory and contrary to democratic principles," he said.

June 18 marks the end of a three-year transition period that delayed the full application of Bill C-21. This law corrects the fundamental injustice of denying people governed by the Indian Act recourse against human rights violations. Over 700,000 people, primarily residents of First Nations communities, are affected by this change.

While C-21 was immediately applicable to the federal government, Parliament gave First Nations governments three years to prepare to meet their new obligations under the Canadian Human Rights Act.

On reserves, Ottawa funds health and social services that are usually provided by provinces and territories, such as education and child welfare. Extending the Canadian Human Rights Act to First Nations and other Aboriginal people means they can file discrimination complaints against First Nations governments as well as the Canadian government concerning the delivery of those services.

The exclusion of the Indian Act from the 1977 Canadian Human Rights Act under section 67 was intended to be temporary. However, attempts over the years to repeal that section were unsuccessful. The Canadian Human

Rights Commission had repeatedly called for repeal, as did the United Nations.

When Parliament repealed section 67 in 2008, the Commission began assisting First Nations to build awareness and develop capacity to address human rights issues. The Commission summarized this work in a Special Report to Parliament.

Legal challenges

Litigation currently underway could significantly affect the impact of including First Nations communities under the Canadian Human Rights Act.

A case currently before the Federal Court of Canada is an example. The First Nations Child Welfare case originated with a complaint to the Commission that federal funding for child welfare services on reserve is inequitable and discriminatory.

The Attorney General of Canada is arguing to dismiss the case on the grounds that the Canadian Human Rights Act does not apply to federal government funding for services to First Nations communities.

The Canadian Human Rights Commission is challenging this interpretation, as it would give the federal government sweeping immunity from human rights law while leaving First Nations governments solely accountable for breaches of the Act.

"Report after report, notably by the Auditor General, document the inequities of living conditions on reserve," Acting Chief Commissioner Langtry said. "Full access to human rights protection has the potential to be a catalyst for real, tangible, positive change," he said.

"However this could be nullified if the Attorney General succeeds in imposing such a narrow definition on the federal government's obligations," he said. "That would perpetuate discrimination, instead of ending it, as Parliament intended."

NEW HIGHWAY SIGN AT N.S. BORDER TO WELCOME PEOPLE TO LAND OF Mi'kma'ki

CP

People making their way to Nova Scotia from New Brunswick will soon be welcomed to the land of the Mi'kma'ki (meeg-MAHG'-ee). The Nova Scotia government says it plans to erect a billboard-size highway sign that highlights the province's rich Mi'kmaq heritage. The colourful sign bears the words, "land of the Mi'kma'ki, people of the dawn."

Premier Darrell Dexter says it should be in place at the border near Amherst in the coming weeks. A smaller version of the sign was unveiled today in Halifax at the annual meeting between the provincial cabinet and the Assembly of Nova Scotia Mi'kmaq Chiefs.

Assembly co-chairman, Chief Gerard Julian, says the meeting allows the provincial government to come together with Mi'kmaq chiefs to discuss accomplishments as well as concerns, such as land development issues. Dexter says his government continues to work to recognize the interests of the Mi'kmaq community and work through any differences.

CORNWALLIS JUNIOR HIGH RENAMED

Halifax school board votes unanimously in favour of name change
Chronicle Herald

The Halifax regional school board voted unanimously Wednesday to forever sever the tie between a south-end junior high school and a city founder who put a bounty on the Mi'kmaq. Acting on a motion by its Mi'kmaq member, Kirk Arsenault, the board agreed that Cornwallis Junior High must have a new name.

The school is named after Gov. Edward Cornwallis, who spearheaded the colonization of the area for the British in the mid-1700s. "Edward Cornwallis is deeply offensive to members of our Mi'kmaq communities and to Nova Scotians generally who believe school names should recognize persons whose contributions to society are unblemished by acts repugnant to the values we wish our schools to embody and represent,"

Arsenault said, reading from his motion. He called the board's decision "an exercise in healing and of education."

No one appeared before the board to oppose Arsenault's motion, and he said most of the feedback he received from the public before the meeting was positive, with only a few people opposing the name change.

"Some people have tried to turn it into some sort of a political storm and tried to flip it back on the Mi'kmaq people," he said. Mi'kmaq elder and author Daniel Paul addressed the board after the motion was passed.

"I'm proud of you. You are proactive and God bless," he said.

Paul has long been spreading the word of Cornwallis's scalp proclamation against the Mi'kmaq and protesting the Halifax founder's place in history as a figure deserving tribute.

"Twenty-five years I've been at this," he said. Paul, who started school in 1948 and quit in 1953, said the only mention of the Mi'kmaq in his school textbooks was that they made axe handles and baskets.

But nowadays, in at least one Dartmouth junior high school, Mi'kmaq studies is a more popular course than Canadian history and African-Canadian history combined, teacher Ben Sichel of Prince Arthur Junior High told the board.

The Cornwallis controversy comes up in class every year, Sichel said. "You can't change history. This is true. But you can choose who you honour," he said before the vote was taken.

"(You) have an opportunity to make a historic contribution to peace and justice in this province." It will be up to the school community to choose a new name for the junior high.

"It's a great school," said board member David Cameron, who said his granddaughter goes there. "It will still be a great school with a name of which everyone can be proud."

The school sits in Cameron's district.

Paul said outside the meeting that he'd like Cornwallis's name to be removed from more than just the school. For example, he'd like Cornwallis Park, across the street from the Via Rail station, to be renamed Freedom Park and a statue erected "to all the immigrants who came to this country and helped to build the country into the powerhouse that it is."

A LETTER TO DAN ENNIS, TOBIC GRAND CHIEF

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 southern half of 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 their 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 land by rewording the treaty to make the Maliseets Briish 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 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 of southern 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

MALISEET CHIEF CALLS FOR HYDRO-FRACKING BAN

CBC News

The Grand Chief of the Maliseet Grand Council says the controversial mining process of hydro-fracking should not be allowed in New Brunswick over fears it could harm the water supply.

Several companies are exploring potential natural gas deposits in New Brunswick and are using, or could use, the contentious extraction process to tap into those reserves.

Many New Brunswick communities and citizen organizations have cropped up to protest the hydro-fracking technique.

Chief Harry LaPorte said First Nations living along the St. John River honour the water as the source of all life. And he said hydro-fracking carries too much risk of endangering water supplies. The Maliseet Grand Council represents all six Maliseet First Nations.

"Hydro-fracking has a very, very good chance to leak into our water system. That's not only our drinking water but it's also our lakes, our rivers, our streams. And the chemicals that they put in, I'm told are very poisonous," LaPorte said.

Hydro-fracking is a process where companies pump a mixture of water, sand and chemicals into the ground, creating cracks in shale rock formations.

That allows companies to extract natural gas from areas that would otherwise go untapped.

However, it is the shattering of the shale with the high-pressure water and chemicals that has many people concerned about the future of their water supplies.

A recent study from Duke University in North Carolina advised people living near hydro-fracking sites that they should have their well water tested.

The study found that people who lived less than a kilometre from gas wells had up to 17 times higher concentrations of methane in their drinking water. In some cases it was enough to be considered an explosion hazard. But the researcher said he cannot say for sure it was a result from hydro-fracking.

The New Brunswick government is currently studying the regulatory regime that covers the mining process.

Quebec has already ordered a complete moratorium on hydro-fracking.

However, Natural Resources Minister Bruce Northrup has repeatedly indicated the provincial government has no intention of putting in place a moratorium.

Instead, Northrup has been joined by Environment Minister Margaret-Ann Blaney and Energy Minister Craig Leonard, along with other provincial officials, on tours of U.S. jurisdictions that allow hydro-fracking.

The provincial delegation has been studying what types of regulatory standards those state governments have imposed on the industry.

"My position is just to stop it all: stop it all. Do we need it? Do we need the shale gas? Does other parts of the world need the shale gas?" he said.

"But at what expense are we willing to go through to supply other people with what we have here — if we have it here?"

LaPorte said Maliseet First Nations feel they have a duty to protect water resources and fracking for natural gas is just not worth the risk.

Cecilia Brooks, an official with the Canadian Rivers Institute at the University of New Brunswick, said hydro-fracking has many First Nations people worried.

"They're very, very concerned and the biggest concern is that there's not enough answers to the questions. There's a lot of uncertainty. And before these questions are answered, we shouldn't proceed any further," Brooks said.

MINISTER DUNCAN AND NATIONAL CHIEF ATLEO LAUNCH ENGAGEMENT PROCESS FOR FIRST NATION ELEMENTARY AND SECONDARY EDUCATION

OTTAWA, ONTARIO--(Marketwire - June 21, 2011) - The Honourable John Duncan, Minister of Aboriginal Affairs and Northern Development, and Shawn Atleo, National Chief of the Assembly of First Nations, today officially launched an engagement process to explore solutions that will improve First Nation elementary and secondary education on reserve.

"Education is a targeted priority of the Canada-AFN Joint Action Plan," said Minister Duncan. "Today's announcement is a concrete example of the importance of partnership and collaboration. This engagement process will be looking at options, including legislation, to improve the education outcomes of First Nation students. It will be led by a National Panel composed of experienced individuals who have dedicated their careers to helping children and youth succeed. This engagement focuses on encouraging individuals to offer their input and insights on reforming elementary and secondary education on reserve."

"All First Nations have made education a top priority," commented National Chief Atleo. "This panel is an important opportunity to profile what is working and where there are barriers that must be overcome. We encourage all First Nations educators, leaders and families to fully engage. Our traditions have always emphasized the collective responsibility of supporting and nurturing our children's success. We must drive forward this opportunity and bring forward the specific approaches to finally deliver sustainable, stable and equitable education enabling our students to succeed."

The National Panel will lead the engagement process, which will include roundtable sessions, visits to First Nation schools and key meetings with stakeholders across the country. The engagement process is also designed to allow anyone with an interest and a view on how to improve First Nation elementary and secondary education to participate through a dedicated website where participants can post, vote and comment on ideas, and submit and/or read written submissions online.

The work of the National Panel gets underway this week with a visit to Akwesasne First Nation. More information on the National Panel engagement activities will be available on the National Panel's website.

The National Panel will make recommendations to the Minister and National Chief on options to make concrete and positive changes for First Nation students, including possible legislation, to improve the governance framework and clarify accountability for First Nation elementary and secondary education. The Panel will report by the end of the 2011 calendar year.

To learn more about the engagement process and to make sure your voice is heard, visit www.firstnationeducation.ca.

Backgrounder – Mandate of the National Panel

Backgrounder – First Nation Elementary and Secondary Education Reform.

DEAN'S DEN- - Elder

The paternalness of patriot
By whom a People gauges
The ancient and the honourable
Prestigious dust of ages,
Tradition and endowment
The bloodlines of descent
Tried and true, acknowledged
Genealogical cement,
Words of wisdom, holding weight
As the forebears who stood tall
Senior, stem, succession
The spirit of it all,
Sage and stock and teacher
Harmonizing with the drum
Venerable ancestor
To generations yet to come,
Dignified, authoritative
Spreading the heritage of worth
Counselor - and - Elder
In sync ... with all the earth!
-D.C. Butterfield

RADON TESTS FOR TOBIQUE HOMES REPORTED

The testing for radon gas in Tobique homes initiated last April have now been reported to each homeowner telling them of volume of the dangerous gas that is detected in their residences.

Many of the homes were given the nod or a screen testing below 100 bq/m³ which represents a safe permissible level.

However there were a number of homes that indicated a 150-350 bq/m³ presence of gas which will require a 90-day re-test period to test-prove the exact volume of radon in the home.

Houses with levels over 600 bq/m³ will be mitigated within one-year time frame.

There is unanimous consent amongst the Chief and Council members to prioritize mitigation for all homes with readings exceeding 600 bq/m³ with a focus on those with levels over 1000 bq/m³.

Enquiries can be directed to councillors Eldon Bernard or Derrah (Pine) Beaver at the Band office.

Test results circulated to the homeowners was signed by councillor Darrah (Pine) Beaver.

Note: The next Talking Circle will be held at the Kingsclear, FN -Saturday, Sept. 3, 12 noon

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.