

Tobique First Nation, NB March 2015

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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MOUNT POLLEY MINE: INDIGENOUS LAW' WILL NOW BE ENFORCED

The negative effects of extractive industry operations on indigenous communities have been obvious for quite some time.

Studies show that the rights of Native communities are often at risk in such settings, especially when hydraulic fracturing and other crude oil-related developments are being operated on or near their lands.

What is often less reported however, are the dangers that Native peoples face from overlooked mechanical or structural failures where materials or waste compounds are stored in remote areas. Mount Polley: Canada's Worst Mining Spill

That danger was illumined in brutal clarity last August when a tailings pond in British Columbia, Canada failed, spewing 2.5 billion gallons of waste into nearby waterways. The Mount Polley Mine, located in B.C.'s vibrant Cariboo region sits amidst the province's Fraser River watershed, an essential resource not only to the Vancouver Mainland, but to the Neskonalith Indian Band and nearby towns of the Cariboo. First Nations communities along the Fraser River and its tributaries depend on the rivers and lakes for food, water and livelihood. In many cases, access and the right to manage those resources are protected by treaty or another type of agreement with the government. In this case, sovereign rights of the Secwepemc First Nation (Shuswap First Nation in English), which includes the Neskonalith band, are protected through a reconciliation agreement with the Province of British Columbia.

The spill, reported to be the largest industrial accident of its kind in Canadian history, flowed into nearby waterways, polluting Polley Lake and creating a four-month-long drinking ban for local communities. Cleanup was estimated to cost \$200 million.

This January, the results of the first of three investigations into the spill was released. The fact that the spill was caused by a failure of the pond's earthen containment wall was visually evident from aerial photos. But the assessment of what caused the breach sent a chilling wake-up call to Native communities situated around North American ore mining sites.

"[The] dominant contribution to the failure resides in the design," said the three-expert panel charged with determining the reason for the breach. "The design did not take into

account the complexity of the sub-glacial and pre-glacial geological environment" below the dam, which breached when stresses underneath it changed. For unknown reasons, the structural design for the containment pond had been changed at the last minute to an option that appears to have been "flawed." The loading conditions of the pond didn't take into consideration geological factors that would be essential to the long-term integrity of the containment walls. When the wall collapsed, the breach was sudden and unstoppable, creating a swath of heavy metals, mud and debris that penetrated nearby water systems.

Even before the cause of the breach was known, Native communities in other parts of the province began to speak out against mining operations on their lands.

"The spill's ramifications rippled to Imperial's Red Chris mine in northern BC, where elders from the Tahltan Central Council (with whom the company previously had a positive working relationship) established a blockade to voice their concerns about the potential of a similar incident in their territories," stated First Peoples Worldwide in their Corporate Monitor post last September. In order to continue operations, the company was forced to sign an agreement that would allow third-party inspection of the operation under the band's auspices.

Similar concerns were voiced in other parts of western Canada as well. In July, just days before the dam broke, Toronto-based Seabridge Gold obtained environmental certificate for its \$42 billion KSM mining operation at the northwest corner of B.C. Weeks later, with news of the breach still in international spotlight, KSM bowed to pressure to allow third-party oversight for the life of the operation. Geologic studies suggest that the area possesses the same sub-glacial mining risks as the Mount Polley mine. **New Mining Policies for First Nations' Lands**

The provincial government has since delayed the release of the final report until 2017. The announcement, along with revelations of the avoidable cause of the breach, only heightened the frustration of Native communities in B.C.

Realizing that it would be essentially powerless to prevent any similar disasters without a conclusive report that could spur the industry and province into remedial action, the Secwepemc took what some might feel was a bold step: It invoked its rights as a sovereign First Nation of Canada and evicted Imperial Metals from its land. It also announced that it now had mining policies of its own, and would enforce from hereafter.

"One thing I want to make perfectly clear is this policy isn't a wish-list," said Jacinda Mack when the policies were announced. Mack serves as the the council coordinator for the Secwepemc Nation. "This is Indigenous law."

The 55-page document spells out in specific terms the responsibilities of the mining company and the rights of the First Nation to oversee and enforce those guidelines. It invokes the United Nations Declaration of Indigenous Rights to define the Native peoples' right to "determine and develop priorities and strategies for the development or use of their lands or territories and other resources." It also defines its right to close the mine and evict mining companies as it sees fit.

The policies were developed by a third party, the Fair Mining Collaborative, and is now available to all First Nation communities facing the question of mining on their lands.

"Indigenous rights can be defined as "flowing from Indigenous peoples' historic and sacred relationship with their territories," says Fair Mining Collaborative. "These rights are derived from Indigenous laws, cultural practices, customs, and forms of governance."

Chief Bev Sellars of the Soda Creek Band, which was affected by the tailings pond breach, explained the reason for the policies in more concrete terms. "Since mining arrived in BC First Nations have been ignored and imposed upon," she stated in an interview with Canadian publication The Tyee. "With this mining policy we can no longer be ignored or imposed upon, and the province and industry can no longer claim they do not know how to work with us ..."Tailing Ponds Risks: A Worldwide Issue

According to studies released by the Center for Science in Public Participation and Earthworks, the conditions that affect the Mount Polley and KSM mining sites aren't limited to British Columbia.

"There are 839 tailings dams in the United States and approximately 3,500 around the world, according the U.S Army Corps of Engineers and the United Nations, respectively," the organizations announced in a press release in February. There is currently no international oversight of such mines.

There also aren't uniform laws protecting Aboriginal rights when it comes to mining operations. First Peoples Worldwide's 2014 study of extractive industry operations around the world last fall illumined numerous gaps in international policies when it came to indigenous communities and their rights to water, food and other resources when it comes to mining operations.

"Our Indigenous Rights Risk Report identified 73 mining projects on or near Indigenous Peoples lands globally, of which 17 are on or near Native American lands in the U.S.," said a spokesperson for First Peoples.

It is worth noting that while last fall's assessment of U.S. mining operations near or on Native American lands suggested that their residents experience less risk from mining operations than in Canada, Native American rights are not necessarily as far-reaching as in Canada. The path to nation sovereignty and community oversight of mining operations is often slower in the U.S., where some Native American populations are still battling the courts regarding environmental justice and climate justice issues.

Mount Polley: Climate Change?

There are numerous takeaway lessons that can be extracted from the Mount Polley catastrophe. While it is geographically more than a thousand miles from Alberta's Tar Sands, Mount Polley mirrors the very type of environmental disaster that ecologists feared would occur if the Embridge Pipeline were constructed across the watershed. The provincial government turned down the controversial oil pipeline two years earlier because it said it feared among other things, that the pipeline would put this breadbasket of resources at risk. It cited insufficient protections to ensure a spill of far-reaching potential wouldn't occur. The initial report on the Mount Polley disaster suggests that far-reaching environmental spills can still occur in industries that have prevailed for years and settings that are actively managed, just as they can miles of pipeline that cross desolate terrain.

One question that the report did not address is why there was a shifting of the sub-glacial formation. It is to be assumed that such change can occur over years as a part of the natural ecology of the area, but was this unexpected shift due to melting of glacial formations, and could it be related to climate change? Is this why it occurred at the peak of the Cariboo's warm weather, and is it a risk we'll see again with the Northwest's increasingly warmer and drier summer landscapes? The next two reports aren't meant to address geologic factors, but with the lessons of the Mount Polley Mine disaster now at hand, and concerns about climate change that is increasing the prevalence of warmer temps, perhaps these are questions worth asking.

BRINGING TREATIES INTO THE CLASSROOM

By Marci Becking

SUDBURY – Former teacher and fluent Anishinaabemowin speaker Gloria Oshkabewisens welcomed some 140 educators and principals to the Miigwewin education conference by saying that the sounds of the drum have a rippling effect that makes the drum even more powerful.

Same could be said for the importance of teachers – their impact could inspire a student to go further in life and make long-lasting ripples of their own.

The annual conference, held in Sudbury Jan. 29-30, was hosted by Kenjgewin Teg Educational Institute located on Manitoulin Island. This year's theme was "Embracing Change...Inspiring Minds" and included workshops on education leadership, laughing yoga and Treaties in the classroom.

M'Chigeeng First Nation citizen Kelly Crawford is an educator who is currently in the PhD Human Studies program at Laurentian University, led the "Treaties in the Classroom" workshop. Participants took part in the interactive session exploring the use of the book "We are all Treaty People" – published by the Union of Ontario Indians in 2011.

The book, which has since sold over 8,000 copies, has been popular among schools all over Ontario.

"The only thing missing was a guide to help teachers incorporate treaty education into the classroom," says Crawford. "I developed a teacher's guide that will bring an understanding of the treaty relationships among all students in Grades 1 through 8."

Last year Crawford brought treaty education to Grade 6 students in North Bay and their reaction is similar to other students in the area.

"They asked me 'why am I just learning about this now?'" says Crawford.

The "We are all Treaty People" teachers guide is part of an entire resource kit, which includes activity sheets, posters, a DVD, bookmarks and an 800 pieces of LEGO to build a "Treaty of Niagara" replica wampum belt.

Teachers at the conference were thrilled with the LEGO saying that their students would be really excited about building the belt. They were impressed how the LEGO opens the door for all ages as they explore connections in math, social studies and the arts.

Crawford also incorporated various other activities into the workshop that is included in the teacher's guide including mapping out treaty areas, writing song lyrics, creating a comic strip and relationship art. The goal is for students to connect to the content at a deeper level as they see themselves as having a responsibility in the treaty relationship.

"Discussing the Treaty Relationship in the classroom successfully requires making learning fun, relevant and connected," says Crawford. "The teacher's guide includes a variety of teaching methods and instructional strategies that will engage all students in the classroom. Students will ease into the content as they experience 'We are all Treaty People' from a holistic perspective."

The Teacher's Kit retail for \$300 and will be available to schools mid-April. Pre-orders can be placed by calling the Union of Ontario Indians 1-877-702-5200.

COST TO BRING RUNNING WATER TO 4 MANITOBA RESERVES: \$165M

The Canadian Press

Internal federal documents estimate it will cost \$165 million to replace government-issued slop pails with modern indoor plumbing on four of Canada's poorest reserves, but only a fraction of that has been budgeted.

Regional reports from Aboriginal Affairs and Northern Development Canada and obtained by The Canadian Press say \$22 million was budgeted in 2011 to install rudimentary indoor plumbing in hundreds of homes in a cluster of northern Manitoba reserves known as Island Lake.

The reports date back to the fall of 2013 and were received under access-to-information legislation.

They say upgraded homes were outfitted with basic plumbing hooked up to individual water and sewage tanks. Although the reports repeatedly say much more money is needed for a community

sewage system, no new money has been budgeted in more than three years.

"The project costs exceed available funding," states a report dated March 2014.

A spokesperson for Aboriginal Affairs Minister Bernard Valcourt said the minister was not available for comment and did not provide anyone to answer questions.

Emily Hillstrom sent an emailed statement saying the government has made progress over the past four years, with updated plumbing and new water trucks, to improve the situation on the reserves.

"We recognize there is more work to be done and we will continue to work with the First Nations to build on the tangible progress accomplished so far," she wrote.

Government sent body bags

The Island Lake community — made up of St. Theresa Point, Wasagamack, Garden Hill and Red Sucker First Nations — came under a global microscope during the H1N1 flu outbreak in 2009.

There were hundreds of cases of the flu, mostly in children, on the remote reserves.

Chiefs blamed a lack of running water and overcrowding for the rapid spread of the virus and studies later backed them up.

"Preparations for remote First Nations communities prior to future outbreaks should include ... attention to fundamental health determinants, including housing conditions such as overcrowding, access to potable water and sanitation," said a study published in the Canadian Journal of Public Health in April 2012.

Health Canada apologizes for body bags

Ottawa sends body bags to Manitoba reserves

As part of its response to the outbreak, the federal government sent body bags to the reserves, raising the ire of chiefs. They said that when they asked for help bring running water to half the homes on the reserves, Ottawa sent 1,000 slop pails to use as toilets.

Jonathan Flett, executive director of the Island Lake Tribal Council, said the upgrades that have been done are a Band-Aid solution. With up to 18 people living in one home, sewage tanks fill up fast, he said.

"Eighteen people have to go 18 times a day, maybe twice," he said.

The reserves don't have enough water and sewage trucks to keep up with demand and there is nowhere to store them out of the cold. All outdoor water tanks have heaters to keep them from freezing, which adds to already soaring hydro bills, Flett said.

The government reports say installing the kind of indoor plumbing found in other municipalities doesn't come cheap.

"Many houses in the Island Lake communities do not have indoor plumbing and in some cases there is no space for a bathroom," the reports repeatedly state.

"Houses must be retrofitted with indoor plumbing before they can be connected to water and waste-water systems. This requires additional time, funds and considerable planning. The location of these communities, on the Canadian Shield, makes piped systems more costly to install."

An internal report dated Sept. 30, 2013, suggested the federal government would not be paying for the upgrades and hinted the reserves — the majority of which are under financial co-management — would have to find a way to pay for the projects themselves.

"The region will soon be engaging the Island Lake Tribal Council in discussions about the need to access private capital," the report said. "It is anticipated a considerable amount of protest will be received."

The reserves don't have the ability to raise their own cash without borrowing funds from elsewhere in their budgets, Flett said.

"That will create a problem for our communities."

Grand Chief David Harper with Manitoba Keewatinowi Okimakanak, which represents the province's northern First Nations, said the upgrades done so far aren't enough.

There are still 400 homes without any form of running water, he said. New plumbing in other homes, housing elders and the sick, won't last long in the harsh Island Lakes climate, he added.

First Nations people deserve the same access to running water as those living in municipalities off reserve, Harper added.

"It's not good enough."

DOCTRINE OF DISCOVERY NEEDS REPEALING

Hi Folks:

Why weigh pushing for repeal of the Doctrine of Discovery Justice Sinclair? It's something that should have been done centuries ago. Do it, put the weight of the Commission behind pressuring the Vatican to repeal these racist white supremacist documents, the sick intent of which was to authorize the plunder of the lands of the Indigenous Peoples of the Americas and the lands of other non-Caucasian peoples around the World! Please let the Commission know what you think!

""Justice Murray Sinclair says the Truth and Reconciliation Commission is weighing whether to ask the Vatican to repeal some Papal Bulls that allowed explorers the right to conquer the New World and the ""heathens"" aboriginals.

Commission may seek repeal of 15th-century Papal Bulls

The discovery bulls, and others in the same vein that followed, gave Catholic explorers "full and free power, authority, and jurisdiction of every kind" and outlined their "duty to lead the peoples dwelling in those islands and countries to embrace the Christian religion."

If aboriginal people refused, the Vatican granted its envoys the authority to enslave and kill."

To read the rest of the story click <http://thechronicleherald.ca/canada/1268373-commission-may-seek-repeal-of-15th-century-papal-bulls>

If unable to access the story at the before-mentioned I've included it at this address: <http://www.danielnpaul.com/DoctrineOfDiscovery.html>

All the best,

Danny

Mi'kmaw Saqmawiey (Eldering) (Dr.) Daniel N. Paul, C.M., O.N.S., LLD, DLIT

FIRST NATIONS ISSUE \$127M BILL TO ONTARIO FOR EXTRACTED RESOURCES

Nishnawbe Aski Nation calculates value of centuries of mining, forestry on its traditional territory

CBC News

The Nishnawbe Aski Nation is resubmitting an unpaid bill in the amount of \$127 million to Ontario as part of the province's budget consultation process.

The provincial treaty organization, representing 49 First Nations in northern Ontario, hired York University economics professor Fred Lazar to calculate the current value of resources extracted from its traditional territories between 1911 and 2011.

In Lazar's 2012 report he pegged the figure at 3.2 billion dollars, and then broke that down to an annuity, with a four per cent interest rate, that would amount to 127 million dollars per year, in perpetuity.

Nishnawbe Aski Nation Deputy Grand Chief Les Louttit said he doesn't really expect the province to cut a cheque "but there are ways in which they can invest into Nishnawbe Aski First Nations to improve the value and quality of our lifestyles in our communities."

Those ways include funding such things as housing, water and sewage treatment or social programs to deal with such things as addictions, Louttit said.

The invoice from Nishnawbe Aski Nation was first submitted to Ontario in 2012 and received no response. So Louttit said he resubmitted it, according to the wishes of the chiefs he represents, during recent budget consultations in Thunder Bay.

He said it's a way of correcting the misguided public perception, fostered by the province, about the roots of poverty in First Nations and the rights to resources.

"They convey to the public that [land] was expropriated, it was a land surrender, it was a loss of aboriginal title," Louttit said. "That was not the case in our view, according to our elders and the people who were there when the treaty was signed."

Lazar based his calculations largely on the value of forestry permits issued in Nishnawbe Aski Nation and more than a dozen mines that have been developed in the area.

WOODSTOCK'S OLD FASHIONED WINTERS

The conversation around Minnie's table centered on how the Maliseet lived in the cold winters with much snow long ago. Outside the wind picked up fresh dry snow, sometimes sweeping it away or spinning it into rising cones before whisking it away. We were glad to be inside with a pleasantly purring stove. The whistled outside as it reshaped the newly fallen snow in geographic images. The BOOM of sap bursting bark on trees could be heard on the very cold nights. The full or nearly full moon's radiance reflected on the snow was nights were almost as bright as day. Some referred to the frigid moonlit nights as rabbit dance nights.

It was natural that our thoughts and conversation should turn to how.

Think of living in a circular bark wigwam. Golly that must have been cold. There was a small fire in the middle for heating and cooking. In hot weather cooking was done outside so as not to heat up the dwelling. The circular structure in winter banked high with snow heated quickly, the warmth from the fire reflected evenly from all sides. A tent flap at the top could be moved in different directions as the wind changed its course so there was always a good draft drawing the smoke out. A smoky residence could lead to eye problems. Of course if an eye problem from smoke occurred, the family had a plant remedy for such ailments.

The interior of the wigwam, although there no walls, everyone understood the separations for work and sleeping. One of the larger areas was the kitchen with the fire within easy access. There was room for several water containers, usually of birchbark. Birch bark containers of different sizes and shapes contained the various berries, such as the blueberries that had been dried on large pieces of birch bark laid out on the ground where the sun's rays beat down on them or other berries, as well as maple syrup cakes, saved to be used for special feasts such as walking out ceremonies, a boy's first moose shot, or a wedding. Meats such as smoked duck, deer, eels or other fish, and dried vegetable and medicinal plants were also stored in the bark containers.

By mid March the sun was higher and its warmth could be felt. There was a good crust on the snow. A hike to a favorite fishing lake was usually well worth the trip.

Some Maliseet went from a bark home to a log cabin style abode before using siding boards that were then covered with sheets of birch bark. Noel Polchies had such a house. One fall day Noel told Dr George Clarke that his house was full of TB. His children and grandchild were all getting TB. What should he do? Perhaps the house will catch on fire this winter. It was spring when Noel saw his friend again. Clarke asked Noel about his house. Oh, he said, that the house caught on fire twice but his neighbors were too good! It was later used by his grandson Peter Paul as a shed until the big fire of 1960 took it along with several other homes.

Eyes receiving too much sunshiny glare on brilliant sunny days could also affect unprotected eyes causing snow blindness. A small piece of birch bark or thin piece of wood with two small slits for eyes and two strands of attached rawhide to tie it around one's head reduced the bright sunny brilliance preventing snow blindness.

Near the entrance to the wigwam thrust upright in the snow or perhaps hung on a branch of a nearby tree were snowshoes. They were just as important for winter travel as was the canoe for summer travel. All northern tribes developed shoes for walking on the snow, designs differed slightly. There were two types: one for general walking on snow, the other for trail breaking. Trail-breaking snow shoes were oval and wider than those for normal walking. The Maliseet had their typical design in the webbing also. The length of a snowshoe was usually measured from the ground to the the persons's nose. A longer snowshoe was usually made for a heavier person. Caribou lacings were said to be the best as they didn't stretch when they got wet. Frequently used trails like the one to the water hole were covered with hemlock branches that spread out acting similar to snow shoes.

The hunters liked moose shank boots. They were often seen still worn by Maliseet hunters and can be seen in photos taken in the late eighteen hundreds and early nineteen hundreds. A cut was made completely around a moose's leg several inches above the ankle depending on the length required. Then the skin was peeled down to the end of the leg. The toes were done up in regular moccasin style. Rabbit skins wrapped around the leg made warm sox. The amount of rabbit skin rope wound around the leg depended on the outdoor temperature. These boots were very light weight, kept the warmth in, and the snow out. The sound of the snowshoe striking the snow with each step as one walked made a sound that became a higher pitch as the temperature decreased. It was an easy way to estimate the temperature. Life went on as the cold and snow became deeper. However, the Maliseet were happy to see the return of the geese in early spring when the snow was difficult for walking and river were boiling mad to get to the sea. Nicholas Smith

RECOGNITION OF FIRST NATIONS COMES ONE SMALL STEP AT A TIME

By Trevor Greyeyes

With their fortunes sinking fast with the low price of oil, it seems that Alberta's premier has awoken to the fact resource projects can't be even started without First Nations input.

IF you want to Google it then by all means go ahead but there are countless stories like this CBC story Jim Prentice opens wide-ranging talks with First Nations in northern Alberta.

And the talk is more than just about resource projects. It also includes health, education, environmental issues and the high numbers of missing and murdered women.

Why open up the talks to more than just resource development projects?

Simple.

First Nations want various levels of government at the table to talk about a variety of issues and if resource development can be used to get governments to the table then that's what is going to happen.

I can almost hear Bill Gallagher - author of Resource Rulers and a columnist/ blogger for The First Perspective - talk about the "rise of Native empowerment."

Not only is it a good idea but with more than 200 court victories in the resource sector against the government, it's an idea whose time has come.

DAN'S CORNER: THIS CRY

(Man's ability to think often renders him downright stupid)

Two geologists were having a discussion. One geologist was more forward in his thinking, the other was rather narrow-minded, and therefore less wise than his colleague.

The geologists were discussing the tiny island we all live on. The enlightened geologist put forth the point that the earth is a living being. The dumb geologist disagreed. "The earth isn't alive, it's dead matter, I mean I've never seen it move."

The first geologist said "flies." which of course confused his friend. "Flies live for one week, so these two flies were sitting on a tree branch, one fly says to the other "I wonder, I wonder if this tree is...alive." The other fly says "Nah, I've been living here my whole life and I've never even seen the thing move."

The story is apocryphal, the point is that, if anything we lack true understanding of what can be considered "alive". A wise man once said "It is easier to move a mountain than it is to change the opinion of a man."

Achieving true understanding is threatening because our opinions, so convicted and dear, may very well be changed, and we may be proven wrong.

We have a profound lack of understanding and kinship with the earth. We don't yet feel the consequences of our actions, so we fool ourselves into thinking they don't exist.

We hurt her and she cries out, just as you do; thus we not only harm the physical integrity of our home, we also do injury to the very soul of life.

If man be judged by his actions, how then shall his heart be judged, how does one judge a void created by not using it for that which it was meant to be used; nurturing, healing and love.

And even if we choose to hear this cry, will it be enough?

All My Relations,

Dan Ennis

DEAN'S DEN: THE GEST OF GOLD

In the beginning of Creation

Everything would have a place

Metals too, included

And each could make its case,

Came the day for "common" call

Not much for self-appeal

But, iron-ore stepped to the fore

Its reward - was "stainless steel",

Rock and clay and classless coal

Each - recognized by right

Mountain shale, and pebbled beach

With quartz decked out in white,

Aluminum, germanium

Iridium and zinc

One of the rarer "jewels" displayed

A distinguished shade of pink,

Nickel, silver, brass, and lead

Bronze and chrome and tin

Each accepted where they where
What combination found them in,
Yet, one metal was, well, obstinate
And it surely wasn't shy
In demanding "bright and shiny"
And "dazzling to the eye",
Its wanton wish was granted
But, as Creation would unfold
A symbol sealed to selfishness
To the world - known as gold,
In return for all its vanity
It turned men hard and cold
Its beauty - was its downfall
For which dear souls were sold,
A pantomime of 'plenty'
Too - of misery and of ills
Always echoed by the cryptic cry
"There's gold in them there hills!"

D.C. Butterfield

Gold Rules

It's true there's "fool's gold"
It's true there's gold fools
Who has the true gold
Truly - makes up the rules!

D.C. Butterfield

Gold

Told - and retold
Gold ... and more gold!

D.C. Butterfield