

Natives protest student aid denials

By TERRY GLAVIN

Feb 19/83

More than one-third of native Indian students were denied aid this year following a "capping" of post-secondary student aid funds, the president of the University of B.C.'s Native Students' Association says.

"It may be a short-term financial gain, but it's going to be long-term disastrous," said NSA president Bev Scow, 21, a political science major who hopes to use her education to further the conditions of native people in B.C.

The Indian affairs department's recent decision to limit the amount of funds available to help native students offset the costs of post-secondary education has prompted protests from several native and educational organizations across Canada, including the Canadian Association of University Teachers and the Union of B.C. Indian Chiefs.



SCOW



PRICE

Al Price, 26, president of UBC's Native Law Students' Association, said: "On the one hand, the government talks about native self-government, and on the other hand it cuts off the only route to make that a reality."

There are about 120 native students enrolled at UBC who rely on Indian affairs' post-secondary education assistance program funds. The program, begun in 1973, has

been widely rated a success until this year, when the federal government decided to cap funds available and limit the number of native students it would assist.

Native enrolment in post-secondary institutions across Canada has increased to about 12,000 this year from less than 4,000 in 1973. But less than two per cent of native students go on to complete a post-secondary degree. Costs of the program have gone to \$93.7 million from about \$25 million in 1981.

Chiefs' union president Saul Terry said the social costs of erecting barriers to education in front of already-disadvantaged native youths will outpace any savings the federal government hopes to achieve by cutting aid programs.

"This is atrocious," said Terry, who points to students like Scow and Price as the next generation of native leadership in Canada.

N

INTERNAT

Native poverty no accident, Moses says

Cree address UN rights panel

BY RUDY PLATIEL

The Globe and Mail

Feb 19/83

A delegation of James Bay Cree told the United Nations Commission on Human Rights in Geneva yesterday it is no coincidence that native communities remain enclaves of poverty in affluent North America.

The Grand Council of the Cree of Quebec last year became the first native group in Canada to be granted non-government status at the UN, which permits it to appear formally before the commission.

The 15-member commission was hearing submissions on the question of economic, social and cultural rights of groups in developing countries.

Ted Moses, former grand chief of the Cree, said a report by a commission working group observed that pockets of underdevelopment exist in developed countries.

Indigenous people in developed countries such as Canada, the United States, Australia, New Zealand, Norway and Denmark find themselves in these areas of underdevelopment, Mr. Moses said.

He said the situation is no coincidence, but stems

from the fact that indigenous people are largely deprived of both the right to self-determination and access to resources that would give them economic independence.

Mr. Moses' remarks to the UN commission were contained in a text released in Ottawa.

He cited the case of the Lubicon Lake Indians in Alberta who are fighting to obtain land promised them under a treaty 89 years ago. Medical authorities have attributed an outbreak of tuberculosis among the Lubicon Indians to poor housing conditions, he said.

For the James Bay Cree in Quebec, the protection of the Crown for centuries "has ensured our exclusion from the economy of one of the richest countries in the world," Mr. Moses said.

He invited the commission to visit the Cree, who signed the James Bay agreement in 1975. That agreement gave the Cree land, cash and a form of self-government.

Mr. Moses said the experience of the Cree "with this modern treaty may demonstrate a technique for indigenous peoples and states as we emerge from an era of colonial-minded law."

So date February 22 1988 no one
has replied to this. The members of
the Aboriginal Community have good
reason to be apprehensive of just how
sincere and useful support may
be from the Religious Community,
when they see them not supporting
wholly their requested Organization
Project North. Unless the Leaders of
the Christian and other denominations
can impress upon their Clergy to
respect the long-sought Rights
of the Aboriginal Community,
Progress will be very difficult
and a sense of betrayal
will understandably be felt.

W.D.

ABORIGINAL TITLE & RIGHTS



BEFORE DEVELOPMENT

December 5, 1987

DEVELOPERS CANADA

Project North Victoria has usually had very open and wholehearted support from the leaders of those Christian denominations that set up this organization twelve years ago.

The Aboriginal Community of Canada requested its formation and continue to this day to implore that its existence, to further their pleas for justice, continue.

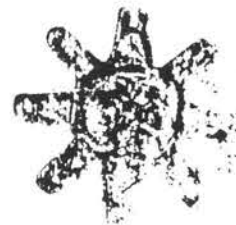
I have been involved herein for some years, after having been persuaded to join here by my nephew, Dr. Hugh McCullum, who was a Charter and Founding Member.

I have been associated with Native concerns from an early age and usually found organizations set up by well-meaning groups, to be rather self-serving and patronizing. The concept of Project North, in that the Aboriginal Community came to them with a request that they wished help with, to me seemed and is the proper way of assistance. Consequently, I strongly support its continuance with the full support of the Christian and other denominations so concerned.

It is disquieting to me that the leaders of the aforementioned denominations are not forthright in supporting Project North Victoria's endeavours in this area, excluding their executive in meetings set up with the British Columbia government.

Enclosed are copies of two papers which will support unison of purpose. To not be unified in purpose is to be nullified in the effort to assist the Aboriginal Community effectively.

I would hope, therefore, that you can find it in your future deliberations on Aboriginal affairs to include the executive of Project North Victoria.



**BLESSED ARE THEY WHICH DO
HUNGER AND THIRST AFTER
-RIGHTEOUSNESS: FOR THEY
SHALL BE FILLED. MATT. 5;6**

*1987
Bishop Remy DE Roco
Bishop Ron Shepherd
Victoria Council of
Churches.
College of
Theology UBC
Red Peter Hamill and others*

ABORIGINAL PEOPLE CANADA

Thank you for your considerations on this matter.

- Associate Member: United Native Nations
Union of B.C. Indian Chiefs
Assembly of First Nations
Native Council of Canada
- Member: Project North Victoria
Canadian Association in Support
of Native Peoples

Yours sincerely,

Don D. Fraser
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Enclosures: Breaking Faith - Renewing Faith - Native People and the Constitution

Statement in Support of Aboriginal Peoples of Canada, dated October 9, 1985.

Lubicon band rejects Ottawa offer

Canadian Press
CALGARY

Feb 17/88

Just days before the 1988 Winter Olympic Games began in Calgary, Ottawa offered the Lubicon Lake Cree \$500,000 in compensation for lost treaty benefits.

But Ottawa added that the Alberta Government may claim half the oil and gas revenues on land first promised to the band in 1940.

Lubicon Chief Bernard Ominayak rejected the offer Friday — one day before the Games opened — calling it worse than a federal proposal in 1986.

That plan would have given the

band a 103-square-kilometre reserve, but with full mineral rights.

"It (the new offer) is something that's really ridiculous," Mr. Ominayak said.

The offer, made in a Feb. 10 letter from federal negotiator Brian Malone, also promised the band \$300,000 to plan a reserve and \$350,000 toward a health centre.

The presence of the Games in Calgary has enabled the Lubicons to focus world attention on their 48-year-old land claim.

The band organized an international boycott of a native artifacts exhibit being held at the city's Glenbow Museum. The exhibit is part of the Olympic festivities.

UN motions on natives stir conflict

BY RUDY PLATIEL

The Globe and Mail

Feb 24/88
Page 4

Canadian Indians and External Affairs officials are locked in a quiet lobbying battle over several resolutions going before the United Nations Human Rights Commission in Geneva tomorrow.

The objects of their attention are the representatives of the commission's 43 member countries. Canada is not one of them.

A delegation from the James Bay Cree — the first native group to be granted non-government status at the commission — is lobbying to have it pass several resolutions from a subcommission.

One calls for the establishment of a special study of treaties and agreements between indigenous people and the countries they live in.

Denys Tessier, a spokesman in Ottawa for External Affairs, denied that the department is opposing the resolutions. He said it is lobbying only to change some aspects.

He said Canada feels that the proposed study of treaties would, without prior universal standards, divert attention and resources from the general work of the commission by narrowing its focus.

He added that the effort by Canadian officials to get the resolution changed does not mean that Canada opposes the resolution in principle.

In a telephone interview from Geneva, Ted Moses, the leader of the Cree delegation, contradicted Mr. Tessier, insisting that Canadian officials were trying to persuade commission members not to pass the resolution.

Mr. Moses said any study of the handling of treaties in Canada would cause embarrassment that the Canadian Government would clearly like to avoid.

Other resolutions going to the commission call for the development of independent standards for the treatment of indigenous people and for 1992 to be declared the international year of indigenous peoples.

Lubicon misery

The Lubicon Indians have been fighting for a small land claim in Northern Alberta for 48 years. Both the federal and Alberta governments acknowledge that the band has not received the land it was promised in 1940, but they cannot agree on how many members the band has — a figure which would determine the amount of land to be granted. The Lubicon want 200 square kilometres of land; the federal government says they are entitled to 160 sq. km; Alberta has vowed to oppose any offer above 60 sq. km.

The federal government has dragged its feet during negotiations, but this pales beside the bad faith shown by Alberta. The province has opened the disputed lands to oil and gas projects, and recently granted timber rights and approved the building of a pulp mill in the area, complete with a \$65-million subsidy. Ottawa compounded the insult with its own \$9.5-million grant. (And, in a Feb. 10 letter to the band, federal negotiator Brian Malone said Alberta might be constitutionally entitled to half the oil or gas revenues from any land the Lubicon were granted.)

Development has destroyed hunting and fishing for the 457 natives. There has been an outbreak of tuberculosis, testimony to the poverty and malnutrition they suffer. Speaking before a Commons committee last week, E. Davie Fulton, a former B.C. Supreme Court justice and federal justice minister, summarized their plight. "They have rights which have not been recognized, they have claims which have not been recognized, their traplines have been bulldozed into extinction, their livelihood has been driven away. They have nothing to which they can turn."

The all-party Aboriginal and Northern Affairs Committee has recommended that Mr. Fulton mediate the dispute. Mr. Fulton was commissioned by Ottawa in November, 1985, to study the Lubicon claim, but the Minister of Indian Affairs kept the report secret for two years.

Mr. Fulton's position is far from neutral — it is clear he supports most of the natives' complaints — but his sympathy is based on legal knowledge and an understanding of the intricate issues involved. He would make a good mediator.

The Lubicon have been waiting in misery for too long. It is time they received title to their land, and a taste of justice.

Carmen (right) was a triumph at the Olympic arts fest. **B4**

Strange animation is featured in The Brothers Quay. **B6**



Ottawa set to assist relocation

By JIM SHEPPARD
Canadian Press

Feb 22/88
ADDIS ABABA — The Canadian government has agreed to contribute at least \$1.5 million Cdn to work associated with the Ethiopian government's highly controversial resettlement program, Canadian and Western aid officials say.

Rev. John Finucane, field director of the project administered by a group called Irish Concern, said Sunday the Mulroney government has signed an agreement to provide \$1.6 million over the next three years.

Canadian officials say it might be closer to \$1.5 million because the exact amount will be provided on a ratio related to funds raised by private sponsors, Concern Canada and Oxfam-Quebec.

The funds to be provided through the Canadian International Development Agency were approved last month after what Canadian officials described as months of intense debate.

But it has not been formally announced in Canada.

"It's a very controversial, very politically sensitive issue," Canadian ambassador David MacDonald said in an earlier interview.

"We wanted to be sure we could defend the decision."

MacDonald and other Canadian officials stressed that the support should not be seen as an endorsement of the resettlement program.

Instead, they say, it's been approved to try to ease the plight of thousands of people who have already been moved from their homes in the drought-ravaged north to more fertile areas in the west and southwest.

Nonetheless, it's certain to generate further controversy because Canada and Italy are the only two Western countries that have contributed any money to any stage of the resettlement.

The program has been criticized by other Western governments, aid agencies and human-rights groups.

Six Westerners kidnapped by Ethiopian rebels

Associated Press

ADDIS ABABA — Six Western doctors and nurses have been kidnapped by rebels in the latest fighting in Ethiopia's northern Tigre province, Western aid officials said Sunday.

The officials, who asked not to be identified, said the six were seized Thursday night by the Tigrean People's Liberation Front. Negotiations were reported under way to obtain their release.

The aid officials said the front, which controls about 80 per cent of the drought-ravaged province, may have kidnapped the medical personnel to treat rebels wounded in recent heavy fighting in the north.

The officials could identify only one of them by name — Dr. Ann Broderick of Ireland, who works for an organization known as Irish Concern, a partner in several projects with the Canadian government.

Broderick and two Irish nurses who were also seized ran a small clinic near the village of Edagahamus, 20 kilometres south of the town of Adigrat, where heavy fighting has been reported.

May 28, 1987

Secretary of State of
External Affairs
Ottawa, Ontario
K1A 0G2

Dear Mr. Clarke:

Your reply to my request of your support for Motion 28, that dealt with Leonard Peltier's incarceration illegally in the U.S. penal system, I received on May 21, 1987. The answer given me (copy enclosed) I find insulting to my status as a Canadian. I would certainly hope you and your Government could come up with more sensibility of justice than is contained therein. For instance, in the sentence underlined and that is: "This department cannot attempt, by political pressure, to influence the decision of the United States Court." It is obvious that the Canadian Government did just that when pressured by the U.S.A. Government.

Of course, this attitude is in keeping with your Government's racist attitude toward Aboriginal People in general. For instance, the exclusion of the Canadian Aboriginal Peoples from the proposed Accord at Meech Lake and also there appears to be little concern to the terrorism meted out to them* by the Guatemalan Government and you are to proceed to make donations of money and supplies to further this type of genocide. I would hope that you might approve an embassy for Nicaragua also, so that you might be able to monitor the terrorism perpetrated by the might of the U.S.A. Government, who has said it is going to stop all this terrorism in the world!

Possibly, your Government may see fit to question these actions and why Leonard Peltier is in prison eleven years for a crime he did not commit.

I thank you for your reply at an early date.

Yours sincerely,



Don D. Fraser
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* The Indigenous Mayans

*note the recent total genocide of these
People and what does the Canadian or
British Government do? Nothing but
support the Regim! Don D. Fraser 5/88.*

Justice Gibbs' decision regarding the Nuu-Chah-Nulth in respect as to their having lived and do live in and around Meares Island is almost directly taken from one Joseph Trutch, before he was Governor of the Crown Colony of B.C. and after. Trutch to Seymore, 1867, quote: "The Indians really have no right to the lands they claim, nor are they of any actual value or utility to them; and I cannot see why they should either retain these lands to the prejudice of the general interests of the Colony, or be allowed to make a market of them to Government or to individuals." At this time officials were cutting large areas from Reserves already surveyed and allocated! *

In 1863 the British Colonist of Victoria said, quote: "They could no more talk of Indian right to the land than we can prate of the natural right of a he-panther or a she-bear to the soil" and further, "Shall we allow a few red vagrants to prevent forever industrious settlers from settling on the un-occupied lands? Not at all. Locate reservations for them on which to earn their own living, and if they trespass on WHITE settlers punish them severely. A few lessons would soon enable them to form a correct estimation of their own inferiority, and settle the Indian Title too!"

These two excerpts compare precisely with Justice Gibbs' Ruling on Meares Island logging M & B vs Aboriginal Rights and Title of the areas claimed historically by the Nuu-Chah-Nulth Tribal Council West Coast Vancouver Island. This disgraceful verdict is made even worse by using the above racist statements at this supposedly enlightened age of Constitution and Accord. However, we now know for sure where the B.C. Government position and policies come from. Premier Bennett--"They have no Rights"--message to James Gosnell, Nishga T.C., April 1983. We cannot allow this decision to stand.

Yours sincerely,



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Associate Member: AFN
UBCIC
UNN

Member: Project North Victoria



* These areas have never been returned to the original surveys.

* And now virtually every Tribal Council is in a state of siege energized by the Provincial Cabinet.
note the recent dissatisfaction in B.C.
DD mar 8/88
DD Dec 17/85

The Royal Proclamation

7 October 1763

By the King, A Proclamation
George R.

And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with Whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, We do therefore, with the Advice of our Privy Council, declare it to be our Royal Will and Pleasure, that no Governor or Commander in Chief in any of our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commissions; as also that no Governor or Commander in Chief in any of our other Colonies or Plantations in America do presume for the present, and until our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantic Ocean from the West and North West, or upon any Lands whatever, which, not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.

And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under our Sovereignty, Protection, and Dominion, for the use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three new Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West as aforesaid.

And We do hereby strictly forbid, on Pain of our Displeasure, all our loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved, without our especial leave and Licence for that Purpose first obtained.

And, we do further strictly enjoin and require all Persons whatever who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described, or upon any other Lands which, not having been ceded to or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements.

And whereas great Frauds and Abuses have been committed in purchasing Lands of the Indians, to the great Prejudice of our Interests, and to the great Dissatisfaction of the said Indians: In order, therefore, to prevent such Irregularities for the future, and to the end that the Indians may be convinced



of our Justice and determined Resolution to remove all reasonable Cause of Discontent, We, do, with the Advice of our Privy Council strictly enjoin and require, that no private Person do presume to make any purchase from the said Indians of any Lands reserved to the said Indians, within those parts of our Colonies where We have thought proper to allow Settlement; but that, if at any Time any of the Said Indians should be inclined to dispose of said Lands, the same shall be Purchased only for Us, in our Name. at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of our Colony respectively within which they shall lie; and in case they shall lie within the limits

of any Proprietary Government, they shall be purchased only for the Use and in the name of such Proprietaries, conformable to such Directions and Instructions as We or they shall think proper to give for that Purpose: And we do, by the Advice of our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all our Subjects whatever, provided that every Person who may incline to Trade with the said Indians do take out a Licence for carrying on such Trade from the Governor or Commander in Chief of any of our Colonies respectively where such Person shall

reside, and also give Security to observe such Regulations as We shall at any Time think fit, by ourselves or by our Commissioners to be appointed for the Purpose, to direct and appoint for the Benefit of the said Trade:

And we do hereby authorise, enjoin and require the Governors and Commanders in Chief of all our Colonies respectively, as well those under Our immediate Government as those under the Government and Direction of Proprietaries, to grant such Licences without Fee or Reward, taking especial Care to insert therein a Condition, that such Licence shall be void, and the Security forfeited in case the Person to whom the same is granted shall refuse or neglect to observe such Regulations as We shall think proper to prescribe as aforesaid.

And we do further expressly enjoin and require all Officers whatever, as well Military as those Employed in the Management and Direction of Indian Affairs, within the Territories reserved as aforesaid for the use of the said Indians, to seize and apprehend all Persons whatever, who standing charged with Treason, Misdemeanors, or other Felonies or Misdemeanors, shall fly from Justice and take Refuge in the said Territory, and to send them under a proper guard to the Colony where the Crime was committed of which they stand accused, in order to take their Trial for the same.

Given at our Court at St. James's the 7th Day of October 1763, in the Third Year of our Reign. □

A Declaration of First Nations

We the original peoples of this land know the Creator put us here.

The Creator gave us laws that govern all our relationships to live in harmony with nature and mankind.

The laws of the Creator defined our rights and responsibilities.

The Creator gave us our spiritual beliefs, our languages, our culture, and a place on Mother Earth which provided us with all our needs.

We have maintained our freedom, our languages, and our traditions from time immemorial.

We continue to exercise the rights and fulfill the responsibilities and obligations given to us by the Creator for the land upon which we were placed.

The Creator has given us the right to govern ourselves and the right to self-determination.

The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other Nation.

*Adopted by the Joint Council of Chiefs and Elders
December 1980*

GOD SAVE THE KING

The recent settlement by the Supreme Court of Canada awarding damages to the Musqueam Band was a decision affirming the Royal Proclamation as a Paramount Law as Lord Denning, the Chief of Judiciary in the British Commonwealth of Nations, has said is the Magna Carta of and for the Aboriginal People of Canada.

The time is now to rectify the atrocious Racist attitudes displayed in the past, and to assist the establishment of Indian Government by the various Tribal Areas here in the Province of B.C. and Nationality.

Tender to Thompson & Graham Papers but not printed

Associate Member

United Native Nations
Assembly First Nations
Project North

Yours sincerely, *May 23/85*

D.D. Fraser *Oct 29/85*

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December 10, 1984

PM should study land rights

before moralizing, reader says

Dec 14/84

The following are letters to the editor of The Globe and Mail.

"Canada was not built by expropriating retroactively other people's property," Prime Minister Brian Mulroney has told business leaders in the United States (NEP Next On Hit-List, PM Tells U.S. Group - Dec. 11). He is wrong. This is precisely how Canada has been built.

The expropriation of Indian and Inuit lands by newcomers for their own economic purposes is a fundamental fact at the basis of the country's history. In large parts of Canada - in most of British Columbia, the Yukon, the Northwest Territories, Quebec and the Maritimes - there has never been any formal agreement on the part of indigenous people to share their ancient homelands.

In those parts of Canada covered by treaties - basically Ontario and the Prairie provinces - the terms of these sacred agreements between the Crown and the Indian nations often remain unfulfilled.

Now the Prime Minister is taking steps to open Canada, including what remains of Indian and Inuit resources, yet further to exploitation by the most economically aggressive power in the world. Before so self-righteously proclaiming Canada's moral aversion to theft of property, he should examine more closely the status of the territorial rights he feels entitled to place on the auction block.

Tony Hall
Department of Native Studies
University of Sudbury

Crown land policy * called a scandal

Dec 13/84

VICTORIA (CP) - The Social Credit government's policy on crown land is a scandal and should be completely revamped, government backbencher Jack Kempf said Wednesday.

Kempf said Lands Minister Tony Brummet used a ministerial order to implement a plan for crown land in the Vanderhoof area of Kempf's Omineca riding, without consulting anyone from the area.

Brummet said later he would look into Kempf's complaints.

Kempf said he only learned about the plan three months after it was implemented through a public notice in Vanderhoof newspapers.

"So much for democracy, cooperation, understanding and concern for the wishes, views and problems of northerners," Kempf said.

Under the Vanderhoof plan, parcels of crown land in the Nechako Valley are earmarked for certain uses "which has had the effect of virtually eliminating any future crown land for

agriculture in one of the best agricultural areas in this province."

"It was a plan that was not discussed by the ranchers and farmers in the area."

Kempf said people who want to acquire and develop crown land are worse off now than they were prior to 1975, when the New Democratic Party was in power.

"We have, where crown land for agriculture is concerned, a scorched-earth policy, where the timber is first logged from a piece of potential agricultural land, prior to it being offered to the farmer, leaving no advantage for the individual to see some revenue prior to facing the high cost of placing the land into production."

And all crown land for agriculture now must go to auction, placing it even further from the reach of farmers and ranchers, he said.

Kempf noted that at a recent agricultural land auction in Prince George, 16 of the 19 parcels were gobbled up by loggers.

** See Sun reports 25-26 Oct. Neil Sterritt - UBCIC - Nuu-Chah-Nulth*

GITKSAN - WET'SUWET'EN

o The new Kake accord if passed by Parliament accomplishes this. I have written letters immediately, as have the Aboriginal Community, to PM, Howard Turner and Ed Broadbent, because if Govt. any hope for future Constitutional talks re Self Government.

NOV 22/85

Mr. Balthar J. Jensen's letter in the Victoria Times-Colonist of November 27, 1984 purports a dispersal of Crown Land to various individuals. There is one very important matter to be settled before any more Crown Land is disposed of by this Province and that is the area the Native People will require by Aboriginal Rights and Title for an economic base in excess of the present Reserve Tribal Areas. A continuing process of this aspect is being carried out, but there is evidence of much deviousness by the Provincial Government. There have been three notable items to bolster this attitude: (1) remarks by MLA Jack Davis in the Vancouver Province, February 15, 1983; (2) remarks in an Editorial by Vaughn Palmer in the Vancouver Sun, March 21, 1984; and (3) the Cabinet's Private Property Rights Week of September 30, 1984-October 8, 1984. I should like to point out these are ploys by this B.C. Government to push its intervention into the Constitution Conference with the Federal Government and the Aboriginal Peoples of Canada, by the Property Rights-Scam, and by these interventions nullify the agreed reason for this Conference, the Acceptance and implementation, of the intent of the Proclamation of King George III of 1763. This Proclamation covers B.C. as well as other areas in Canada in total. No B.C. Government has wished to recognize this fact.

Between 1880 and 1951 numerous amendments to the Indian Act of Canada violated international law and conventions by removing the Indians' right to vote, to assemble, to travel, to worship, to publish, to initiate legal actions, to borrow, to direct a business or trade for profit, to wear traditional dress or practise traditional social ceremonies, to speak their languages, to educate their own children, to govern or control membership in their own community, to make any decision respecting even the most trivial aspect of their lives without the approval of a Canadian government overlord. And all this time much Indian land was fraudently sold by government officials, and recognition of those Indian lands and hunting, fishing, and trapping rights agreed by treaty, was withheld. All of these restrictions and breaches, and many others too numerous to list, were a means to achieve the "final solution to the Aboriginal problems," namely the effective disappearance of the Aboriginal, first, as self-reliant nations coexisting under treaty with Canada; secondly, as an effective political force in a Canada Aboriginal confederation and, finally, as a culturally distinct and socially homogeneous peoples. The White Paper of 1969 updated this policy and sought to bring it to fruition according to the schedule contained in "A Plan to Liquidate the Indian Problem" in 25 years, which was presented to the Canadian Parliament in 1947 and enthusiastically adopted as governing strategy by successive Canadian administrations.

But Canada did its work well, gradually undermining the roots of Aboriginal Nationhood behind a smoke-screen of missionary religion, paternalistic welfare programs and the creeping extension of a foreign bureaucracy whose main function was to supplant the role of indigenous government.

With the gradual loss of control, Aboriginal Nations became disoriented and Indians-Inuits-have undergone much social, psychological and physical distress. Recently, they concluded the first stage of a long campaign to get both Britain and Canada to publicly reaffirm that the Crown is still obliged to honour solemn obligations to the Indian Nations undertaken in the Royal Proclamation of 1763 and numerous international treaties.

* And his Editorials Feb. 6, 1985 and April 16, 1985. This article has been presented to the Van Sun to rectify some of the untruths in these Editorials, but Sun refused to print it.

4 Apr., 1850.
Land reserves.

*Douglas
is also
referring
to a bill of
the Crown
Colony*

*Removal of
Indians from
Reservation
at Victoria.*
*of Vancouver's
Island
and
Adjacent
Islands.*

*Douglas was
applying the
force of the
Proclamation of
1763 by King
George III*

Government
bound by
solemn engage-
ment.
THUS vested
in Crown.

House of Assembly

as stated in your communication of the 31 March, to the effect that "It shall be guaranteed that such reserves shall not be sold, leased, or otherwise disposed of (or) made use of excepting with the consent of the Legislature of Vancouver's Island."

The House may, however, rest assured that I will not fail to recommend their petition for the favorable consideration of Her Majesty's Government.

JAMES DOUGLAS,
Governor.

VICTORIA, VANCOUVER'S ISL.,
5th February, 1850.

To Mr. Speaker and Gentlemen of the House of Assembly:

I have to acknowledge the receipt of your Speaker's communication of the 25th ultimo, containing the following resolution which passed the House on that day:—

"That application be made to His Excellency the Governor for the following information, viz.: Has the Government of this Island the power to remove (by purchase) the Indians from that piece of land inside Victoria Harbour known as the "Indian Reservation"? Should Government not have that power, may it please His Excellency to inform this House wherein the Government are powerless." (J. Yates.)

In reply to the foregoing resolution, I have to observe that previously to the grant of Vancouver's Island to the Hudson's Bay Company the whole Island was vested in the Crown as part of its domain.

When the settlement at Victoria was formed certain reservations were made in favour of the native tribes.

1st. They were to be protected in their original right of fishing on the coast and in the bays of the Colony, and of hunting over all unoccupied Crown lands; and they were also to be secured in the enjoyment of their village sites and cultivated fields. Those rights have since been enjoyed in full, and the reserves of land covering their village sites and cultivated fields have all been distinctly marked on the maps and surveys of the Colony, and the faith of Government is pledged that their occupation shall not be disturbed.

For that reason the Government will not cause them to be removed, because it is bound by the faith of a solemn engagement to protect them in the enjoyment of those reservations.

It may further interest the House to know that the title to those lands is vested in the Crown, and that the Indians of them, so far as they can convey no title to any part of their reserves either by sale or lease.

Douglas was applying the force of the Proclamation of 1763 by King George III

Correspondence Book.

5 Feb., 1850.

The presence of the Indians so near the town is a public inconvenience, but their violent removal would be neither just nor politic.

I therefore propose as a remedy to enter into arrangements, with their consent, to subdivide the reserve adjacent to Victoria, and to let it out on leases to persons who will undertake to build and to make other improvements upon it, and to apply the whole proceeds of those leases to the general benefit of the Indians interested; that is, by providing them with a school-house and Teacher, who will probably be a Missionary Clergyman, for the education of their children, and to endeavour thus to raise them morally and socially to a higher position than they now occupy in the Colony.

By such means a great benefit, worthy of the philanthropy of our country, will be conferred upon the Indians themselves, while at the same time the improvement and increase in the Town of Victoria will not be retarded by the unprofitable occupation of one of its most valuable portions.

(Signed) JAMES DOUGLAS.

This communication is placed here, having been overlooked for insertion in its proper place.—J. S. H.

As a matter of fact this letter is printed on page 46.—E. O. S. 3., Ed.

HOUSE OF ASSEMBLY,
April 20th, 1850.

The Speaker begs to acknowledge the receipt from the Governor and Council of—

1st. A Bill for the Passage of an Act respecting Marriages in the Colony of Vancouver's Island and its Dependencies.

2nd. A Bill for the Passage of an Act respecting the Property of Religious Institutions in the Colony of Vancouver's Island and its Dependencies.

3rd. A Bill to provide for the Registration of Conveyances and other Deeds.

These several Bills were duly laid before the House this day.
J. S. HENNINGSEN,
Speaker.

HOUSE OF ASSEMBLY,
April 20th, 1850.

The Speaker has the honor to forward the enclosed Bill to authorize the McAdminizing of certain Streets, the Paving of a

Leasing of Indian Reserves

School-house and Teacher-Missionary.

Marriage.

Property of Religious Institutions.

Registration of Deeds.

MacAdminizing of certain streets.

Supreme Court Justice
Kenneth Goodrich ruled
in the Swain case
that A.L.A. Dogear
Doctors are valid and
were done by them by
consent of the District
Board and Government,
under the rules of
the Proclamation of King
George III of 1763.

150 June
Feb 4/55

February 3, 1986

Hon. David Crombie
Minister of Indian Affairs
House of Commons
Ottawa, Ontario
K1A 0H4

Dear Mr. Crombie:

You will be aware of the material enclosed possibly, as it deals with Saanichton Bay Marina proposals over some years. Note especially that the first proposal was in 1975 and was turned down for the very specific reasons that the Tsawout Band have used and stated to all of the other proposals.

The Tsawout area was left with them by Treaty with Governor Douglas, which stated, in part, that they were to enjoy free and unencumbered use of the land and waters of the Bay.

When the settlement at Victoria was formed certain treaty reservations were made in favour of the native tribes.

1st. They were to be protected in their original right of fishing on the coast and in the bays of the Colony, and of hunting over all unoccupied Crown lands; and they were also to be secured in the enjoyment of their village sites and cultivated fields. Those rights have since been enjoyed in full, and the reserves of land covering their village sites and cultivated fields have all been distinctly marked on the maps and surveys of the Colony, and the faith of Government is pledged that their occupation shall not be disturbed.

For that reason the Government will not cause them to be removed, because it is bound by the faith of a solemn engagement to protect them in the enjoyment of those agrarian rights and offshore rights.

It may further interest the House to know that the title to those lands is vested in the Crown, and that the Indians of themselves can convey no title to any part of their reserves either by sale or lease.

* Douglas was applying the force of the Proclamation of 1763 by King George III. *for Vancouver Is. and adjacent Islands etc. etc.*
The above is an excerpt from the House of Assembly, 5th February, 1859. *of Vancouver's Island*

As they understand that, it conveyed to them the sole right and control of the sea waters on the surface and the ocean floor of the area and those waters which ran into the Bay. It naturally follows then, that they also must have some concern for what environmental damages may now occur to the detriment of the food fisheries and, as promised, "continued enjoyment of the area for commerce and livelihood."

I am asking that you, Mr. Minister, step into this dispute and uphold the decision of 1975. To have repeated applications for marinas are acts of harassment that the People of the Tsawout Band should not have to endure any further.

The enclosed copy of a report in the Globe and Mail of October 29, 1983 includes a statement of a decision handed down by Judge C.T. Murphy regarding "Treaties entered into with Indians are as those with a foreign sovereign state." This would also apply to every coastal tribal area in B.C. and Canada in that the Aborigines living at the time of European encroachment had used these waters for food, commerce, and enjoyment from time immemorial and, thus, had and still have significant cultural values as important to them as the Christian religion is to the European culture. Therefore, there must be a blanket offshore claim extended to all of these coastal tribal bands before they lose them to multinational or national entrepreneurial exploration and exploitation.

I have been involved in the Tsawout Band's dispute of the Marina proposal from the beginning and in no small way persuaded the Government of B.C. in 1975 to rescind the proposals. I have also known many of the Tsawouts all my life, their 40A Reserve on Saltspring Island having bordered land which my family and later, after 1945, I ranched on. I have great respect and admiration for their tenacity to retain their culture and equanimity all these 150 years of adversity placed upon them by the Colonial Powers, provincially, nationally, and now municipally.

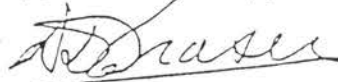
You will note that when this area was originally conveyed to the Tsawout Band it took in the area from headland to headland, but just what subsequently occurred to alienate that land area now is subject or should be subject to research to ascertain how it was taken out of the original area.

The most important aspect of this whole affair is that this is a Treaty signed by the Governor of a Colony of Great Britain who represented the Crown and, as is noted previously herein, Judge C.T. Murphy states: "Treaties are binding upon the Crown and ancillary Governments." It is, therefore, the duty of the Crown through the Governor-General and the Government of Canada to intercede in this dispute, with legal expertise and with the proper financial support, and to date minimal or none at all, with the exception of a promise by the Minister of DIAND in a letter to me, October 4, 1985, received October 22, 1985, in which he says, "My senior officials are working to resolve the matter to the full satisfaction of the Band." That the Band had to go to court to obtain an injunction at their own expense does not seem to comply with this statement.

The Tsawout Band should be able to feel that the Minister of Indian Affairs and the Minister of Justice are behind them in this desperate situation that now pertains with these transgressions on their Treaty area. This Treaty area was given by Governor Douglas under the strict wording of the Proclamation of 1763 by King George III, as were all other treaties in Canada, and which is still the paramount law pertaining to the Aboriginal Peoples of Canada.

Thank you for your due consideration.

Yours sincerely,



Don D. Fraser
1161 Burnside Road West
Victoria, B.C.
V8Z 1N5

Assoc. Member: UNN
UBCIC
AFN

Member: Project North Victoria

cc: Tsawout Band
DIAND Office, Vancouver
MP Jim Manly
MP Pat Crofton
Hon. Brian Smith, Attorney General, B.C.
Leader of the Opposition, B.C. Legislature
Lower Vancouver Island Tribal Council



expectations in terms of getting results. The reasons for this are many and complex. I have therefore appointed a task force with a broad mandate to examine the current policy, and I expect to receive its report by the end of November.

With regard to your hand-written note concerning the proposed marina into Saanichton Bay, I recently met with the South Vancouver Tribal Council and was presented with material relating to this project. I indicated to the Council that I would certainly look into the matter and my department is presently reviewing this material.

Hope all is well. Take care.

Sincerely,

Nov 15/85



UN motions on natives stir conflict

BY RUDY PLATIEL
The Globe and Mail

Feb 24/88
Page 4

Canadian Indians and External Affairs officials are locked in a quiet lobbying battle over several resolutions going before the United Nations Human Rights Commission in Geneva tomorrow.

The objects of their attention are the representatives of the commission's 43 member countries. Canada is not one of them.

A delegation from the James Bay Cree — the first native group to be granted non-government status at the commission — is lobbying to have it pass several resolutions from a subcommission.

One calls for the establishment of a special study of treaties and agreements between indigenous people and the countries they live in.

Denys Tessier, a spokesman in Ottawa for External Affairs, denied that the department is opposing the resolutions. He said it is lobbying only to change some aspects.

He said Canada feels that the proposed study of treaties would, without prior universal standards, divert attention and resources from the general work of the commission by narrowing its focus.

He added that the effort by Canadian officials to get the resolution changed does not mean that Canada opposes the resolution in principle.

In a telephone interview from Geneva, Ted Moses, the leader of the Cree delegation, contradicted Mr. Tessier, insisting that Canadian officials were trying to persuade commission members not to pass the resolution.

Mr. Moses said any study of the handling of treaties in Canada would cause embarrassment that the Canadian Government would clearly like to avoid.

Other resolutions going to the commission call for the development of independent standards for the treatment of indigenous people and for 1992 to be declared the international year of indigenous peoples.

Natives, Ottawa clash

BY RUDY PLATIEL
The Globe and Mail

Feb 27/88

A lobbying struggle in Geneva between Canada's Indians and External Affairs officials erupted into angry accusations yesterday after speeches by department members to the United Nations' human-rights commission.

At issue is a UN resolution calling for an international study of treaties between indigenous peoples and the governments of the countries where they live.

One Canadian official urged that the study be delayed because "more groundwork needs to be done." Another told the commission that Canada's agreements with its native people are not treaties in the

international sense of the word.

External Affairs spokesman Franco Pillarella described the proposed study as "backward-looking," and urged, instead, an examination into ways of improving natives' social and economic conditions.

Indian leaders, both in Geneva and in Ottawa, responded by accusing the department of trying to derail the resolution because Canada does not want its treatment of natives exposed to international scrutiny.

In Geneva, members of a Northern Quebec Cree delegation reacted angrily when Thomas Hammond of the Canadian observer delegation told the commission that the 1975

on UN study

James Bay agreement with the Cree was not a treaty and therefore would not be included in the study, under the resolution's current wording.

Cree delegation leader and consultant Robert Epstein confronted Canadian officials after the speech to say the James Bay settlement is recognized by a federal act and is specifically protected, as a treaty, in Canada's Constitution.

The Cree were the first Canadian Indian group to be granted non-government status at the UN. They and other native groups, including Indian delegates from South America and the United States, have been pressing for passage of the resolution.

External Affairs officials said in interviews this week that Canada supports the resolution but wants to broaden it to include "other agreements and *de facto* arrangements" with Indians.

The Cree delegates were told that Ottawa believes Canada's treaties with its Indians are not treaties in international terms, and that this point needs clarification, lest the study be blocked by a technicality.

Georges Erasmus, national chief of the Assembly of First Nations, called that "sheer nonsense," saying the resolution before the UN committee has been discussed for five years.

With Burton Bollag in Geneva.

Read the more by the Aboriginal Community to place their injustices at the UN and ultimately the World Court the Government of Canada is using spurious tactics
Feb 29/88 NDS

With reference to the Royal Proclamation of 1763:

To eradicate this, a Royal edict, a further Royal Proclamation by a Monarch (not Parliament) must be made specifically to so do. This has not happened to date, and as Lord Denning (the chief legal person in the British Commonwealth) has said: "It is the Prime Document of and for the Aboriginal Peoples of Canada and should not be tampered with by any government to alienate its true force."

However, that is exactly what has been happening to this document ever since its proclaiming, government bodies and industry have secured quasi legal, and legal determination of what certain words, phrases, punctuations and etc. could mean and thus and so interpret this Proclamation for their own ends, to the detriment and continued enslavement of the Aboriginal Peoples of Canada, who by the force of this proclamation were conveyed freedom and dignity by a Monarch of Britain who genuinely cared and respected them in total. I refer, for reference, articles by Jonathan Manthorpe, Southam News, January 10, 1987, Vancouver Sun, where he states (as I have for years, but unbelieved!) this was the real reason for the Revolt of American Colonies--they were subject to be hung or shot for Treason, so they went to War.

The attitude of Governor Trutch toward the Aboriginal People of British Columbia was exactly that of the U.S.A., but whilst they changed in recognition, Trutch nor any succeeding Provincial Government never wavered from the head-in-the-sand approach. "They have really no right to their ancestral lands." This, of course, is direct contempt of the Proclamation's Edict and therefore, subject to a charge of Treason. The actions of the British Government in closing off funds to Governor Douglas to make further treaties was also Treasonous. The actions in 1982 of Prime Minister Thatcher's Government in advising the Queen not to give an audience to the Aboriginal Organizations regarding the Patriation of the Constitutional Document, when they requested it, was and is a contempt of the Proclamation and should be regarded as a Treasonous act as such. These are only some of the very obvious actions requiring to be taken to the World Court and the United Nations by the Aboriginal Organizations. Lord Denning has stated in 1982 that this Document is the Prime Document for the Aboriginal Peoples of Canada and should in no way be tampered with by any level of Government or Persons. I believe those people wishing to assist, should really start approaching this situation of Aboriginal Rights Denial in the foregoing Reasons of Treasonous Acts.

Because the Indian Act, formulated by John A. MacDonald when he was Prime Minister of Canada--from coast to coast--was created without consultation with any Aboriginal Peoples, and because it did not adhere to the intent of the Royal Proclamation, it is subject to being classed as a Treasonous Document. It should, and the Governments of Canada, be taken to the Supreme Court of Canada and the World Court at Den Haage and also the United Nations.

The Indian Act (still in force) is equal to the most vicious edicts ever forced onto a free and dignified People, who had greeted the European encroachers with grace and hospitality. It is not "idle chatter" or "erroneous blasphemy" to equate this Act to South African treatment of the Indigenous Peoples there. The Governments of Canada can cancel out the Indian Act and give Precedent to Native Self-Administration.


Don D. Fraser

March 6, 1987

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 18, 1988

Mr. Don D. Fraser
1161 Burnside Road West
Victoria, British Columbia V8Z 1N5


Dear Mr. Fraser:

I would like to thank you for the material you have sent to the Royal Commission relating to the treatment of aboriginal peoples in Canada.

As you probably know, this Royal Commission is looking at the system of justice in Nova Scotia as it related to Donald Marshall, Jr., a Micmac Indian. We are also looking at the question of whether racism played any part in the treatment Mr. Marshall received from the criminal justice system.

Thank you for your interest in the work of the Royal Commission and for sending along the documentation.

Yours truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

UN motions on natives stir conflict

BY RUDY PLATIEL
The Globe and Mail

Feb 24/88
Page 4

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Mr. Moses said any study of the handling of treaties in Canada would cause embarrassment that the Canadian Government would clearly like to avoid.

Other resolutions going to the commission call for the development of independent standards for the treatment of indigenous people and for 1992 to be declared the international year of indigenous peoples.

The Legal Counsel for Donald Marshall, Marshall Inquest, Sidney Nova Scotia.

Dear Counsel:

The enclosed items with regard to Canada's Aboriginal People I am sending along to you. It is my opinion that the Aboriginals of this Country in total are not what Marshall received quite regularly. (Study conducted by hymn McDonald ^{MP} several years ago found that to be the case, but of course it was already known. The RCMP were set up by the John A. McDonald Government

to keep a lid on the "Red men" and have been doing just that ever since. They have an overbearing attitude toward any Aboriginal bred into their training. The British Government turned a blind eye

to the slaughter of the Aboriginal
People of New Foundland - until
they were eradicated. The
Royal Proclamation of 1763 was
stead fastly repudiated
there, and the actions of the
present government backed up by
the Defense Ministry is systematically
traumatizing those in Labrador
& Northern Quebec by screaming
low level air craft flights.

What this Commission will
bring forth I hope, will be a
complete "revision" of the "Legal
Attitude" regarding Aboriginal
Culture - much different from
'Other Canadians'. The Maratime
Attitude really begs for under-
standing for since the Lords
from the Clearances, and elsewhere
in Europe were greeted by those
Aboriginal Peoples, they have been
deprived of their right full place in
the land, by encroachers of less
character and respect. I wish you
well in your quest for answers and let the
truth come out. Yrs Sincerely
D Fraser

MR ~~FRASER~~ D D FRASER
1161 BURNSIDE RD W
VICTORIA B.C.
V8Z 1N5



The Honourable L'honorable
David Crombie

NOV 18 1985

Recd. Nov 20/85

Mr. Don D. Fraser
1161 Burnside Road West
VICTORIA, British Columbia
V8Z 1N5

Dear Mr. Fraser:

Thank you for your letter of October 1, 1985, with its several enclosures relating to the issue of aboriginal title and aboriginal rights.

While I really cannot comment on Chief Justice McEachern's suggestion to combine the aboriginal title questions raised by the Nuu-Chah-Nulth and Gitskan-Wet suwet'en, I would like to pick up on a couple of other points you raise.

I am not sure I would agree that the Indian people involved in these two cases are being asked to "forget the rights granted to them by the Royal Proclamation" of 1763. The importance of the proclamation to questions of aboriginal title has been recognized by Canadian courts in recent years, beginning with the Calder decision in 1973 and carrying through to the recent decision of the Supreme Court of Canada in the Guerin (Musqueam) case. Furthermore, Section 25 of the Constitution Act, 1982 makes specific mention of the rights and freedoms of aboriginal people flowing from the Royal Proclamation. Existing aboriginal rights are also recognized and affirmed in Section 35(1). The difficulty then, would seem to be not so much in recognizing the concepts of aboriginal rights and title, as with determining how they are to be defined, legally and in practice, in 1985. This is the question which the Supreme Court of British Columbia is being asked to examine. It is also something that is being pursued through the constitutional process of First Ministers Conferences.

The government has, as you know, established an alternative process for dealing with issues arising from aboriginal title. I am referring, of course, to the comprehensive claims process. I am very much aware, as the copy you sent me of the letter to Ambassador Niles points out, that this process has not lived up to

Do not indicate this is a Royal Proclamation & specifically do so, must be proclaimed by a Monarch (not Parliament) therefore had Denning says "it is the Prime Document of and for the Aboriginal Peoples of Canada" & should be tempered with by Governments, at the time of discovery R.P. was treason.

With reference to the Royal Proclamation of 1763:

To eradicate this, a Royal edict, a further Royal Proclamation by a Monarch (not Parliament) must be made specifically to so do. This has not happened to date, and as Lord Denning (the chief legal person in the British Commonwealth) has said: "It is the Prime Document of and for the Aboriginal Peoples of Canada and should not be tampered with by any government to alienate its true force."

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Don D. Fraser

March 6, 1987