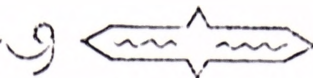




Union of Nova Scotia Indians



OFFICE OF THE PUTU'S



Before the leaves turn, 1980

HER MAJESTY, THE QUEEN ELIZABETH II
Buckingham Palace
London, England

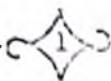
Document Not Scanned

Me' taleyn:

The Santeoi Mawa'iomi of the Mi'kmaq Nationimuow have the honour to address you as our forefathers have since 1752. This occasion, like our fathers', is a sad event. In this communication, we send a petition of grievance and right against the Government of Canada for application of your justice.

The attempts of your wandering subjects in Canada to create a new form of government in Canada have ignored our request to unite our Treaty of Union of 1752 with their Treaty of Union, the British North America Act of 1867; as well as to apply the preemptory human right obligations of the United Nations. Instead of attempting to build a monument to political liberty for all peoples in Canada, without regard to race, creed, or religion, the Government of Canada seeks to create a new form of colonialism in the world. We have pondered this issue for three summers and two winters and are convinced that present action is necessary to preserve our chain of union with the United Kingdom and prevent the destruction of our tribal society.

We are not unaware that time has shifted power from the Crown to Parliament under the quest for freedom in your society. It is not power we request, for that resides in the will of our people regardless of their present poverty, but truth and justice -- the greatness of the Crown in the United Kingdom.



P. O. BOX 961, SYDNEY, N. S.
B1P 6J1

TELEPHONE 533-4107
TELEX 019-35215





Union of Nova Scotia Indians



OFFICE OF THE PUTU'S



Before the Leaves
turn colors, 1980

Mr. Theo C. Van Boven
Secretary
Human Rights Committee
Palais de Nations
1211 Geneva, Switzerland

Document Not Scanned

The Jigap'ten of Santeoi Mawa'iomi of the Mi'kmaq Nationimuow has the honour to address you as well as the sadness to communicate of the substance of our grievances against the Dominion of Canada. The people of our tribal society are victims of violations of fundamental freedoms and human rights by the government of Canada: Canada has and continues to deny our right to self-determination; Canada has and continues to involuntarily confiscate our territory despite the terms of our treaties; Canada has and continues to deprive our people of its own means of subsistence; and Canada has and continues to enact and enforce laws and policies destructive of our family life and inimical to the proper education of our children.

We speak plainly, so that there is no misunderstanding. For three centuries, we have honoured and lived by our Treaty of protection and free association with the British Crown. We have remained at peace with British subjects everywhere, and our young men have given their lives, as we had promised, in defense of British lives in foreign wars. As the original government of the Mi'kmaq Nationimuow from time out of mind, and as signatories and keepers of the great chain of union and association with Great Britain, we, the Mawa'iomi, have guided our people in spiritual and secular affairs in freedom and dignity, in our own way, without compulsion or injustice.

Now, there is a great and terrible idea in this land. The government of Canada claims that, by virtue of its charter of self-government from Great Britain, the British North America Act, it has succeeded to the Crown in our Treaty. Furthermore, and in frank violation of the law of nations, the government of



UNION of NOVA SCOTIA INDIANS

MICMAC P. O.
HANTS CO. N. S.
TEL 788 2048
TELEX 019 34978

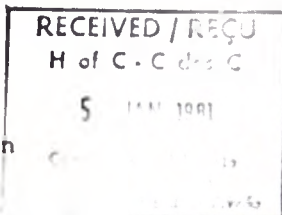


P. O. BOX 981
SYDNEY N. S.
B1P 6J4
TEL. 639 4107
TELEX 019 36216

OFFICE OF
THE PRESIDENT

December 29, 1980

Mr. Richard Pregent
Clerk
Committee on the Constitution
P.O. Box 1044
Ottawa, Ontario



Dear Sir:

The enclosed represents the material around which we will be making our presentation to the Constitutional Committee.

President Johnson will deliver a 10 - 12 minute talk tying in the attached documentation and relating that documentation to the present Constitutional discussions.

Yours in recognition
of Aboriginal Title.

Stu Killen,
Tripartite Liaison,
Federal-Provincial &
Indian Gov. Relations

SK/bjm
Encl.

Document not scanned

*Contributed at
meeting of 1/6/81
at 7:30 p.m.*

.....

STATEMENT
OF
UNION OF NOVA SCOTIA INDIANS
JANUARY 6, 1981
TO
THE JOINT CONSTITUTIONAL COMMITTEE
OF SENATE AND HOUSE OF COMMONS
OF THE FEDERAL PARLIAMENT

ME TALEYN

LITTLE IS KNOWN ABOUT THE RELATIONSHIP BETWEEN THE LEGAL MIND AND POLITICS IN CANADA. CREATING A PROSPECTIVE LEGAL DOCUMENT TO CONTROL POLITICAL BEHAVIOR IN THE FUTURE THROWS A STRONG LIGHT ON THE CONNECTION BETWEEN THE LEGAL MIND AND GOVERNMENT. THIS PROPOSED RELATIONSHIP CONFRONTS ALL PEOPLES OF CANADA; BUT AS A REPRESENTATIVE OF THE MI'KMAQ PEOPLE IN NOVA SCOTIA AND ADMINISTRATIVELY UNITED WITH MI'KMAQ NATIONIMOUW, THE UNION OF NOVA SCOTIA INDIANS IS DRAMATICALLY CONCERNED ABOUT THE PURPOSE OF SUCH A DOCUMENT AS THE CANADA ACT.

AFTER MORE THAN THREE CENTURIES OF WITNESSING THE INTERACTION BETWEEN THE LEGAL MIND AND DEMOCRATIC POLITICS IN CONTINENTAL CANADA, THIS WE KNOW ABOUT THE RELATIONSHIP: BY SOME IRRESISTIBLE MOVEMENT, WHICH IMITATES THE ATTRACTION DEATH EXERCISES OVER LIFE, THE POLITICAL MIND AGAIN AND AGAIN USES THE LEGAL INSTRUMENTS OF ITS OWN FREEDOM TO BIND ITSELF AND OTHERS IN CHAINS. YET -- IN A MANNER WHICH REMINDS MORTALS THAT DEATH LASTS FOREVER AND REMAINS THE SAME, WHILE LIFE, ALTHOUGH FLEETING, CAN ALWAYS BECOME SOMETHING HIGHER THAN IT WAS BEFORE -- THE POLITICAL MIND CAN BREAK ITS CONCEPTUAL CHAINS, CREATING FREEDOMS AND LIBERTY GREATER THAN WAS KNOWN TO LAW, AND THE SPLENDOR OF THIS TRIUMPH SURPASSES THE WRETCHEDNESS OF ITS EARLIER SUBJUGATION TO MORE PRIMORDIAL INCLINATIONS.

THE HISTORY OF CANADIAN POLITICS GOES FROM MASTERY OF A DREAM TO ENSLAVEMENT OF IDEAS OF POWER AND GLORY. IT WAS THE COMMON DREAM OF A BETTER SOCIETY WHICH WAS IMPRISONED BY THE TRANSFORMATION OF SCIENTIFIC RACISM INTO THE RULE OF LAW AND RESPONSIBLE GOVERNMENT IN NINETEENTH CENTURY CANADA. THE WORLD WARS OF THE FIRST HALF OF THE TWENTIETH CENTURY SUBLIMATED THE DREAM TO THE REALITY OF FIGHTING FOR POLITICAL FREEDOMS AND LIBERTIES. AFTER THE WARS THE UNITED NATIONS ATTEMPTED TO CURE THE EVILS WHICH CREATED THE WARS--COLONIALISM AND RACISM--THROUGH THE COVENANTS ON HUMAN RIGHTS. THE CANADA ACT SEEKS A SIMILAR END, BUT FAILS IN ITS EFFORTS. (SEE BACKGROUND PAPERS, PART VI)

THE PROPOSED CANADA ACT IS AN ATTEMPT BY THE CURRENT GOVERNMENT TO READJUST THE LEGITIMACY OF CANADIAN SOVEREIGNTY. IT STATES THAT CANADA IS NO LONGER A BRITISH OUTPOST, BUT A VALID GOVERNMENT COMMITTED TO HUMAN RIGHTS. YET, IT CONTINUES THE RACISTS CONCEPTS OF ITS BIRTH: THAT CANADA IS A EUROPEAN NATION. IT REFUSES TO ADMIT TO THE WORLD THAT A MAJOR PART OF ITS LEGITIMACY IS FOUNDED ON THE CONSENT OF NATIONS AND TRIBES OF INDIANS EMBODIED IN TREATIES WITH THE IMPERIAL CROWN.

NORTH AMERICA IS NOT ENGLAND. THE ANCIENT TERRITORY AND THEORY OF GOVERNMENTS IN ENGLAND WERE NOT APPLICABLE TO NORTH AMERICA SINCE THE NATIONS AND TRIBES OF INDIANS HAD THEIR OWN VIEW OF GOVERNMENT AND HELD THE TERRITORY. DESPITE THE RHETORIC OF DISCOVERY AND SETTLEMENT, THE LEGAL FACT REMAINS THAT THE RIGHTS OF GREAT BRITAIN IN NORTH AMERICA ARE DERIVED FROM CONSENT OF THE TRIBAL SOVEREIGNS IN THEIR TREATIES.

UNDER THE TERMS OF THE TREATIES AND INSTRUMENTS OF THE ROYAL PREROGATIVE, LAND ACQUIRED BY THE CROWN IN NORTH AMERICA WAS PURCHASED FROM THE TRIBAL SOVEREIGNS. PARTS OF THE TRIBAL SOVEREIGN WERE DELEGATED TO THE CROWN TO PERFORM; BY THE TREATIES ACCORDING TO THE WILL OF THE TRIBAL NATIONS. THE DELEGATED POWERS BECAME THE SOURCE OF GREAT BRITIAN JURISDICTION IN NORTH AMERICA.

NOWHERE IN THE CANADA ACT IS IT ACKNOWLEDGED THAT TRIBAL TREATIES WITH THE CROWN LEGITIMIZE THE EUROPEAN PRESENCE IN NORTH AMERICA. THROUGHOUT CANADA HISTORY, ITS CONSTITUTIONAL DOCUMENTS ARE DERIVATIVE FROM THE TREATY PREROGATIVE OF THE CROWN, THE TRIBAL TREATIES, NOT PROVINCIAL TREATIES OR FEDERAL TREATIES, ESTABLISH THE LEGITIMACY OF FIRST THE PROVINCES AND THEN THE B.N.A. ACT OF 1867. IF IT WERE NOT FOR THESE TREATIES, IMPERIAL PARLIAMENT WOULD HAVE LACK THE CONSTITUTIONAL POWER TO CREATE RESPONSIBLE GOVERNMENT IN NORTH AMERICA.

NOVA SCOTIA, THE FIRST COLONIAL GOVERNMENT IN CANADA IS ILLUSTRATIVE OF THIS PROCESS. THE TREATIES WITH THE MI'KMAQ NATIONIMOUW PRECEDED THE ESTABLISHMENT OF A COLONIAL GOVERNMENT, CONSISTENT WITH THE IMPERIAL SCHEME EMBODIED IN THE REPORTS OF ATKINS AND KENNEDY IN 1750'S, THE CROWN ACKNOWLEDGE THAT ONLY BY A PERMANENT UNION WITH THE INDIAN NATIONS AND TRIBES IN NORTH AMERICA COULD THE BRITISH HOPE TO MAINTAIN THE CONTINENT FROM OTHER EUROPEAN NATIONS. CONSEQUENTLY, THE TREATY OF 1752 WITH THE GRAND CHIEF OF THE MI'KMAQ NATIONIMOUW ESTABLISHED A POLITICAL COMPACT WITH THE IMPERIAL CROWN.

SIX YEARS LATER, THE LEGISLATIVE ASSEMBLY OF NOVA SCOTIA WAS CALLED IN 1758. IN THE MARITIMES, THIS PATTERN WAS CONSISTENTLY FOLLOWED, ALL DISTRICT CHIEFS OF THE MI'KMAQ NATIONIMOUW ACCEDING TO THE TREATY OF 1752, FOLLOWED BY THE ESTABLISHMENT OF POPULAR ASSEMBLIES, (SEE BACKGROUND PAPERS, PART I FOR FURTHER ELABORATION),

BY IGNORING THE FOUNDATION OF THE TREATIES, THE ORIGINAL SOURCE OF BRITISH CONSTITUTIONAL AUTHORITY, THE CANADA ACT ASSUMES THAT CANADA IS PART OF EUROPEAN HISTORY NOT AMERICAN HISTORY. IT ASSUMES, WITHOUT LEGITIMACY, THAT BY VIRTUE OF ITS COLONIAL CHARTER OF RESPONSIBLE SELF-GOVERNMENT FROM GREAT BRITIAN, THE B.N.A. ACT, THAT IT CAN IGNORE THE ORIGINAL POLITICAL COMPACT BETWEEN THE TRIBAL NATIONS AND THE CROWN WHICH CREATED BRITISH NORTH AMERICA.

FURTHERMORE, THE CANADA ACT, IN FRANK VIOLATION OF THE LAWS OF NATIONS, ATTEMPTS TO ABOLISH THE SIGNIFICANCE OF THE IMPERIAL COMPACT WITH THE NATIONS AND TRIBES OF INDIANS IN NORTH AMERICA. IT ATTEMPTS TO FORGET THAT THE MI'KMAQ NATIONIMOUW WAS A GOVERNMENT IN ITS OWN RIGHTS RECOGNIZED AS SUCH BY ITS IMPERIAL TREATIES, WHILE CANADIAN GOVERNMENT IS BASED ON A COLONIAL CHARTER FROM THE IMPERIAL PARLIAMENT. THE FEDERAL PARLIAMENT WAS ORIGINALLY EMPOWERED TO PERFORM THE TREATY OBLIGATIONS OF THE EMPIRE (S.132 BNA) AND THE FEDERAL GOVERNMENT WAS ASSIGNED THE EXCLUSIVE AUTHORITY TO ADMINISTER THE INHERITED RESPONSIBILITIES FOR "INDIANS AND LANDS RESERVED FOR INDIANS" (S.91) IN THE PROVINCES NOVA SCOTIA, NEW BRUNSWICK AND CANADA. THIS IS CALLED TREATY FEDERALISM.

THE IMPERIAL PARLIAMENT DID NOT GRANT ABSOLUTE LEGISLATIVE POWER OVER TRIBAL GOVERNMENTS IN THE B.N.A. ACT. THIS WAS CONTRARY TO IMPERIAL POLICY EXPRESSED IN THE SELECT COMMITTEE ON ABORIGINES IN 1837 AGAINST GRANTING LEGISLATIVE AUTHORITY OVER NATIVE STATES PROTECTED BY THE CROWN. NEITHER THE B.N.A. ACT OR THE STATUTE OF WESTMINSTER IN 1931 WERE NOT NOVATIONS OF OUR TREATIES. POLITICAL COMPACTS ARE UNASSIGNABLE UNLESS BOTH PARTIES CONSENT. SINCE WE DID NOT PARTICIPATE OR CONSENT TO EITHER INSTRUMENT, OUR TREATY FEDERALISM WAS ENTRENCHED IN THE CONSTITUTION OF CANADA JUST AS THE ROYAL PROCLAMATION OF 1763 WAS ENTRENCHED. OUR TREATY WITH THE CROWN REMAIN UNAFFECTED AND CARRIED OVER INDELIBLY INTO THE CONSTITUTION OF CANADA.

ABSOLUTE LEGISLATIVE POWER OVER INDIANS IS A CANADIAN USURPATION OF POWER BASED ON RACISM.

THE MI'KMAQ PEOPLE HAVE SUFFERED THE TOTAL SUBJUGATION OF THEIR INTEGRITY AND WILL TO THE DEPARTMENT OF INDIAN AFFAIRS; HOWEVER, OUR AUTOCHTHONOUS POLITY WAS NOT DESTROYED IN THESE TRANSITIONS OF THE POLITICAL PROCESS FROM OBSERVANCE OF TREATY OBLIGATION AND PROTECTION OF OUR TRIBAL SOCIETY TO COERCED ASSIMILATION FOR THE COMMON GOOD. WITH THE FOCUS ON RACIAL CONSCIOUSNESS AND INDIVIDUALISM, I.E. "INDIANISM", THE CANADIAN MIND SIMPLY IGNORED OUR TREATIES AND OUR PROTECTED TRIBAL POLITY. ONCE RECOGNIZED, IT TAKES POSITIVE LEGISLATION OR FORMAL ANNEXATION TO DESTROY VESTED TREATY RIGHTS. (SEE. BACKGROUND PAPERS, PART 1), HENCE SILENCE AND NEGLECT CAN NOT DESTROY OUR TRADITIONAL GOVERNMENT.

THE INDIVIDUAL ASSIMILATION MODEL, WHICH STILL PROVIDES THE "DEEP STRUCTURE" TO FEDERAL POLICY, GOALS AND CURRENT LAW, IS MARKED BY A IMITATION OF EUROPEAN GREATNESS. IT IS A SOCIAL DARWINISM POLITICAL UNIVERSE, SO TO SPEAK, PRE-HUMAN RIGHTS, IT WAS INTRODUCED BY MEN AT A LOSS TO SOLVE THE PARTICULAR PROBLEMS OF ENCROACHMENT BY IMMIGRANTS AND REFUGEES ON LANDS RESERVED FOR TRIBAL SOCIETY AND TRIBAL WEALTH IN A DEMOCRATIC SOCIETY UNDER IMPERIAL OBLIGATIONS. AT THE TIME IT APPEARED TO BE ONLY A TRANSITORY PROBLEM UNDER THE IMPERATIVE OF THE VANISHING RACES; NOW THIS PROBLEM IS CONNECTED WITH THE BIRTH OF HUMAN RIGHTS AND THE NEW POWER OF "THIRD WORLD" COUNTRIES. THE PRESENT BAFPLEMENT OF FEDERAL POLICY TOWARD "IN-DE-GNS" IS WHETHER TO MODIFY THE ASSIMILATION MODEL, DROP IT, OR MAKE IT OPERATIONAL.

POLICY MAKERS AND SCHOLARS FROM ALL PARTS OF THE WORLD AND FROM ALL RACES HAVE ALREADY GRAPPLED WITH THIS PROBLEM. THEIR SOLUTION: THE HUMAN RIGHTS COVENANTS--A NEW SYSTEM BEYOND SCIENTIFIC RACISM WHICH ATTEMPTS TO ELIMINATE THOSE STANDARDS. THE CANADIAN GOVERNMENT HAS ALREADY ACCEDED TO THESE MULTI-LATERAL TREATIES; THEIR COVENANTS EXIST IN THE CONSTITUTION OF CANADA AS FEDERAL OBLIGATIONS. IN THEIR TOTALITY, THE ACCEDED COVENANTS ENCOURAGE A WORLD OF INITIATIVES WHICH PREVIOUS THOUGHT CONSIDERED IMPOSSIBLE.

THE FEDERAL GOVERNMENT IN THE PROPOSED CANADA ACT HAS NOT SOUGHT TO EFFECT THE TOTAL PRINCIPLES OF THE HUMAN RIGHTS COVENANTS. THEY HAVE SELECTIVELY CHOSEN ONLY THOSE PRINCIPLES CONDUCIVE TO ITS PSYCHOLOGICAL AND POLITICAL IDEAS BASED ON SCIENTIFIC RACISM,

.../7

RECENTLY IN U.N. DEBATES, CANADA HAS ATTEMPTED TO ARGUE AGAINST RECOGNIZING NATIVE RIGHTS BASED ON ITS OWN SELF INTEREST. NOW IN THE CANADA ACT THE FEDERAL GOVERNMENT SEEKS TO ABROGATE ITS OBLIGATIONS TO THE HUMAN RIGHTS COVENANTS, IMPERIAL TREATIES, AND COMMON LAW OBLIGATIONS TOWARD TRIBAL SOCIETY. OF PARTICULAR IMPORTANCE IS THE RIGHT OF SELF DETERMINATION FOR ALL PEOPLES REGARDLESS OF RACE, RELIGION, OR CREED, WHICH HAS REMAINED UNACKNOWLEDGED BY THE FEDERAL GOVERNMENT. THIS ILLUSTRATES TO MI'KMAQ SOCIETY THAT RACISM AND SELF-SERVING GOALS REMAIN THE GUARDS THAT WATCH OVER THE RELATIONSHIP BETWEEN INDIVIDUAL AND THE STATE AND THE PROBLEM OF THE DISTRIBUTION OF WEALTH IN CONTINENTAL CANADA. THESE ATTITUDES ALSO IMMUNIZE THE INDIAN ACT FROM EITHER THE CANADIAN BILL OF RIGHTS AND THE CANADIAN HUMAN RIGHTS ACT.

THE FEDERAL GOVERNMENT SEEKS TO REWRITE ITS HISTORY. IT SEEKS TO COVER UP ITS SINS. THE WHITE PAPER POLICY OF 1969 SOUGHT TO COMPLY WITH THE INTERNATIONAL COVENANT ON THE ELIMINATION OF RACIAL DISCRIMINATION BY TERMINATING THE CONSTITUTIONAL CATEGORY OF "INDIANS AND LAND RESERVED FOR INDIANS." FORGETTING THAT THESE CATEGORIES WERE DERIVATE OF POLITICAL RIGHTS UNDER THE IMPERIAL TREATIES WITH NATIONS AND TRIBES OF INDIANS, THE GOVERNMENT ONLY SAW THEM AS REFLECTION OF RACIAL STANDARDS. THE LEGAL REALITY WAS HIDDEN TO THE RACIST MIND. THE PROPOSED CANADA ACT CONTINUES THIS ERROR. IT SEEKS TO CHANGE THE CONSTITUTIONAL LANGUAGE OF THE B.N.A. ACT--INDIANS-- TO THE VAGUE CATEGORY OF "NATIVE PEOPLES" RATHER THAN TRIBAL SOCIETY.

THE PHASE "NATIVE PEOPLE" GRANTS THE FEDERAL GOVERNMENT TOTAL FLEXIBILITY IN DETERMINING WHO ARE NATIVE PEOPLE AND THE CRITERIA FOR FEDERAL SERVICES. IN THE PAST, THE GOVERNMENT HAS ABUSED THEIR RIGHT TO DETERMINE WHO IS AN INDIAN THEY SHOULD HAVE NO FUTURE POWER TO DETERMINE ITS CONSTITUTIONAL MANDATE CONSISTENT WITH ITS OWN PURPOSES.

THE CANADA ACT ALSO FAILS TO UNITE TREATY FEDERALISM WITH PROVINCIAL FEDERALISM. PREOCCUPIED WITH LIMITING PROVINCIAL POWER, THE FEDERAL GOVERNMENT HAS IGNORED ALL THE FUNDAMENTAL LAW OF THE TRIBAL COMPACT WITH THE CROWN-- THE TREATIES AND THE PREROGATIVES ACTS PROTECTING THE ABORIGINAL RIGHTS-- IN BOTH THE TEXT AND SCHEDULES OF THE ACT. THERE IS NO EXCUSE FOR THIS OVERSIGHT. THE FEDERAL GOVERNMENT IS THE CONSTITUTIONAL PROTECTOR OF TRIBAL RIGHTS AND INTEREST UNDER THE B.N.A. ACT. IT SEEKS TO IGNORE ITS CONSTITUTIONAL DUTY AND WELL AS ITS HIGH STATEMENTS OF ITS DUTY TO THE TRIBAL PEOPLE, JUST AS IT HAS IN THE ADMINISTRATION OF OUR TREATIES. THE FEDERAL GOVERNMENT IS ADVOCATING ONLY ITS POLICY, NOT ITS CONSTITUTIONAL RESPONSIBILITIES AND OBLIGATIONS. IT HOPES THAT CENSORSHIP OF OUR RIGHTS UNDER TREATY FEDERALISM WILL TERMINATE THOSE RIGHTS.

SECTION 24 OF THE ACT ATTEMPTS TO GIVE THE APPEARANCE OF PRESERVING OUR EXISTING RIGHTS, UNDECLARED OR DECLARED. WHY SHOULD THIS BE SUCH A BENEFIT TO US? WE HAVE HAD OUR RIGHTS FOR OVER TWO CENTURY, YET THE FEDERAL GOVERNMENT HAS

HAS REFUSED TO IMPLEMENT THEM. WE ARE NOT A CORPORATION EXISTING SOLELY IN LAW, WE ARE HUMAN BEINGS ATTEMPTING TO FORGE A BETTER SOCIETY.

THE PRESERVATION OF THE EXISTING RIGHTS, UNDECLARED OR DECLARED, MERELY GRANTS US THE RIGHT TO LIVE IN POVERTY AT THE DISCRETION OF FEDERAL POLICY. IF OUR EXISTING RIGHTS ARE SO EXTENSIVE, WHY ARE NOT THEY INCLUDED IN A SCHEDULE OR DISTINGUISHED BETWEEN TREATY RIGHTS AND OTHER RIGHTS? IF OUR EXISTING RIGHTS ARE SO EXTENSIVE, WHY IS 90% OF THE WORK FORCE UNEMPLOYED? WHY ONLY 9% OF OUR HOUSING UP TO PROVINCIAL STANDARDS? WHY DOES SUBSTANDARD WATER AND SEWAGE SYSTEM DESTROY OUR HEALTH DAILY? WHY DOES OUR COMMUNITY ONLY HAVE A 7TH GRADE EDUCATION LEVEL AFTER MORE THAN A CENTURY OF FEDERAL SUPERVISION? THE ANSWER IS THAT THROUGH THE DEPARTMENT OF INDIAN AFFAIRS MOST OF THE MONIES ARE SPENT ON POLITICAL PAY-OFFS OR TO NON-TRIBAL MERCHANTS IN THE SURROUNDING TOWNS, NOT IN FULFILLING ITS RESPONSIBILITY TO OUR SOCIETY.

THE ONLY LEGITIMATE AUTHORITY OF THE FEDERAL GOVERNMENT UNDER THE B.N.A. ACT IS TO PROTECT OUR LAND, RESOURCES AND TRIBAL PEOPLE FROM THE IMMIGRANTS. HAVING FAILED IN THIS ADMINISTRATIVE OBLIGATION TO THE IMPERIAL CROWN AND PARLIAMENT, THE FEDERAL GOVERNMENT SEEKS TO DESTROY OUR PROTECTED STATUS. THEY ALSO HOPE TO IMPLEMENT THE CANADA ACT BEFORE THE AUDITOR GENERAL HAS A CHANCE TO REPORT ON TRIBAL TRUST FUNDS.

.../10

IN THIS REGARD, THE SANTEOI MAWA'IOMI, WITH OUR CONCURRENCE, HAVE FILED A COMMUNICATION WITH THE HUMAN RIGHTS COMMITTEE OF THE UNITED NATIONS TO PROTECT OUR LEGAL RIGHTS AND OBLIGATIONS UNDER THE OPTIONAL CONVENTION TO THE HUMAN RIGHTS ACT. (SEE BACKGROUND PAPERS, PART V) OUR PEOPLE HAVE NO FAITH OR PATIENCE WITH EXISTING LEGAL OR POLITICAL INSTITUTIONS IN CANADA.

OUR IMPERIAL TREATIES GUARANTEE MI'KMAQ FAMILIES THE RIGHTS OF ECONOMIC OPPORTUNITY, POLITICAL LIBERTY, AND CULTURAL INTEGRITY. THE CANADIAN GOVERNMENT HAS REFUSED TO HONOUR ITS COMMITMENTS TO US AND, THE CROWN: FOR A VARIETY OF EXCUSES BASED ON TRIBAL LIFESTYLES, NOT FEDERAL POLICIES, ASSUMPTIONS AND ATTITUDES. THEY SEEK TO DESTROY THE LAST VESTIGES OF OUR TRIBAL SOCIETY UNDER THE NOTION OF INDIVIDUAL RIGHTS RATHER THAN FIDELITY TO THEIR OBLIGATIONS.

MI'KMAQ SOCIETY SEEK TRIBAL ASSIMILATION INTO CANADIAN POLITICS, NOT INDIVIDUAL ASSIMILATION INTO A PROVINCE. WE DESIRE TO MAINTAIN OUR FREEDOMS, NOT END A TRIBAL LEGACY WE INHERITED WITH OUR HEARTBEAT FROM OUR PARENTS.

FACED WITH A SIMILAR PROBLEM BETWEEN THE RACES AND CULTURE OF FRENCH AND ENGLISH IN CANADA, THE PROVINCE OF QUEBEC WAS CREATED OUT OF THE PROVINCE OF CANADA TO RESOLVE THE CRISIS IN THE B.N.A. ACT; THE CANADA ACT SEEKS TO EXTEND THAT PROTECTIVE POLICY FOR A CULTURAL MINORITY FROM THE DOMINANT SOCIETY.

THE UNION HAS SOUGHT TO BUILD ON THIS PRINCIPLE OF POLITICAL LIBERTY TO OUR SITUATION IN OUR DRAFTS PROPOSED ON BILL C-60 AND ON THE REVISIONS TO THE INDIAN ACT. (SEE, BACKGROUND PAPERS, PART II AND III) BOTH WERE IGNORED BY THE FEDERAL GOVERNMENT. WHILE WE ARE IN AGREEMENT WITH ENDING RACIAL DISCRIMINATION, WE DO NOT ACCEPT THE FEDERAL GOVERNMENT'S SOLUTION TO INDIAN PROBLEMS. AFTER ALL, WHEN A BABY'S BATH WATER GETS DIRTY, YOU DON'T THROW OUT THE BABY WITH ITS BATH WATER.

OUR CURRENT POVERTY HAS BEEN OFFICIALLY BLAMED ON THE DEPARTMENT OF INDIAN AFFAIRS SINCE 1969. THAT IS A CORRECT ANALYSIS OF THE PROBLEM. THE DEPARTMENT CONTROLS OUR WEALTH FOR NATIONAL CONCERNS, ALLOCATING MONIES MOSTLY TO PROVINCES TO PROVIDE SERVICES, AND SENDING ABOUT 83% ON DIRECT AND INDIRECT ADMINISTRATION WITH LESS THAN 5% OF ITS BUDGET EVER REACHING A POOR TRIBAL INDIAN. IT ALSO FAILS TO PROTECT US IN FEDERAL CABINET IN FISHING AND HUNTING LEGISLATION. TO CORRECT THESE FISCAL ABUSES, FEDERAL MONIES HAVE TO BE SENT DIRECTLY TO THE BANDS TO CREATE ECONOMIC SELF-SUFFICIENCY IN THE SAME MANNER AS TO OTHER POOR PROVINCES AND THE DEPARTMENT OF INDIAN AFFAIRS MUST BE DISESTABLISHED, (SEE, BACKGROUND PAPERS, PART IV FOR A COMMUNITY-CENTERED APPROACH)

IN THE PAST OUR GOAL WAS TO HAVE ALL THE MI'KMAQ BANDS IN CANADA CONSOLIDATED INTO A PROVINCE OF CANADA REGARDLESS OF EXISTING PROVINCIAL BOUNDARIES. EACH BAND WOULD HAVE BEEN A MUNICIPALITY OF THE MI'KMAQ PROVINCE.

AFTER WITNESSING THE CURRENT GOVERNMENTS' ATTEMPT TO CONFISCATE THE WEALTH AND POWER OF THE EXISTING PROVINCES IN A SAME MANNER AS LAND AND NATURAL RESOURCES WERE CONFISCATED FROM INDIAN TRIBES AFTER CONFEDERATION AND ITS CURRENT REFUSAL TO HAVE AN INUIT PROVINCE IN THE NORTH, WE ARE NOT SURE THAT CANADA IS AN ACCEPTABLE POLITICAL ENVIRONMENT, THEIR EXISTS A STRONG PARALLEL HERE, THE FEDERAL GOVERNMENT, IN ITS FIRST CENTURY, LIBERATELY SOUGHT TO END TRIBAL GOVERNMENTS IN CANADA DESPITE OUR TREATIES, IN ITS SECOND CENTURY, IT SEEKS TO LIMIT PROVINCIAL GOVERNMENT FOR ITS OWN BENEFIT DESPITE B.N.A. ACT. HAVING ALREADY SEEN THE EFFECT OF THIS MARCH TOWARD ABSOLUTE POWER, THIS POLITICAL CANCER IS UNDEMOCRATIC. IT DISREGARDS THE ELEMENTS OF POLITICAL CONSENT BOTH IN THE TREATIES AND THE B.N.A. ACT. IT WOULD BE BETTER FOR OUR CHILDREN IF WE BECOME A TRUST TERRITORY OF EITHER THE UNITED KINGDOM OR THE UNITED NATIONS STRIVING TOWARD INDEPENDENCE THAN TO HAVE OUR TRIBAL HERITAGE TERMINATED FOR THE UTILITARIAN CALCULUS OF THE FEDERAL GOVERNMENT.

WE REFUSED TO BE TREATED LIKE COLONIES OF CANADA OR TO BE FORCEFULLY ASSIMILATED IN A TRYANNICAL CANADA. OUR POLITICAL AND LEGAL RELATIONSHIP IS WITH THE IMPERIAL CROWN NOT CANADA; HENCE IT IS OUR DECISION AS TO OUR FUTURE, TO BE MADE IN THE FOLLOWING MONTHS ON WHAT IS IN OUR BEST INTEREST FOR TRIBAL SOCIETY,

WE HAVE TWO QUESTIONS WHICH WE WOULD LIKE THE COMMITTEE TO PONDER AND ANSWER FOR US. FIRST, WILL THE CANADA ACT FREEZE THE NOTIONS OF A SUPERIOR EUROPEAN RACE AND CULTURE INTO CONSTITUTIONAL LAW OR IS IT AN ATTEMPT TO BREAK THE HISTORY OF COLONIALISM AND RACISM IN CANADA? SECOND, DOES CANADA STILL BELIEVE THAT TRIBAL SOCIETY IS AN EVOLUTIONARY CUL-DE-SAC IN POLITICAL DEVELOPMENT WHICH IS PREORDAINED TO VANISH BY THE WILL OF RACIAL GENES AND SCIENTIFIC RACISM OR THAT IT IS ENTITLED TO THE SAME PROTECTIONS AS THE FRENCH PEOPLE IN CANADA? THESE ARE DANGLING QUESTIONS IN THE DEBATE OVER THE CANADA ACT. THE ANSWER TO THESE QUESTIONS, WOULD HELP OUR SOCIETY ADDRESS THE CANADA ACT IN A MORE RATIONAL MANNER.

WE SHALL NOT FOLD OUR ARMS IN THIS BATTLE FOR HUMAN RIGHTS. WE HAVE THE SUPPORT OF THE WORLD BEHIND OUR QUEST FOR SELF-DETERMINATION AND DIGNITY. WE ARE NOT ALONE, ANYMORE.