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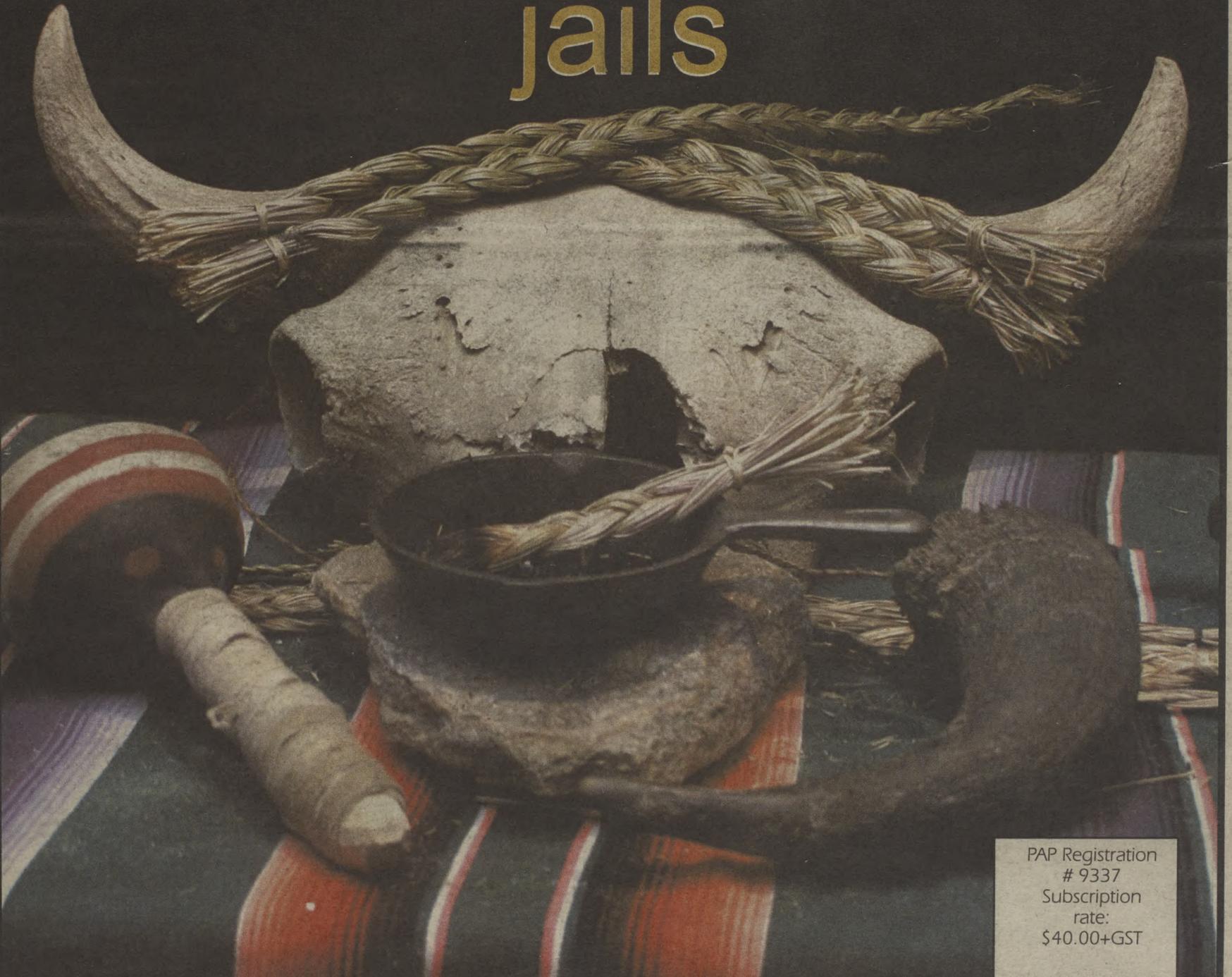
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WHO SHOULD ATTEND

Aboriginal professionals working in finance,
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CONFERENCE HIGHLIGHTS

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- Computer Applications

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Conference Committee: Grace Atkinson at 250-381-9880

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Features

Students stymied over college credits 8

Students of Red Crow Community College's Kainai studies program are confused and don't know where they stand. A former instructor at the college says they've wasted the last two years of their life taking courses that are not transferrable for university study, but the president of the college wants to assure them everything is going to work out just fine.

Sweetgrass burning banned in jails 9

A provincial ban on smoking tobacco products in provincial jails has been extended to include the burning of Sweetgrass, a plant considered sacred by Aboriginal people and used in prayer. Former inmate Andrew Reid says that's wrong, and has retained a lawyer to fight for equal religious rights for Native people.

Native radio network wants public money 10

Toronto-based Aboriginal Voices Radio (AVR) has been lobbying Canadian Heritage for \$15 million to expand into other urban markets where it has licenses. The Assembly of First Nation has supported the fundraising effort, but other Native radio societies are calling foul, telling AVR to get to the back of the line.

Judge's decision fuels speculation 11

When Mr. Justice Max Teitelbaum ordered the Minister of Indian Affairs to hand over \$360 million to the Samson Cree Nation, monies held in trust by the Crown from oil and gas revenues, he sparked debate over whether he has made his decision in favor of Samson in its \$1.4 billion suit against the federal government.

Special Feature: Windspeaker looks at the trials and triumphs of overcoming infrastructure challenges in First Nation communities—housing, water and air quality.
Pages 17 to 21

Departments

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The Alberta ban on burning Sweetgrass in provincial jails was badly thought out and will not survive a court challenge based on charter rights. What we're hoping is that it won't take a lawsuit to encourage powerhouse Premier Ralph Klein to do the right thing.

[what's happening] 7

Community events in Indian Country for February and beyond.

[strictly speaking] 15

Drew Hayden Taylor says being of mixed blood puts him in good company; Law columnist Tuma Young says divorce should be between a man and his spouse, not a man, his spouse and the band office; and Inuit commentator Zebedee Nungak loves his satellite phone, but claims he's no High Tech Eskimo.

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[canadian classroom] 22

Salmon may be good for you, but how do you choose between a dinner of the wild variety or one from down on the fish farm? Windspeaker considers the pros and cons of farm fresh salmon and compares the environmental and health risks to the endangered stock of the wild Pacific salmon runs.

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Anne Anderson made a promise to her dying mother that she would work to keep the Cree language and culture alive, and that's just what she did. Dr. Anne Anderson has more than 90 published works to her credit on the subject, including a 38,000 word Métis/Cree dictionary.

8



9



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Windspeaker is published by the Aboriginal Multi-Media Society (AMMSA) Canada's largest publisher of Aboriginal news and information. AMMSA's other publications include:

- Alberta Sweetgrass — The Aboriginal Newspaper of Alberta
- Saskatchewan Sage — The Aboriginal Newspaper of Saskatchewan
- BC Raven's Eye — The Aboriginal Newspaper of B.C. and Yukon
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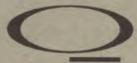
Please Launch this Magazine in Eight Weeks: The very short but inspirational story of Toro's birth by Derek Finkle, Editor of *Toro*, Canada's new lifestyle magazine for men. Derek Finkle has written for *Saturday Night* and *Toronto Life*, and is the author of *No Claim to Mercy*, which was hailed "a model of investigative journalism."



Time and Spirit: the Geist Zeitgeist, a story about survival by Stephen Osborne, Publisher of *Geist*, the magazine of Canadian ideas and culture. Stephen Osborne recently won the Outstanding Achievement Award at the National Magazine Awards for his contribution to publishing.

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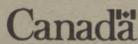
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Sweetgrass ban is just plain wrong

Alberta's ban on the burning of Sweetgrass in provincial correctional facilities (see page 9), based on the idea that the smoke poses a health and safety risk, was poorly thought out and will more than likely someday be overturned as a violation of the Constitution.

We hope that the Alberta government doesn't wait for the courts to force this issue.

Some accommodation for the religious practices of First Nation, Métis and Inuit people must be made, not only because accommodation is made for those who practice the religions of the relative newcomers to North America, but because it is a basic Canadian value. Not all Canadians are religious, but the vast majority of Canadians respect people's religious beliefs and their right to hold them, whether they agree with those beliefs or not.

To respect the religious beliefs of every group but Indigenous peoples is discrimination, plain and simple, whether it was intended or not.

Don't get us wrong. There are smokers on staff here who hate the fact that there are fewer and fewer places where they can enjoy a smoke in comfort. But, though they may grumble, deep down in their hearts they know that second-hand smoke creates health problems for others. People shouldn't have to breathe in noxious fumes to accommodate the comfort of smokers. And the smokers get that.

The comments by Guards' Union spokesman Mike Rennick could be seen—will be seen by some—as racism. It did seem callous when he said, "if [practicing your religion] is that important to you, brave the cold."

But, knowing the tradition of antagonism between guards and inmates, we're willing to attribute those comments to a strained relationship instead of to racial hatred. We played a two-week-long game of telephone tag with Mr. Rennick. We got the impression he was not running and not hiding. We just didn't connect. It happens.

But the bottom line is that Health Canada and a policy analyst with a science degree told us there is no research about the effects of Sweetgrass smoke. Health Canada would know, we believe. And all the research material available (and we looked at a lot) says that coumarin, the one potentially dangerous ingredient in Sweetgrass, is only harmful when ingested and even then only after it has gone through a chemical change that turns it into something else.

So it looks like the Guards' Union jumped the gun and made an assumption. We're even willing to concede it was an assumption made for a good and honorable cause, that of protecting the health of provincial employees and the inmate population.

For Mr. Rennick to state bluntly that Sweetgrass smoke is carcinogenic, when the people with PhD after their names who work for Health Canada say there is no data to support that, is evidence that a conclusion was jumped to without much thought. It's unfortunate that casting aside someone's freedom of religion could be done with so little research, but it's not too late to address that mistake and learn from it.

We're happy to see that the Official Opposition in Alberta is willing to look at the matter. But the bottom line is—and even the Liberals will tell you this is true—the Ralph Klein government doesn't really have to pay that much attention to them. King Ralph has a clear mandate and his party occupies most of the seats in the Alberta legislature. Premier Klein has said in the past that he is a friend to First Nations' people. This would be a great opportunity for him to prove it.

All people with spiritual beliefs should be free to practice them as long as their freedom doesn't harm others. And the people with the expertise say there is no evidence that burning Sweetgrass hurts anyone.

We call on the Alberta Union of Public Employees to review the evidence on the health threat posed by burning Sweetgrass. We do so because we're convinced that they will discover there is no evidence directly linking this form of coumarin to any threat to health.

With that threat out of the way, the government of Alberta can resume showing respect for the spiritual beliefs of Indigenous peoples. We think they should and right away.

—Windspeaker

What we need

Dear Editor:

Both of my children currently attend a public school. My children are ashamed to admit they are First Nation people, as they do not want to be different from the other children because there is nothing in the school that reflects who they are or where they come from.

My children are being measured by what they know about Western knowledge in all their assignments, which sets them up to fail. Aboriginal children are raised in an Aboriginal worldview for the first five years of their life. Then, when they enter kindergarten and Grade 1 in a public school, they are immersed within the Western worldview where they are expected to achieve according to the same standards as children who come from this worldview.

How can they be expected to achieve? Just making that adjustment from one worldview to another puts them two years behind the other children who come from the Western worldview. If mainstream teachers could only imagine attending school in China where everything is alien to what they know and understand, would they be able to achieve and excel?

Recently, I stopped to listen to the last part of the discussion in a meeting held by the Treaty 8 education commission. The question they put to participants was: "What kind of education service should be provided by First Nations, Treaty 8, Indian Affairs and tribal council?"

The answer should be obvious: Education services for all Treaty 8 members should be in a centralized location in one school division. This division will manage all the education services for all 23 bands within Treaty 8. It will involve all levels of education, including post-secondary, assessment for special needs, have its own curriculum and standards. This school division will make the curriculum relevant to the children of Treaty 8 and will not be based on a hierarchical model like that from which the current mainstream teachers work and which is reflected in their curriculum and in their teaching methods.

Alberta Learning and public schools will continue to do piece-meal approaches toward Aboriginal education. As First Nations people, we need to work together and have an education that will be responsive to our own First Nation children.

—Vince Laboucan

Métis hunting rights

Dear Editor:

Do the various Métis organizations and leaders think they are a law unto themselves whenever the case of harvesting rights is discussed? Canadian government policy and court decisions should not be based on bad and revisionist history considering there was never an identifiable Métis nation in Eastern Canada.

I think the real crux of the issue is the question of Métis identity itself. I think it takes more than rummaging through some dusty old archive and speculating one's great-great-grandparent may have been an Indian princess or an Indian brave to qualify one to be regarded a Métis.

The growing number of non-Native people claiming some mythical Indian ancestor to gain some hunting, political or employment benefit only serves to dilute and harm Aboriginal rights in the future for legitimate Métis and Indian Nations who continue to defend their culture. If the trend continues to grow then the cultural historical makeup of Métis-ness will become a cheap caricature of a people who fought and died out in the cold prairies defending what was their right.

One way of solving this ethnic and racial fraud is to enact a statute of limitations on claims of Aboriginal ancestry and that should serve to provide a basic level of integrity back to the true Métis nation.

Craig K. Fontaine
Fort Alexander Indian Reserve, Man.

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[rants and raves] Lovely and succinct

Dear Editor:

As president of Aboriginal Business Quest Consultancy Group Inc. (ABQ), I was pleased to read the letter written by D. Beaverbone entitled: The deep fall is only part of our history, in your January 2005 edition.

The Beaverbone letter makes an analogy to a waterfall and the hardships one would undertake travelling river and waterfall. The comments of the author are like fresh wind, and I was delighted to see the author make statements such as "... Step out from the weight of the falling water and breathe"..." We are not victims. We have survived and adapted to countless hardships and changes thousands of years before this land was discovered. Sometimes you must firmly grasp the past in order to design a desirable future."

ABQ is charged with assisting First Nation communities to design their desirable futures. As such, we must believe we are capable of knowing what that future is, and trusting our models can continue to be successful in their application with people. We firmly believe and think within that capability, but have never seen it stated so succinctly, and so lovely, as in this letter. I would greatly appreciate your conveying our congratulations and support to the author.

—Bonnie Watts

A Métis political mess

Dear Editor:

Re: Métis Nation—Saskatchewan

It is a real shame that another Métis is trying to bring the Métis down. I know a lot of people who have lost faith in our Métis leaders and are turning to Bill C-31 to become treaty. I am also ashamed of these so-called Métis leaders that are only there to try and make a name for themselves even at the cost of their own people.

Also, the Métis are not the only ones that have made mistakes in the voting process. There are discrepancies in every election in this world. Why are we the only ones being punished?

—Sylvia

The secret to living

Dear Editor:

I have enjoyed reading over the many shared stories of people who are on their spiritual journeys and some who are struggling with their cultural identities. I will tell you a little about myself. I am a full-blooded Cree (both my parents were Cree) originally from the Piapot First Nation in Saskatchewan. I was told I was a Roman Catholic and I did go to church as a young child, but as I grew older, much older, I was searching for something and I knew there was something missing in my life. I was not connected to my spirituality. Then in 1992, I went to a ceremony and since that time I knew this was what I was searching for. I now know how important it is to practice and follow my Native traditional ways. By going to ceremonies, (give-aways, tea-dances, feasts and sweats) smudging, attending powwows, round dances and other cultural events is the only way for me to go. I have children and they also have been introduced to these traditional ways. I see our young people who are into alcohol/drugs, you name it, and I feel sorry for all of them.

I have told my children about the teachings of the medicine wheel, that we have to have balance in our emotional, physical, mental and spiritual life. If you are not connected to your spiritual part then you are out of balance. I feel that we as parents have to be role models for our children. Who else will teach them about their traditions if you don't? That is what I have learned. I want my children to be able to pass their traditions on to their children and their grandchildren.

I have found that there is too much of our rich cultural traditions that are being taken for granted because many people live in big cities like Calgary (where I reside). I have also found that I have to live in a white society (because I need to work to survive), but I practice and follow my Native traditions.

I would like to encourage all my Native peoples to do the same. We must not forget about our Native traditions and ways, for they are our ways. Every day when I wake up I pray for our Elders for their teachings, our ceremonies and our medicines (sweetgrass, sage and cedar).

—L.N

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S.I.N. No.: _____ Date of Birth: M ___ D ___ Y ___

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How Long (years): _____ Rent: \$ _____

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Home Phone: () _____ Work Phone: () _____

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Employer Address: _____

City: _____ Province: _____ Postal Code: _____

Gross Weekly Income: \$ _____ Monthly: \$ _____

Other Sources of Income (weekly): \$ _____

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College dispute upsets students

By Paul Barnsley
Windspeaker Staff Writer

BLOOD RESERVE, Alta.

The administrators of the Blood Tribe's Red Crow Community College took what some might call a calculated risk that still has a small chance of blowing up in their faces.

Students entered the college having been told that their work in the Kainai studies program would be transferable for credit towards a bachelor's degree at the University of Lethbridge (U of L). Ann Gibbs, a former instructor at the school, thinks there's a chance they will not see that promise fulfilled.

But it's a small chance, say the president of the college and the university dean.

Kainai studies [Kainai is the word the Blackfoot people call themselves] was advertised as being in a "post-diploma bachelor's degree stream," even though no formal agreement with the university had been finalized. And with the agreement still not in place, some students are worried they've wasted the last two years of their lives on credits that are worthless.

Ann Fox, one of the students, says she and her family spent two years making sacrifices and working hard so she could pursue her bachelor's degree in social work. When she applied to the University of Calgary (U of C), Fox was told that her courses at Red Crow were not transferable.

Fox said she was humiliated in front of her family, especially her young children who'd had to do without mom while she did her homework and attended classes.

Windspeaker met with Gibbs and Fox, and others who do not want to be named, in Fort McLeod, Alta. on Jan 14.

"I wanted to get a degree. When I saw the advertising of Kainai studies, it was the perfect opportunity for me. After I enrolled, everything was all set," Fox said.

She was told she would earn 20 credits that could be transferred to university.

"In my second year, I planned

"Right now, it's not going anywhere because I have not received anything after this two years. The agreement was that we were going to receive our two-year diploma and at the end I found out we had nothing. When I did apply to [the University of Calgary and I got my letter back in August 2004, and they only accepted four credits.]"

—Ann Fox

to work into the social work program because it was being offered by University of Calgary. I thought that, because [Kainai studies] was being offered on the reserve, it would be convenient for me," she said. "Right now, it's not going anywhere because I have not received anything after this two years. The agreement was that we were going to receive our two-year diploma and at the end I found out we had nothing. When I did apply to U of C and I got my letter back in August 2004, and they only accepted four credits."

College president Marie Smallface Merule said the students have been alarmed without need because negotiations with the university are on-going.

"This is such an unnecessary situation because those courses are transferable. They're not transferred as a block yet formally, because that formal agreement is being formalized. But we have an interim transitional arrangement with the university. So it's almost the same as if we had the formal block transfer agreement," she said.

The college president said Fox was told in advance that the transfer agreement was only with the University of Lethbridge.

"She knew from the start that her courses were not transferable to the U of C, that they were transferable to U of L. But she decided she wanted to switch to social work. She gets her diploma and she has all her post-secondary units for a degree still intact because that was

a diploma program," she said. "[S]he knew from the start that that program transferred to U of L not U of C and it transfers in Native American Studies in U of L, not social work."

Gibbs said the school can't give diplomas because it's not accredited. Smallface Merule says she's wrong.

"We are accredited. And this is something that's misunderstood nationally. There is no national accreditation program. What you do is you go through a process where you're recognized by the different areas of the provincial government," she said. "The only way to get recognition is to work as a mainstream institution. If you're a First Nations public institution, which is what we call ourselves because we're created by our chief and council, we don't seek the accreditation that private institutions do."

She said all the students who complete Kainai studies will be allowed to transfer those courses to the University of Lethbridge because there was prior approval from the university.

"If we're going to have a course transferred to U of L, U of L has to give prior approval to the course and instructor. Those are the arts and science and Kainai studies courses we offer at Red Crow College," she said.

The agreement that will formalize the transfer of credits is expected soon, she added.

"Well, we're hoping it'll be ready by April. It will be listed in the calendar next fall. Universities are so slow."

She was asked if the students will have to wait if the agreement



is not ready.

"No. No. What I've told you is right now. They can apply the courses. In any transfer a student has to have a certain GPA. And these students seem to have that GPA from my review of their transcripts. Nobody sees any problem, but until they actually apply [for further study at the university] and get their credit they can't say they're not transferable. Once that process has been completed, then they can see whether or not all their courses are transferable," she replied.

Christopher Nicol, dean of the faculty of arts and science at the University of Lethbridge, said Red Crow has been doing its due diligence to make sure the courses will be accepted.

"The historical agreement, as far as the course by course transfer, has been in place for a very long time, before I actually came here. More recently we have been working on the possibility of an agreement with the college where there might be an arrangement where courses in their Kainai studies diploma would transfer here. We haven't reached a formal agreement yet. We have been working on that since before [Red Crow] actually introduced the [Kainai studies] program," he said.

He didn't believe any students had yet applied to the university so it was impossible to know if the lack of agreement was a problem.

"My sense is we haven't actually had any applicants yet who have completed that program

and have the complete diploma or whatever they're offering for it at this point. But I'm pretty sure that we've got students around who have taken courses from that and are admitted as students through other programs," he said. "They've got to ultimately apply here and bring their transcripts from the college and then it'll be evaluated."

But he couldn't say when a formal agreement will be announced.

"Well, I anticipate that some agreement will eventually come about. It's hard to say what the time lines are because we've been working on this with them for over two years now and one of the issues that we face is that they have a fair bit of turn-over in their academic staffing," he said. "So every time a course [is offered] it's not often offered consecutively by the same instructor. They don't seem to have a lot of long-term academic staff at the college, which is an issue for us because most of the colleges we deal with have a cohort of tenured or long-term academic staff and you know who these people are when you're negotiating an initial agreement. So we're still, I think, waiting for information on the various instructors who'll be involved. That's an essential consideration."

He encouraged the students to follow up with university staff.

"I would say to the students that if they have concerns about the transferability of their courses to the University of Lethbridge, if they're ready to apply they should apply and find out exactly how that's going to be treated."

Gibbs said the students should not have been told they would be able to transfer their courses if there wasn't an iron-clad agreement in place.

"Of course, if we give them enough time—it's two-and-a-half years now—they will eventually have something," she said.

"There's no diploma in place and they sent these students through two years of their lives. They're saying now after the fact that they're doing something. Of course they're rectifying it, to try to help themselves."

Haida art is found in place of honor

By Paul Barnsley
Windspeaker Staff Writer

OTTAWA

The subject of the latest portrait unveiled in Parliament's hall of honor is Kim Campbell, Canada's first and still only female prime minister. Behind Campbell in the painting is the work of Haida fashion designer and artist Dorothy Grant.

Campbell's portrait was revealed on Nov. 30 during a brief ceremony attended by current

Prime Minister Paul Martin. Painted by British Columbia artist David Goatley, the newest addition shows Campbell in a simple black dress with three robes hanging in the background. One of those is a red and black Raven Story Teller robe that Campbell purchased from Grant in 1998.

"In the portrait she has three robes in the background. One is her academic robe. And then there's her legal robe. For her political robe, she chose my robe. So that was quite an honor that she chose a First Nations' robe to represent her political side," Grant told

Windspeaker during an interview in Ottawa on Dec. 8.

The hall of honor is an ornate corridor that serves as the dividing line between the House of Commons and the Senate on Parliament Hill. Portraits of prime ministers line the walls.

Grant agreed with a laugh that it had been a good week for Haida, having her work take its place in Parliament at about the same time as the Supreme Court of Canada's Haida decision was handed down. The court decision recognized her people's right to be consulted on resource harvesting on their tradi-

tional land. Grant said she was delighted to be part of Canadian history. "I'm really honored to be the first Aboriginal person to be included," she said.

Because she was not directly involved in the creation of the portrait, Grant was not informed that her work was in it. She learned of it when British Columbia Senator Pat Carney called several days after the ceremony.

"I haven't had a lot of time to think about it because it's only been a little over 24 hours that I've actually known about it. To put it in a context that, yes my work has

been immortalized in such a place of high honor in Canada, it really, really is an honor. It's a woman that's chosen it. It just brings attention to our issues, that we are something to identify with and reckon with in Canada," Grant said.

Her friends are making sure she appreciates the significance of this development.

"They said to me, 'You know you will be forever in the house of honor.' Wow. I never thought of it that way. I guess that's something to add to my résumé," she said.

Sweetgrass burning banned in provincial jails

By Paul Barnsley
Windspeaker Staff Writer

EDMONTON

In provincial jails in Alberta, a ban on smoking tobacco products has been extended to include the burning of Sweetgrass, a plant considered sacred to Aboriginal people and burned to send prayers to the Creator on the smoke.

Andrew Reid says the decision to ban Sweetgrass use means freedom of religion is now something reserved for only the non-Aboriginal people at provincial correctional facilities and he's made up his mind to do something about it.

The 46-year-old member of the Buffalo Lake Métis Settlement recently completed a four-month sentence at Fort Saskatchewan Correctional Institution (the Fort), located on the northeast edge of Edmonton. He was convicted of unlawful entry and incarcerated during the months after the smoking ban was implemented in September 2004.

Sweetgrass carcinogenic?

Reid said guards began confiscating Sweetgrass from inmates in August in preparation for the official start of the smoking ban. He contacted a lawyer through legal aid and began legal action to overturn the ban.

"I'm going to fight it because it's wrong," he said.

The Alberta Guards Union pushed the smoking ban in all provincially-run correctional facilities for health and safety reasons. The proposal was adopted by the Alberta government shortly after an Ontario court ruled that a waitress who faced long-term exposure to second-hand smoke in the workplace was eligible for workers' compensation.

"Members of our union who work in Alberta correctional facilities are thankful that the province has introduced a smoking ban, which members have advocated for years," said Alberta Union of Public Employees President Dan MacLennan.

Mike Rennick, another union spokesman, defended the ban on burning Sweetgrass in an interview with the *Edmonton Sun*. He said the inmates can simply go outside if they want to burn Sweetgrass.

"If it's minus 25 and it's that important to you, then brave the cold," he told the *Sun*. "The Christian Bible doesn't kill me—Sweetgrass is carcinogenic."

Reid said inmates are only allowed to go outside to smudge and pray for 30 minutes each day



FILE PHOTO

Does Sweetgrass inhalation pose the same danger that second-hand cigarette smoke does? An Alberta Guards Union spokesperson says it does. Sweetgrass burning in provincial jails has been banned, leaving Native prisoners having to go out in the cold to practise their spirituality.

between 8:30 p.m. and 9 p.m. He complained that it's hard to concentrate on spiritual matters when it's minus 25 degrees Celsius and points out that the Christian inmates don't have to go outside to pray. His lawyer, Charles Davison, wrote a four-page opinion that concluded the decision could be a breach of Native inmates' charter rights.

Charter rights infringed

Section 2 (a) of the Canadian Charter of Rights and Freedoms guarantees "freedom of conscience and religion" to all Canadians. Section 15 of the charter guarantees "equal protection and benefit of the law without discrimination based on race ... [or] religion."

"Restricting when and where and how often a Native inmate may use his Sweetgrass in order to practice a basic part of his spiritual beliefs would be [as Reid has pointed out] similar to a rule which would similarly restrict when a Christian inmate would be permitted to read the Bible or pray," the lawyer wrote.

Reid said many of the inmates are finding ways to get around the smoking ban. They grind up nicotine patches used by those

trying to quit smoking, mix in tea leaves and roll the substitute "tobacco" with, ironically, pages from Bibles.

"So I asked some of the guards why they don't confiscate the Bibles like they did the Sweetgrass. And they said they can't because it's too big a challenge," he said.

And incense is burned during Roman Catholic ceremonies in the chapel at the Fort. Reid asked how smoke from the incense was different from Sweetgrass smoke. He was told that the Roman Catholic practices "were part of ancient history that couldn't be interfered with."

"Well, it's the same with our Sweetgrass," Reid said.

Incense still burned in chapel

Now that he's out of jail, Reid plans to follow up the legal process and he also contacted the local media to bring attention to the matter.

"I know I'm on the right track. I just wish there was someone who'd get on the bandwagon and help me," he said.

Other observers wonder about Rennick's comments.

James Lamouche is a policy analyst with the National Aboriginal Health Organization. He

works with traditional healing practices and Indigenous knowledge. He also has a bachelor of science degree and has done research in immunology and pulmonary health.

"I can't really speak about the guard union's intentions or opinions on the matter but the conclusions that they drew from the science are just not valid, in my opinion. The coumarin that they're talking about, the actual chemical, for that to be toxic or carcinogenic two things have to happen. It has to be changed into a different form and then it has to be ingested and neither of those things are going to happen if you're talking about smudging," he said.

He found it troubling that Aboriginal prisoners were not able to freely practice their traditional spiritual ceremonies.

Gift from the Creator

"A lot of these people are at a point in their life where they need the traditions and the ceremonies, the rituals of our peoples, now more than ever. And I think that anything that cuts into that, any barriers for inmates to do that is not going to benefit anybody in the long run," he said.

"Sweetgrass doesn't constitute a health hazard. It has been used in a very specific way by our peoples for centuries. It's obviously got ceremonial purposes as a source for strength and connection to the Creator. It's a gift from the Creator and if it's used in the way that it was intended and has been shown to us by our ancestors, it can't do any harm."

To consider the breathing in of Sweetgrass smoke to be the same as second-hand cigarette smoke "would be a very loose definition of ingestion," Lamouche said.

"Cigarette smoke is a different thing. It's not the same as a smudging ceremony. When you're smudging you're not breathing in the entire output of the burning Sweetgrass. Obviously it's floating in the air but it's kind of disingenuous to compare smudging to smoking a cigarette," he added.

He said that incense used in Roman Catholic ceremonies could be dangerous as well, although he did not call for the banning of that practice.

"In a lot of instances, in poorly produced or cheap incense, there's a high lead content," he said. "But the thing again is that it gets into a comparative risk game. There's all kinds of chemicals that anybody would be exposed to in any building and particularly in an institution such as a corrections facility. What's the risk of ingesting the fire retardants in the carpet or things in your pillow? So I

"If it's minus 25 and it's that important to you, then brave the cold. The Christian Bible doesn't kill me—Sweetgrass is carcinogenic."

—Mike Rennick,
Alberta Union of
Public Employees
spokesman

think from a scientific standpoint it's not really a valid or fair comparison."

Coumarin was used as a replacement for vanilla flavoring, but it was found to be carcinogenic when ingested.

"It naturally occurs in strawberries, apricots, cherries and cinnamon. It's a naturally occurring chemical but what makes it toxic ... it's called a rat poison in a lot of the literature but coumarin itself is not the rat poison. It has to be chemically altered to become a chemical called dicoumerol and that's the poison. Coumarin is not a poison itself, it's a precursor for a poison," Lamouche said.

Health Canada spokesperson Nathalie Lalonde said researchers in her department had only looked at the effects of coumarin when it is ingested.

"To our knowledge, no specific studies of coumarin inhalation have been conducted and therefore we cannot really properly assess the dangers linked to this practice," she said. "It is however Health Canada's policy that the inhalation of burning vegetable matter is not a safe practice. Having said that, it is not our mandate to make any distinction or make any judgement on cultural practices."

Lamouche was not surprised to hear that.

"I wouldn't expect there to be any data because throughout the history there's nothing to indicate that it's unsafe," he said. "It's been used for thousands of years in this particular way and there's nothing that would make people have any inkling that it would be toxic."

Bruce Miller, a member of Alberta's Liberal opposition party, said on Jan. 24 that he would be discussing the freedom of religion aspect of this issue when the Liberal caucus met in Calgary over the next several days.

"We're all for Aboriginal people rediscovering their traditional spirituality," he said. "And we're very, very supportive of that."

[news]

AVR network seeks government money

By Paul Barnsley
Windspeaker Staff Writer

TORONTO

A relative newcomer to the Aboriginal broadcasting scene in Canada has been lobbying Canadian Heritage for \$15 million to complete its plan for a Canada-wide radio network.

Toronto-based Aboriginal Voices Radio (AVR) needs the money to expand into Ottawa, Vancouver, Montreal, Calgary, Edmonton and Kitchener-Waterloo where it has licenses to bring Aboriginal programming to the urban market.

AVR's lobbying effort is not sitting well with established Aboriginal communications societies across the country. They are against any proposal that would see AVR as the lone beneficiary of government largesse. If there is new federal money available for Aboriginal broadcasting, they say, it shouldn't just go to the new guy on the block, especially if it's to be used to undermine existing radio operations.

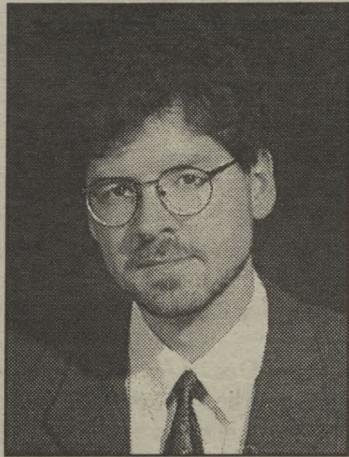
Nap Gardner works as an advisor for Missinipi Broadcasting in Saskatchewan. He spearheaded a fax campaign to protest an Assembly of First Nations' resolution that supports Canadian Heritage funding for AVR's expansion.

"Further be it resolved that the Assembly of First Nations support the current proposal by Aboriginal Voices Radio Inc. to the federal government for one-time funding to immediately accelerate the expansion of Aboriginal radio to all major centres across Canada," the resolution read.

A flurry of faxes to urge National Chief Phil Fontaine to reconsider that support was sent in response. The faxes were signed by the heads of the existing Native communications societies and copies sent to Canadian Heritage minister Liza Frulla.

"I am writing to you to express ... deep concern regarding the support that AFN and you are providing to Aboriginal Voices Radio (AVR) in their current push to obtain government funding to operate a national radio network," the fax stated. "As I understand it, the chiefs in assembly supported AVR, initially, on the conditions that it was to be a commercial enterprise and not seek public funding and that it would work with the current Aboriginal radio broadcasters across Canada. This, however, has not been the case. In fact, the public funding of AVR could prove a serious detriment, if not a fatal blow, to many of the existing Aboriginal radio broadcasters who have a long history in serving their regions.

"If AVR was to become a major urban entity, we feel that our organization would not only lose revenues from Heritage, but our presence and future growth may also suffer a serious financial loss of ad-



Mark MacLeod

vertising revenues," the fax stated.

Gardner told *Windspeaker* that government promises made to communication societies for funding to assist in upgrading equipment have yet to be realized and he doesn't think it right that AVR should be able to cut in line for funds.

"Groups really need the equipment funding that they've been promised for many years. That's what we're asserting. On the other part, we're suggesting that if there's new money then it should be open to the places where Aboriginal radio or communications is needed and not just one group," he said. "If there was a promise by the federal government to give equipment dollars then they should [keep that promise].

"If someone walks in and says 'I want \$15 million' and that might jeopardize these guys who have paid their dues for 15 or 20 years, that sounds a little itchy, you know?"

Mark MacLeod is AVR's operations manager and has been director of licensing and development since 1998. He spoke to *Windspeaker* on Jan. 24.

At the beginning of the interview MacLeod noted a potential conflict of interest on *Windspeaker's* part because our parent society, the Aboriginal Multi-Media Society of Alberta (AMMSA), operates a radio station. (In the the spirit of full disclosure, readers should know that AMMSA did not take part in the recent fax protest, however, the organization's CEO, Bert Crowfoot, did file an intervention with the CRTC when AVR applied for its Calgary license. Transcripts of Crowfoot's presentation to the CRTC can be found at www.crtc.gc.ca/eng/transcripts/2000/tb1101.htm.)

MacLeod said AVR's plan to reach the urban areas of Canada, set in motion in 1998, had stalled for lack of cash and the decision was made to lobby Canadian Heritage for a significant amount. He argued that northern broadcasting and the Aboriginal People's Television Network receive government funding to provide a service that commercial broadcasters do not provide and programming for the growing urban Aboriginal population should fall into the same category.

(see Radio page 14.)

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Judge's decision fuels speculation

By Paul Barnsley
Windspeaker Staff Writer

OTTAWA

Both sides in the Victor Buffalo versus the Crown lawsuit are trying to figure out what a decision made by Mr. Justice Max Teitelbaum might mean to their case.

On Dec. 17 the judge announced he would order the Indian Affairs minister to turn over \$360 million to the control of the Samson Cree First Nation. The money is oil and gas revenue generated by wells on the Samson Cree territory. It has been held in trust by the department of Indian Affairs.

Samson claims in the landmark \$1.4 billion action against the federal government that the money was not invested wisely and the band suffered financial loss as a result. Compensation for that alleged damage is one of the central issues in the lawsuit.

So after Justice Teitelbaum's decision was made public, many observers wondered if it was a sign the judge would decide the case in Samson's favor. Court is adjourned while he writes the decision. Both sides in the dispute expect it could be a year before his decision is handed down.

Terry Munro is a consultant for Samson Cree and works closely with the political leadership and the legal team. He said any suggestion that the judge's preliminary decision heralds ultimate victory for his side may be optimistic.

"You can interpret it both ways. Some have interpreted it to mean that if Justice Teitelbaum thought Indian Affairs was doing such a great job of managing the money, why is he ordering Indian Affairs to move it? And why didn't he wait until his judgement came out? So the timing is a little puzzling that way," Munro said. "The other way to look at it is to say Samson has attempted to gain control over their own funds for 20 years or more. The Crown said they always attempted to do this but there were problems. They blame Samson and other things. So if the Crown wanted to do it and Samson wanted to do it, the judge said, 'Well, sometimes it takes a third party to make something happen so I'm going to make it happen now, notwithstanding what I think on damages if there is any or not.' It's hard to say."

The end of the second phase of

the trial is now complete. Crown lawyer Clarke Hunter said there may eventually be as many as six phases in this gigantic legal action.

The judge's order, which was discussed in Ottawa on Jan. 20 and 21, will require that Samson hire an independent trustee, have a written investment policy and hold a referendum of the band on how the money should be used.

"Samson can live with all of that and we told [Teitelbaum] that," Munro said.

Court observers say eyebrows were raised again when the judge made a recommendation in open court about who Samson should hire to manage the fund.

"As far as the investment managers, the judge said, 'If I had three or four hundred million dollars, I'd be speaking with Mr. Steven Jarislowsky.' He was our witness," Munro said.

Jarislowsky is a Canadian billionaire who runs the investment firm Jarislowski Fraser, which has about \$40 billion in assets under administration and is Canada's oldest independent investment firm. Samson has already engaged the firm to manage its education trust fund.

Jarislowski was called as a witness by Samson and testified the Crown did not do a commendable job of managing Samson's assets.

The Samson case has been one for the books in a number of ways throughout. Last year, former prime minister Jean Chretien was called to testify. Most recently, during the Crown's closing argument, it asked Justice Teitelbaum to reopen the case because it wanted to add something to its defense.

Munro said his legal team regarded the Crown request as highly unusual and objected to the request.

"After filing a claim against them in 1989, 15 years ago, after 400 days of discovery and a four-and-a-half year trial, on the second last day of their closing arguments they tell the judge they want to amend their defense," Munro said. "They made an error in the way that they pled limitations and they're trying to correct this defect. You can change pleadings as you go along but not at this stage generally."

The defense the Crown was attempting to include was the Ontario statute that puts time limits on claims against the Crown.

The judge did not allow the change. Hunter would not comment on whether that decision would hurt the Crown's case.



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On December 22, 2004, Alberta Environment issued final Terms of Reference for the Environmental Impact Assessment (EIA) report for Suncor Energy Inc.'s proposed Voyageur Upgrader and North Steepbank Extension Project. The proposed Project is located within the Regional Municipality of Wood Buffalo. The proposed Voyageur Upgrader will increase Suncor's upgrading capacity by approximately 200,000 barrels per day allowing Suncor's Oil Sands upgrading capacity to reach the range of 500,000 to 550,000 barrels per day of oil products by 2012. Bitumen production from the proposed North Steepbank Extension will be approximately 150,000 barrels per day and will sustain current levels of mined bitumen production. The EIA report prepared pursuant to these Terms of Reference will be reviewed as a cooperative assessment under the *Canada-Alberta Agreement for Environmental Assessment Cooperation*. Alberta will be the Lead Party for the cooperative assessment.

Copies of the Terms of Reference are available from:

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Telephone: (780) 427-5828
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They are also accessible on the following web site: Alberta Environment,
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Native law cases contaminated by Crown—academic

By Paul Barnsley
Windspeaker Staff Writer

LETHBRIDGE, Alta.

The use of expert witnesses who have no personal knowledge on matters regarding the Aboriginal issues they are paid to testify about is a cynical attempt by the Crown to enter hearsay evidence as fact at the trial level where it cannot be challenged by appellate court judges, says Dr. John Murdoch.

Murdoch spent the last year researching Aboriginal law cases. He concluded that Canadian courts have admitted erroneous testimony by academics who have done no work where they would come into direct contact with Native people. He says without that personal knowledge, a witness's testimony is therefore hearsay evidence and hearsay evidence is not fact and inadmissible. When trial judges enter hearsay evidence as fact in a case, the appellate court has no alternative but to accept the evidence as fact. Murdoch says the Crown is playing fast and loose with its fiduciary responsibility to protect the rights of Aboriginal peoples.

Murdoch holds two PhD degrees, one in education and one in anthropology. He is currently working on a master's degree in Native studies at the University of Lethbridge with plans to go on to complete a third, cross-discipline doctorate combining law and Native studies.

He presented a paper that outlined his conclusions at the Algonquian Conference in Madison, Wisconsin in October 2004. It has since been circulated across Canada. The 28-page paper, "Challenging the credibility of the Crown's expert witnesses in Aboriginal title or rights court cases," is critical of the Crown's tactics and the Crown's expert witnesses.

Murdoch's thesis supervisor at the University of Lethbridge is Leroy Little Bear.

"My explorations were very much helped, even sparked this past winter, by the lectures I attended of Dr. Leroy Little Bear, a Blackfoot Elder who has earned a PhD in law and who was cited as an authority on Aboriginal title by the Supreme Court of Canada," Murdoch wrote in his paper. "[Little Bear] explained that non-Aboriginals prefer to 'analyze' or take things apart while Aboriginals prefer to 'synthesize' or put things together. Thus began my search for important bits of experience from court cases on Aboriginal rights to be synthesized in a manner which would energize the assertion and defense of Aboriginal rights."

From this attempt at trying to



John Murdoch

understand the cultural differences in how Aboriginal people and non-Aboriginal people view the world, Murdoch reached the conclusion that "Eurocentric compartmentalization of knowledge and skills has seriously handicapped Aboriginals and their legal counsel whenever the former did not supervise closely the latter."

Murdoch argues that in the case of Quebec and Canada versus Kanatewat, the court decision rendered by Judge Albert Malouf in 1973, was so favorable to the Crees that it persuaded the Crown to enter into negotiations that led to the James Bay and Northern Quebec Agreement, a deal seen as very favorable to the Cree people.

He argues that the strength of the Crees' case lay in the way the Elders of the community supervised, ensuring that no Eurocentric thinking escaped scrutiny.

Murdoch believes the Crown learned a lesson from Quebec and Canada versus Kanatewat, and that was it is crucial to get information favorable to its position admitted at the trial level.

Murdoch's research revealed that appellate courts do not touch the facts of the case, they deal only with potential errors in law. That means that the trial level is the place where the Crown learned it is vital to ensure favorable "facts" must be admitted. That puts those facts out of the reach of "more learned" appellate court justices, Murdoch said.

Murdoch was an anthropologist at the time of a case called Bear Island Foundation v. the Ontario Attorney General.

"[T]he Crown and the Ontario Attorney General's office called around and they spoke to a lot of my colleagues in anthropology," he said. "And there was lots of conversation amongst us to the effect that nobody wanted to get involved with the Crown or the Ontario government. You could not as an academic, as a scholar, as somebody who'd done field work, support the position that they had taken. So they ended up with people who had no relationship with the Aboriginal community." (see Expert page 23.)

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Prominent figure returns to band politics

By Paul Barnsley
Windspeaker Staff Writer

LETHBRIDGE, Alta.

A Blackfoot man who has spent more than his fair share of time in court over the years returned to politics late in 2004 after a 10-

year absence.

Harley Frank was elected to the Blood Tribe council on Nov. 29, 2004. He is known across Canada for his unsuccessful court fight over Aboriginal cross-border trade rights. But it's not that court battle that has been making waves in legal circles across the country. It was a dispute over the 55-year-

old's first stint on council that has lawyers interested.

Frank was elected chief in 1992 but decided to step aside after his fellow council members sought to remove him from office. He stepped aside despite winning a Federal Court decision that found those who were attempting to oust him to be in

contempt of court. The decision is known as Frank v. Bottle. The court decided that band councils have a general duty of procedural fairness and are considered federal tribunals whose decisions are subject to review under administrative law principles. The decision is being cited frequently in academic legal writing and used by lawyers as a precedent in other disputes.

While other laws, regulations and the government policy of respecting the inherent right of First Nations to govern themselves have made it more difficult for grassroots members to demand and receive access to council information and enforce accountability, the judge's decision in Frank v. Bottle states without question that band councils are federal boards that are subject to Canadian law. That allows recourse to grassroots members to appeal council decisions that are seen as arbitrary or unfair.

A look at the Canadian Legal Information Institute's (CanLII) Web site reveals 11 cases where Frank v. Bottle has been cited since 1996.

Randy Bottle was, and still is, one of the 12 elected councillors on the Blood Tribe council who sought to remove Frank as chief.

"I was elected chief in November of 1992," said Frank. "At that time I ran for head chief and tribal council which our custom election by-law allows an individual to do. I topped the polls in both areas and decided to accept the position of chief. My platform was accountability and access to tribal govern-



Harley Frank

ment and economic development," Frank explained.

Admitting he was inexperienced in tribal politics at the time, Frank recalled that he became involved in a dispute with council over the purchase of a buffalo herd. The buffalo have great spiritual significance for the Blood people and an economic development plan involving buffalo was seen as offensive by some.

"The dialogue between myself and council just deteriorated. We established positions and despite my offers to sit down and talk about this, they chose to revert to the custom election by-law and try to remove me from my position as chief," he said. "I was accused of being a renegade, being unfaithful to the position of chief, acting on my own, which I disagreed with. Maybe they thought I had stepped on somebody's toes but that was certainly not my intention. The buffalo ended up being the scapegoat."

(see Frank page 24.)

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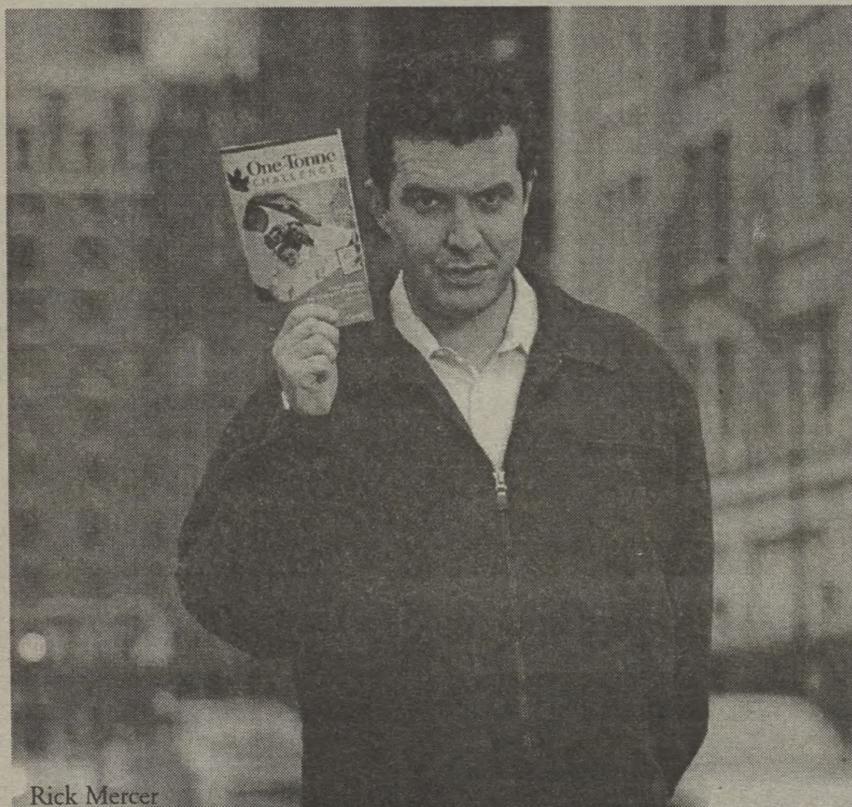
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Radio societies oppose public dollars for AVR

(Continued from page 10.)

"The only market that we're broadcasting in right now is Toronto," he said, adding that AVR has spent \$700,000 on equipment but doesn't have the cash to begin broadcasting in the other markets.

"In order for AVR to be as stable as we can possibly be, we have to be very careful about when we start up operations in which market because, although there is a significant capital cost involved in setting up the stations, that's not actually the biggest problem. The biggest problem is when you're looking to operate a station in a major market in Canada you're looking at about four to five thousand a month just to run your transmission facility, not including any studio space," Mark MacLeod said. "But right now we're in a situation in two markets where we have equipment that's in place but until we start broadcasting we don't have to start paying rent. That's the case in Calgary. The moment we start broadcasting in Calgary we have to start sending a cheque for \$5,000 every month."

He stressed that in AVR's attempts to lobby government for money, it has emphasized that new money is needed for all Aboriginal media. MacLeod said AVR would be angry if they received money and "there was any suggestion that [government] took it away from anybody else to give it to us. Clearly they can do that and I hope that they don't do that. We're moving through our process very deliberately trying not to harm anybody who exists."

When AVR made a presentation to the Standing Committee on Canadian Heritage, they argued that six per cent of all government funding for broadcasting should go to Aboriginal media.

"Whenever we've met we always talk about all Aboriginal media because it's important to us as someone who's emerging that we're not simply stealing from Peter to pay Paul," he said.

MacLeod believes AVR and the other societies can work together.

"Our priority is to try and make Aboriginal radio programming available to people who don't get it already. So, for instance, the western radio societies pretty much cover all of Manitoba, Saskatchewan, Alberta, not so much B.C. So it's not a high priority to try and get programming in there," he said. "Our business model is definitely based on us being able to raise revenue based on reaching a mass number of people. So there's no question that we want to hit urban centres. So it's not required for us to go into any particular market that [existing societies] has got their designs on and not work something out."

Nap Gardner says AVR may say it's willing to work with the other societies, but that has not been the case so far.

"AVR has come in and applied for licensing in some of these urban areas without consultation with the people that have made plans over many, many years and have tried to progress in a fashion that is driven by the communities."

Gardner said there may be a void in some urban markets, but "the unfortunate part is that these guys have never really taken the time to speak to those communities and regions that are already within those spaces."

As far as the national chief is concerned support of AVR's funding request was based on it not harming existing businesses.

"We extended to them the same kind of support that we've extended to other communications societies. We did what we would normally do in this situation. If it's a good idea, a well-developed proposal and they need help to get started or to sustain their operations, we'd support them. In our view, anything that is good business and is successful, the spill over effects are pretty positive," Fontaine said. "I wouldn't do anything to undermine those that have been in the business for years and have struggled."

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Mixed bloods run in good company

I find it interesting that the whole concept of being "mixed blood" or a "half-breed" can still, in this day and age, evolve into a volatile discussion just over the use of the terms. There are people out there that firmly and confidently believe, rightly or wrongly, that there is no such thing as a "half-breed", because either you are or aren't something. You can't be "half" something. Same principle I suppose as being half pregnant.

However, I must disagree on principle (not the half pregnant part though). There have been way too many times that I've been half-broke, half-cut or half-in-the-bag. I've had ideas that were half-baked. I've been called a half-



THE URBANE INDIAN

Drew Hayden Taylor

wit. Occasionally I've gone off half-cocked, but that's between me and my girlfriends. Many times I've had half-a-mind to order just a half-dozen donuts. And given half-a-chance, I've probably been half way there many times. And that ain't the half-of-it

Same with being "mixed blood". Unless I'm mistaken, it's still all red and white corpuscles.

Same selection of blood types. So the logical question is ... what do you mix it with? I have heard of people having ice in their veins, but that seems a little far-fetched. And in my profession, you always meet people who claim to have theatre in their blood, the poor fools. But what does all this really mean in the end?

Over the years I've pondered

the wonders and issues of being a member of the controversial mixed blood delegation. Where would the world be without us? It would be a very dull place for sure.

Look at all the famous half-breeds that permeate the world's culture, literature and belief systems. I could be here all week writing examples but I will limit myself to two specific categories of example.

Confessing my geek heritage, I'd like to introduce Star Trek's Spock into the discussion—undoubtedly one of the most famous pop icons that immediately comes to mind. The product of a human mother and Vulcan father has made him into one of the

more interesting characters in science fiction and television—an individual of split cultural drives.

Same with Star Trek: Voyager's Belanna Torres, human father and Klingon mother. The constant battle between her two competing sides directly influences her character and makes her fun to watch. By comparison, the other mono-heritage members of the crews seem almost boring. This "mixed-blood" aspect adds spice to the show and inter-relations. Except of course for The Next Generation's Deanna Troi, who's mother was Betazoid and father was human which made her 100 per cent boring ... but she was the exception to the rule.

(see On being mixed page 24.)

Can council kick us out if I divorce him?

Dear Tuma:

I did not have a good Christmas. I found out that my husband has been cheating on me. He works in the band office and I want to know what I need to do to get a divorce. Because he works in the band office, he says that the chief and council will kick me out of the house, along with the kids, if I get a divorce. Can they do this? What about my side? Do I have any rights? I just want out of this miserable marriage.

No More Crying For Me

Dear No More:

It is never a happy time when a marriage fails, but sometimes when the end arrives there is a sense of relief that finally it is over. Some folks have said to me that the end was actually the beginning and now they can now start to heal and live. I once heard an old L'nu chant and it was called the marriage song, but



PRO BONO

Tuma Young

when listening to it I realized that the song was really about marriage and divorce. Traditionally, there was no shame in leaving a marriage if the people did not get along with each other.

First thing you should think about is your safety. One of the most dangerous times for a woman is when she decides to leave the marriage. If there are any issues regarding violence, make sure that you tell someone and have a plan to ensure your safety and the safety of your children.

You should also try to find some

counselling. See the community health representative, mental health worker, psychologist or alcohol/drug worker to help you sort through your decision. Remember it is your decision as to what you want to do. Do not feel pressured into doing something that someone else thinks is better. It is your decision and only yours to make.

There is really only one ground for obtaining a divorce and that is the marriage has broken down. You can prove this in three ways: that you have been living apart from your spouse for at least a year, that

there has been adultery, or that your spouse has been physically or mentally cruel to you. Most applications for divorce state that the parties have been living separate and apart for at least one year. This is the easiest as you will not have to prove adultery or violence plus there is no blame attached to anyone for the marriage breakdown.

The next thing to do is to go see a family lawyer. Here are some things you should talk to your lawyer about: child custody and support, spousal support, the division of the property, such as the house, furniture, cars, jewelry and other property. Also, you should discuss the Canada Pension Plan and other private pensions, life, medical, dental and disability insurance plans. Finally, talk to your lawyer about the debts, loans and charge cards that either your spouse or you have. Lastly, you may want to change your will, power of attorney and

living wills that you have.

The chief and council should not interfere in your divorce. You can tell them, politely, to stay out of your personal business. The only issue for the band is whether the house and property will be occupied by a band member and even then some bands have policies in place that allocate the house to the person who has custody of the children, although this has sometimes lead to custody fights that are not in the best interest of the child. Even if you were to lose the house, you can still ask for compensation from the court for the value of your share of the house.

This column is not intended to provide legal advice, but rather highlight situations where you should consult with a lawyer. Tuma Young is currently on a research exchange in Tucson, Arizona. Questions can be sent to him via email at tumayoung@yahoo.ca

Willing to take the time to develop film

I've never been a High Tech Eskimo.

Back in time, it took me about a decade to start using a cassette tape recorder after everybody else had switched to them. To me, the reel-to-reel system was perfectly OK, and I simply couldn't abandon it. The more compact size of cassettes just didn't register in my technologically challenged mind as being better than the reels in any way.

In the CD revolution, vinyl Long Playing record albums (LP's) became obsolete overnight. It took only five years to catch on to that development, which, for me, was real progress. As a child, I had caught the tail end of the use of wind-up gramophones, which could be rotated manually if the mainspring was broken. The records were 78 rpm, and would shatter if dropped or hit against a hard surface.

I grew up under the revolutions of the battery-powered, then the electrical record players, with 33-and-a-third, 45 and 78 rpm

speeds. Eventually, seemingly every Inuit home became equipped with plug-in electrical sound systems, in which an automated record player was only one feature among many doodads. Today, "entertainment systems" manipulated by remote control would make wind-up gramophones look distinctly pre-historic.

I made my first satellite telephone call while on a walrus hunt in 1992 on a unit belonging to another community's hunting party. The phone set looked like a small briefcase and had to be positioned absolutely still for the call to be made. The whole experience was amazing, but didn't sell me on the idea of getting one of my own. At the time, the price of such equipment was about \$5,000 per unit.

Even when satellite telephones became available in less costly hand-held units, I remained resolutely opposed to the idea of owning one. My driving thought was: "Whenever I have



NASIVVIK

Zebedee Nungak

opportunity to go out on the land, I want to leave all-and-sundry tribulations of the community behind. I don't need such burdens following me around to the hunting grounds!"

My confession here is, I've caught up much earlier to this technological revolution, and now I have a satellite telephone. On this one, I am now a High Tech Eskimo, equipped to call home from any location, and already wondering how I existed before without it.

One of the defining features of modern technology is the dizzying rate at which newfangled gadgets expand into new models. Obsolescence is an unavoidable

by-product of new technological innovations. Technology's advancement hurtles at warp speed toward frontiers where no gadgets had gone before. Much of this has touched life in the Arctic in many profound ways. We've become High Tech Eskimos, whether we're into technology or not.

When GPS's first came out, it was a thrill to determine one's exact location by satellite doodad. The early model GPS's displayed geographic co-ordinates in a jumble of numbers indicating latitude and longitude, which had to be verified on a vectored map. The latest models feature high-resolution maps on their screens, which

can be zoomed in on areas of interest: a very useful aid in marginal weather.

The computer, called qaritaujaq (likeness of a brain) in Inuktitut, is constantly galloping toward more wondrous capacity. Computers come with their own terminology, which is almost a language of its own. As a certified computer dummy, I have no idea what a gigabyte is. Whenever somebody who is computer literate starts talking techno-speak to me, I simply gawk at him, rightly looking like he and I are on different planets.

My lack of computer savvy limits my use of it to that of a glorified typewriter, filing system and e-mailer. There are all sorts of functions on it, which I will never use. They are indiscernible to me. But there is one thing I found out, quite by accident: If you want to play with a computer, never mind its impressive menu of video games! Make it do spell checks of Inuktitut words.

(see Playing games page 25.)

[radio's most active]

ABORIGINAL RADIO MOST ACTIVE LIST

ARTIST	TITLE	ALBUM
Jay Ross	Tough On The Outside	Old Town
Ashley Green	Like No Other	My Desire
Chris Beach	#1 on NCI	Single
Eekwol	Too Sick	Apprentice to the Mystery
Just The Boyz	Me And The Boyz	Shotgun Rider
Dawn Marquis	Choosin' To Lose You	Single
River Gypsies	Honky Tonkin' Cougar Woman	Single
Shaun Roulette	Here Without You	NCI Jam 2004 Winner
Kimberley Dawn	Return To Madawaska	Healing Jane
Rayne Delarond	A Little On The Wild Side	Rayne
Remedy	Into The Daylight	When Sunlight Broke
Heritage	I Can't Take This Anymore	Evolution
Lucien Spence	He's An Indian	Indian Man
Donna Kay / Little Island Cree	Beat Goes On	Single
Rory Collins	Stay	Single
Los Lonely Boys	Heaven	Los Lonely Boys
Jess Lee	Born In The North	Born In The North
Jill Paquette	Forget	Jill Paquette
Carl Quinn	Ni Ototem	Ni Ototem
Eagle & Hawk	Sundancer	Mother Earth

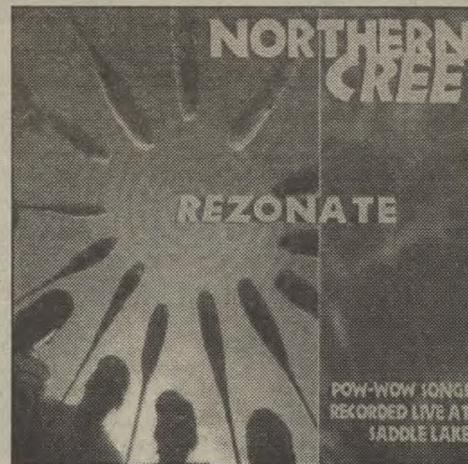
CONTRIBUTING
STATIONS:



Artist—Northern Cree
Album—Rezonate
Song—The Rule
Label—Canyon
Producer—Stephen Butler

Traditional music recorded live

If there is any doubt that the members of Northern Cree of Saddle Lake, Alta. have made a name for themselves in the traditional and contemporary powwow musical departments, you only have to look to their two Grammy award nominations and two wins at the Canadian Aboriginal Awards show in Toronto last year to clear things up. Northern



Cree's CD Rezonate won in the best powwow contemporary category and anyone with any understanding or appreciation of the genre will know why. Northern Cree is at the top of its game.

Rezonate was recorded live at the Saddle Lake annual powwow in July 2003. There is a general feel to this CD that Northern Cree isn't performing, but played in service to the dancers there that weekend.

An interesting addition in the liner notes with Rezonate is that the words of each song are translated into English. A note about each song or the inspiration of the songwriter is also included and goes a long way to help listeners understand the motivation of a group of singers travelling from one celebration to the next.

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AFN to deliver the facts on housing

By Heather Andrews Miller
Windspeaker Contributor

OTTAWA

The Assembly of First Nations (AFN) is arming itself to lobby federal government ministers for increased and improved funding of housing accommodations for First Nations people.

Carl Joseph Johnson, AFN senior housing consultant, says that the housing secretariat of the AFN, formed several months ago, has been gathering data and now estimates the number of units needed immediately to be at least 70,000 throughout the country, both on and off reserve.

"We wanted to provide the real numbers. Statistics-gathering organizations such as Census Canada and Indian and Northern Affairs admit that they don't know exactly how many First Nations people are out there or how many houses are out there," he said.

Statistics will be assembled on how many houses have been built to date and the dates of construction. It's estimated houses need replacement every 30 years or so. Figures on renovations also need

to be included, said Johnson, a member of the Okanagan First Nation.

The next step will be to present the figures to the government.

"Having the statistics gives us a lot of lobbying power. Now when we're asked for the source for these numbers, we can state area by area what the status is," he said.

Historically there has never been enough units built each year, creating a backlog that has grown to crisis proportions.

"We need a transfer of jurisdiction from government to First Nations as each community knows its own needs and how to use the funds wisely," he said. The AFN is pushing for Indian Affairs and the Canadian Mortgage and Housing Corporation (CMHC) to get out of the First Nations housing business and are advocating for a First Nations housing authority to be established.

"Accountability is a big issue and we have to be able to provide that, but it's all going to be part of our presentation. We've interviewed other housing authorities to see what's working now in similar situations, and we've done our homework."

Johnson believes that Minister of Labour and Housing Joe

Fontana and Andy Scott, minister of Indian and Northern Affairs, are truly behind the initiative the AFN will present.

"They just have to convince cabinet. With any luck we may see some results in the upcoming February budget." Johnson reminds First Nation communities that the AFN is a lobbying and research organization only. "This is something that's going to evolve with community participation, and we'll be handing it off to run on its own," he said.

The CMHC currently provides some of the new units on reserve, said Tom Siems, manager of operations, assisted housing. He admits the budget hasn't been increased for several years.

"The funding for new home building is distributed according to population, plus each region has a liaison committee made up of First Nations representatives as well as people from the housing industry. They meet yearly and decide which communities in which region will be eligible for housing." In the prairie region alone, some 18,000 homes are currently being serviced under one of its programs. "We recognize that the demand is high and there is not enough funding

for the need that is out there, but we do have some programs in place which help."

Commercial businesses that supply attractive units include Nelson Homes. Jeff Renneberg, territory manager for Saskatchewan, Manitoba and northwestern Ontario, said his company's role is mainly to supply material, but staff is happy to help with the planning process as well. "Sometimes First Nations clients come to us with pre-approved funding and we're happy to advise them on how to get the most for their dollars. Other times, they present their needs and want us to give them a cost analysis so they have an idea how much funding to ask for," he explained.

Triple M Housing of Lethbridge, Alta. has hired Winston Daychief as a First Nations consultant. Daychief was housing director at the Blood Tribe in southern Alberta for many years, and is well aware of the housing problems on reserve. From this liaison, Triple M learned that high housing costs, lack of warranty, mold and mildew, and improper set up of pre-built houses have all contributed to a poor product being delivered

to bands across Canada. With a network of retailers located across the country, Triple M supplies affordable homes, both manufactured and modular.

The AFN expects that long-term negotiations will begin soon but recognizes that houses are needed now.

"Inadequate and crowded housing affects so many other areas of life, such as the health of the children, their education and so on. Housing should be looked on as an investment, because if you don't provide adequate housing you are going to pay for it through increased health costs and many other problems."

As well, with the Aboriginal population expanding and over 52 per cent of the people under 25 years of age, a work force is growing, and ready to be trained, concluded Johnson. "With the average age of today's ticketed trades-person now being 56 years of age, this demonstrates an opportunity to take our demographic of young people and shore up Canada's aging population of trades workers. Dollars spent in funding housing initiatives cannot be looked at as a debt, but as an investment in Canada's future."

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[infrastructure]

No easy solutions

By Cheryl Petten
Windspeaker Staff Writer

ORANGEVILLE, Ont.

Mervin Dewasha is very familiar with the infrastructure problems that exist in many First Nation communities. Dewasha is a professional engineer who has been working with First Nations for more than 30 years.

Dewasha is from Wahta, a Mohawk community in Ontario's Muskoka region. He spent most of his career working for Indian and Northern Affairs Canada (INAC) as director of public works, both in Ontario and in Saskatchewan, but these days Dewasha is chief executive officer of Neegan Burnside, an engineering and technology firm that specializes in meeting the needs of Aboriginal communities both here and in Latin America. The company is affiliated with R. J. Burnside and Associates Limited, which has been providing engineering and technological services to clients for more than three decades.

You have to look at the history of Indian reserves in Canada to understand the infrastructure problems of today, Dewasha said.

"Once a community started coming off the land and into organized villages, Indian Affairs was promising housing and putting housing and infrastructure in ... they lined [the houses] all up where the streets should go with no consideration for suitability of land, etc. Basically, Indian reserves in the '60s and '70s and into the early '80s were the only places in Canada where you could build a house without any consideration for servicing with water and sewer and other utilities. And because of the need for housing and the population growth and the very high cost of construction, because most of our reserves are situated on very poor quality land as far as construction suitability goes, you have extremely high cost and an extremely large backlog that's facing the communities. And that leads to all the health and social problems in a community."

There isn't enough funding provided by INAC for communities to tackle the problems, Dewasha said. And when new infrastructure is put in place, there isn't enough funding provided to properly maintain it.

"So many times you build a water system or sewage system and it deteriorates very quickly because of the lack of maintenance, which is similar to the problem that you have with housing."

Some First Nations are trying to address the on-reserve housing problems by setting up programs

that allow members to borrow money to build their own homes. While this means band members don't have to wait for INAC to approve funds for their homes, they still run up against a bureaucratic backlog when it comes to ensuring that services such as water, sewer and electrical are available.

"Even in the communities like Six Nations that have loan programs out for people to build their own houses, it's very difficult to do it when there aren't serviced lots," he said. "And the way they have it set up in most of the communities is the maximum amount you can borrow doesn't include the cost of the infrastructure."

Part of the problem that existed in the 1960s and 1970s was that there were no standards that had to be met for work done on reserve, Dewasha said.

"In the last part of the 1970s I was the director of engineering in Saskatchewan, and at that time people built whatever they thought was suitable for Indians on reserve ... there were no codes, there were no standards, and there were no standards as to what the government funded. It was whatever staff were able to talk the band into or give the band what they thought they deserved."

Dewasha was on the team in the late 1970s that worked to create codes and health and safety standards for on-reserve construction. But, while those codes and standards are in place, enforcement of the standards is kind of hit and miss, in part because responsibility for enforcement falls to INAC, which is also the funder for many of the projects being undertaken.

If a project is running over-budget, the easiest way to cut costs is to cut corners. And if the funding agency is also the agency that regulates standard compliance, there's nothing stopping it from happening. INAC's dual role puts it in a conflict of interest, he said.

He sees the formation of Aboriginal organizations like the First Nations National Building Officers Association, which is working to develop training standards and professional certification for First Nation building inspectors, as a positive move, but such initiatives won't be successful until inspectors are given powers of enforcement.

An inspector can go in and point out the deficiencies, but they don't have the authority to shut the job down or cut off funding if the problem isn't addressed, Dewasha said. Without the authority to enforce the standards, compliance is more or less on a voluntary basis.

What needs to happen, Dewasha said, is the transfer of ownership of reserve land from the federal government to the First Nations.

"Because the way Indian reserves

are set up ... is they're really federal Crown land. So the landowner or the government that has jurisdiction over the land, which is Indian Affairs, are the only people that can put in place regulatory requirements to ensure that things that are built on them meet environmental, health and safety standards."

He suggested one way that could happen would be for a new category of lands to be created under the Canada Lands Act, recognizing First Nation ownership of reserve lands.

"And then all the things that happen on the land, whether its environmental, codes, regulations and enforcement, all those things become part of the jurisdiction under the First Nations governments."

Water enough for all, says Shuswap Nation

By Cheryl Petten
Windspeaker Staff Writer

SHUSWAP FIRST NATION, B.C.

The future is looking pretty bright for members of the Shuswap First Nation. Situated in B.C.'s Columbia Valley a stones throw from some of the area's most popular tourist attractions, the First Nation is perfectly situated to lay claim to some of those tourist dollars. But, thanks to some long term planning and the band's innovative way of doing business, that is just the tip of the iceberg when it comes to economic development opportunities that exist for the community.

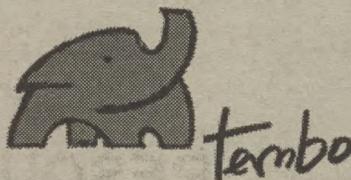
What makes Shuswap's ap-

proach so different is the relationships the band has fostered with the surrounding communities, explained Dean Martin, chief executive officer for Kinbasket Development Corporation, the First Nation's development arm.

"A lot of bands don't have relationships with the surrounding municipalities. There's always the line in the sand. This is reserve, this in non-reserve. Ours is a seamless community. That's the way we like to see it. We live in a regional concept. Because of the fiscal responsibilities that are taken on by Indian Affairs and by municipalities, collectively working together we can get a bigger bang for our dollar," Martin said.

(see Win/win page 20.)

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Keep solutions simple to address air quality

By Cheryl Petten
Windspeaker Staff Writer

COMBERMERE, Ont.

The average person takes in around 23,000 breaths in a 24-hour period. So how much attention do we pay to the quality of the air around us?

On average, Canadians spend about 90 per cent of our time indoors, so most of the air we breathe is indoor air. The quality of that air can be affected by any number of factors, from the presence of mold in the home to use of clean-

ing products and perfumes.

Bill Boles is technical consultant with IAQ Resources Canada, which provides information and training to communities to help them better manage indoor air quality problems.

One of the signs that your home could have problems with air quality is if members of your family suffer from respiratory problems.

"I'm not saying that all of those problems are related to housing, but some of them certainly could be made worse by indoor air quality in houses," said Boles. "And so they might think, 'Well, maybe I should at least take a look at the

indoor air quality in my house.'"

Other symptoms may be more obvious, such as if you have signs of mold, he said.

"You really shouldn't have mold growing in your house. And if it's a little bit of mold then it's a little problem and if it's a lot of mold then it's big problem. So we don't want people to panic based on a little bit of mold along the bottom edge of their window or something like that, but that in itself is indicative that there may be a humidity problem in the house."

Dampness and mold problems aren't just a health problem either, Boles said. They can also adversely

affect the durability of housing as well.

Another sign that you may have indoor air quality problems is soot stains on the walls, caused by candle burning or combustion back drafting, a situation that occurs when furnaces, appliances or fireplaces can't get enough air from the building to support combustion and draw air from exhaust vents back into the house.

"Any soot that ends up staining the walls, you also breathed it in before it managed to hit the walls, so that could be a concern as well," he said.

Any signs of combustion back drafting should be taken very seriously because in some instances the problem could lead to a build up of carbon monoxide, "just about the most serious indoor air quality problem you're going to get because it can be so deadly at high levels," Boles said.

Any chemical products used in the house can also contribute to problems with air quality, although how much of an impact their presence has on people living in the house varies based on how sensitive each individual is.

"I would say most of the chemical emissions that are present in houses that are not brand new are from things like cleansers and home dry cleaning and personal care products. There's just lots and lots of chemicals. Some perfumes have 600 different chemicals in them," he said.

The easiest way to cut down on

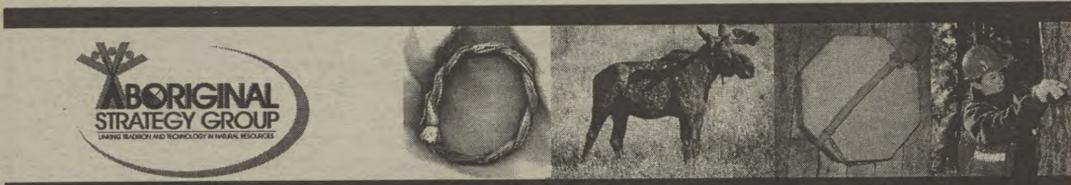
the number of chemicals circulating in the air of your home is to cut down on the number of products you are using, Boles suggested. Look through all the cleaning products you have and get rid of all the ones you don't really need, and instead of using air fresheners to cover up odors, find the source of the odor and eliminate it instead.

"There's lots and lots of different really low cost, practical ways of addressing chemical pollutants as well as biological pollutants in houses," he said.

That's something the IAQ Resources Canada tries to stress during their training sessions—the need to find the simplest, most practical solutions to addressing indoor air quality problems.

"You can't try to impose really expensive solutions when they're not needed and not affordable. At other times in certain situations there can be a particular house where only spending a great deal of money is going to make a difference. But in a lot of situations you can figure out practical ways to improve the indoor air quality through a lot of lower cost strategies as well," he said.

"Lots of times we find that simple solutions work the best. Like a good bathroom fan rather than a lousy one can make a good difference. And it's really not that expensive to install and it's not hard to maintain. So in lots of situations, that might be what we'd recommend. We'd like to try to be as practical as we possibly can."



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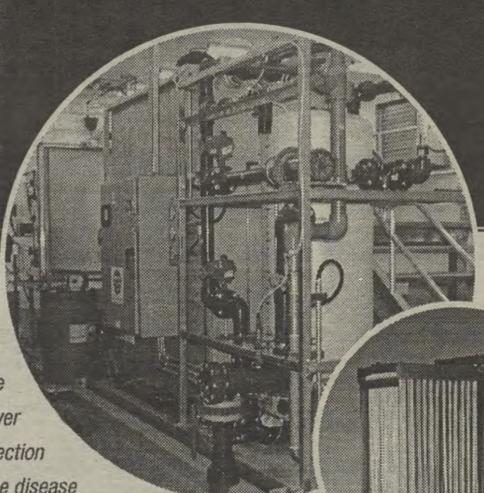
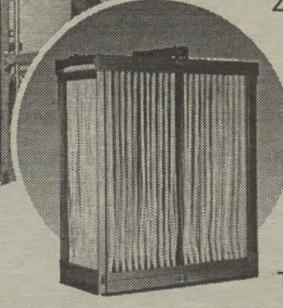
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Water for the World

[infrastructure]

Win/win on water

(Continued from page 18.)

"There's no sense reinventing the wheel on reserve and off reserve when we can work together to enhance the region as a whole, and we all benefit from it," Dean Martin said.

The band operates the regional airport, while the Regional District of East Kootenay provides fire protection for the reserve, Martin explained. The band also pays the region so members can take advantage of services such as the regional hospital, the regional landfill, recreational facilities and libraries.

But the most unique aspect of this partnership involves provision of water and sewer services. They are provided to the region by Shuswap's Kinbasket Water and Sewer.

The groundwork for establishing Kinbasket Water and Sewer was initially laid in the early 1990s, when the band began working with Indian and Northern Affairs Canada (INAC) to create a physical development plan for the community that would support its economic development strategy.

The band recognized that it was in a position to take advantage of the area's potential for growth, and they seized the opportunity, but it took quite a bit of convincing to get INAC on board with the plan, Martin explained.

Past developments around nearby Lake Windermere had left the area's septic fields saturated, he said, which meant future development in the area would be limited by a lack of septic services. The nearby Shuswap reserve, on the other hand, boasted land that was well suited geologically for a sewage treatment facility and a good, deep aquifer to supply water.

What Shuswap proposed was creating a water and sewer system on reserve with enough capacity to meet both the current and future requirements of the First Nation and the needs of potential off-reserve customers.

"Historically, Indian Affairs would only fund community-related servicing," explained Kinbasket Development Corporation chief financial officer Mat-

thew Ney. "We worked really hard with them to convince them to support a broader physical development plan."

"The Columbia Valley here is really a second home site for all of the Calgary oil people that seem to enjoy coming out there and enjoying Radium Hot Springs, Fairmont Hot Springs, Panorama Ski Resort ... and the lake," Martin said. "So it's a real resort area. So what we're doing from the Shuswap band and its Kinbasket Development Corporation is taking advantage of those opportunities that other Radiums and Fairmonts and Panoramas have already taken advantage of."

The regional district was very supportive of the band's water and sewer venture, Ney said, because it helped them find a solution to a problem that has plagued them for more than three decades. It also allows them to do long-term planning for growth in the area, knowing that Kinbasket Water and Sewer will be able to service new development.

Currently the population in the region surrounding the reserve sits at about 2,500, Ney said. The water and sewer infrastructure on reserve has the capacity to service an off reserve population of about 18,000.

Both the federal government and the provincial government provided funding for Shuswap's upsized water and sewer infrastructure. And both levels of government will see returns on their investment in the form of an increased tax base, Martin said.

"They're starting to recognize what's going on and what type of tax base that we really put out there for them," he said. "When we start developing through the water and sewer and they get the uptake in densities because they're not on septic tanks but its good sewage disposal on lines, 80 unit developments turn into 200 unit, 240 unit developments. That's a huge uptake in the tax base for the federal and provincial governments."

It's also translating into more economic development opportunities for the First Nation. Hav-

ing all the necessary services available—some provided by the band, some coming through the relationship with the region—has made the reserve more attractive to investors.

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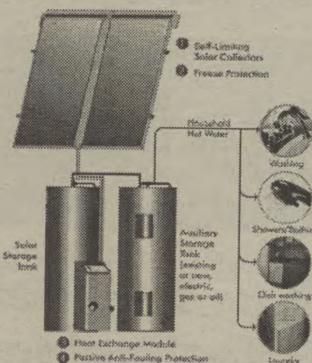
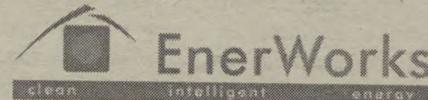


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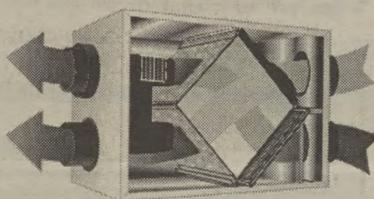
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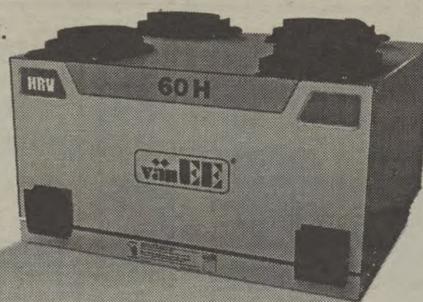


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[infrastructure]

Drastic action taken on desperate mold situation

By Deirdre Tombs
Windspeaker Staff Writer

PORTAGE LA PRAIRIE, Man.

Fed up with government inaction on resolving the black mold situation in their homes, the Dakota Plains First Nation has taken the federal government to court. In its statement of claim, the band maintains that Canada has breached its fiduciary duty by failing to take any action to remedy the mold contamination or to ensure that the basic human needs of the Dakota Plains people are met.

"I think that Aboriginal people, we've always been subjected to two-tier systems. And in this case here, if any other society or any other person [reported] that black mold was confirmed in any building that they worked in or lived in, they would be evacuated immediately," said Dakota Plains Chief Orville Smoke. "And in our case, because we are Aboriginals, I believe that we are being neglected and that nobody really cares. So when we sit down at the table, negotiate in the democratic process and nothing happens, obviously we have to take drastic action and that's the reason for the lawsuit."

Black mold is a problem all too common in First Nations communities. A recent survey done by the National Aboriginal Health Organization found that 43.6 per cent of First Nations surveyed had mold in their homes. This toxic substance causes chronic respiratory problems and bleeding noses, and it can exacerbate allergies.

"Babies and Elders have passed on that we're not sure what's compromised their health and why they died," said Stan Myran, the band's health advisor. "We don't want to assume facts, but we can't overlook the fact that these people are living in these conditions too."

Recently, doctors recom-

mended that two families on the reserve evacuate their homes because the children were suffering serious respiratory problems. Other families relocated out of fear for their safety. Myran said that a woman who left the community because of her children's respiratory problems reported that their symptoms had since cleared.

Smoke said the problem at Dakota Plains started about six years ago when they noticed the ground water level rising. A black discoloration soon appeared in some of the homes. Dakota Plains tested the air quality on reserve only two months ago. Every single home in the community has mold contamination.

The only real treatment for mold is to remove the source of moisture that causes it. For the Dakota Plains First Nation, the source of moisture is the bog that they live on. The ground water levels keep rising because the reserve is on a flood plain, which fosters the ideal environment for mold to grow.

Not only does the moisture build-up, Myran explained, the shifting ground has created a hazardous environment by corroding the electrical wiring and breaking the pipes from the septic system, allowing for septic gasses to leak into the homes. Myran said that many housing professionals have told the First Nation that the buildings are inhabitable and are not worth repairing. The band wants the reserve moved to dryer ground at an estimated cost of \$18 million to relocate and rebuild their homes, government buildings and infrastructure.

"As it is right now, if I relocated my people the federal responsibility that was assumed by the government is over and done with because I'm not on their property," explained Smoke.

Smoke said he wants to be able to convert purchased land into reserve territory and begin an economic development plan so that

the band can sustain itself.

"We're not trying to abuse anybody's [tax] contributions and so on. We want to be equal. We want to make our own contributions to progress in this country, and after all it was our country first," Smoke said.

Though federal auditor general Sheila Fraser raised the alarm about the crisis in Native housing in her report in April 2003, little has been done to respond to the mold situation, said Erin Wolski, senior policy analyst on housing for the Assembly of First Nations (AFN).

"The Standing Committee on Public Accounts ... SCOPA, they're looking at the auditor general's report and trying to take action on each one of her recommendations and the recommendation to develop a national strategy on mold has been omitted," said Wolski.

Still, Wolski is optimistic that the mold situation will be dealt with in a round about way.

"You can deal with the symptoms all you want. The symptom might be mold growth so you can continue to clean up mold, when really you should be installing eavestroughs on the housing ... Mold is really a symptom of a disease called poor housing," Wolski said.

To deal with the poor housing situation, the AFN wants to remove Indian Affairs and the Canada Mortgage and Housing Corporation from the business of Aboriginal housing and set up a First Nations housing authority.

"We need to take a different approach. We can't continue on this social housing because communities are just going in debt, further and further in debt," said Wolski.

But until things change on the federal scene, the Dakota Plains First Nation must wait and hope that the desperate measure of its lawsuit brings about a solution to its housing situation. Some desperate measures do work.

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Wading hip-deep through the salmon debate

By Deirdre Tombs
Windspeaker Staff Writer

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It's tasty and the benefits to your health are legendary, including boosting your immune system, lowering your risk of heart disease, and increasing your chances against developing osteoporosis, diabetes and cancer.

Salmon, a part of Aboriginal culture from time immemorial—a dietary and economic staple and the subject of art, legend and sacred ritual.

But salmon is in danger. Wild salmon runs are in decline and a debate rages about how the salmon fisheries should be managed. Throw into the mix salmon farming and you have a boatload of contradicting evidence about environmental dangers and health risk and a difficult choice for consumers wanting to pick up salmon tonight for dinner.

At first glance, farmed salmon might seem to be the smart choice. It's cheaper than wild salmon by half. And it's available fresh year round.

But is it safe?

According to the David Suzuki Foundation, antibiotics, fungicides and pesticides used in the fish farm process all pose problems to environmental and human health. Antibiotics, argue environmentalists, alter marine life by killing important marine microbes. They also increase the antibiotic resistance of bacteria.

Slice, the neurotoxin used to combat sea lice infections, appears in farmed salmon going to market, reports the Raincoast Conservation Society.

A recent study showed that farmed salmon has 10 times the amount of PCB toxins in it than wild salmon. Farmed fish are fatter, and toxins are stored in the fat. The study recommended that farmed salmon only be eaten once per month.

But many health experts claim that the benefits of Omega 3 fatty acids found in the salmon are much greater than the minimal risk posed by trace amounts of chemicals. Mary Ellen Walling, the executive director of the B.C. Salmon Farmers Association, argues that PCBs are found everywhere in the environment, and contaminate other food products.

"The difference that we have as farmers is that we can actually control what our fish eat and that isn't the same in the marine environment," said Walling. She also pointed out that the same study later identified wild chinook salmon as containing higher amounts of flame retardant chemicals than farmed salmon.

Walling insists that slice and antibiotics are only used if a veterinarian thinks it's necessary, and

that the high cost of treatment makes farmers wary of using it.

"We care about the wild salmon, particularly here in British Columbia, and we also need a clean environment to be able to

Skeena River, Smith and Rivers Inlet sockeye also had low returns for 2004. Their decline is devastating to the First Nations that rely on salmon fishing.

"We've pushed forward for a

aquaculture industry representatives deny that it's possible, Volpe said Atlantic salmon are surviving and reproducing on their own in Pacific waters. In 2003, Volpe published a study suggesting that

parasites that farmed salmon spread to susceptible juvenile wild salmon that pass the farms on their migration routes. Sea lice infestation from farmed salmon is just one theory to explain the dramatic drop of wild pink salmon in the Broughton Archipelago in 2002.

"Putting millions of fish in a small geographic area completely disrupts the parasite-host balance, disease-host balance along the coastline, which I think is the real ticking bomb here. We haven't even begun to see the full effects of this yet," said Volpe.

Volpe said that not enough research has been done to fully understand the impacts of salmon farming. Walling argued that the low return of the pinks was a result of their natural life cycle.

With the decline of the wild salmon stocks, First Nations are becoming economically dependent on salmon farming. As a result, the Musgamagw Tsawataineuk Tribal Council, whose territory holds the 27 farms in the Broughton Archipelago, has had to change its policy from a zero tolerance on salmon farming to a policy on closed containment systems.

"I have a lot of friends and family who unfortunately no longer fish wild salmon. They have to work for fish farms, whether it's on the farm itself or at the plant. So now there's a lot of people that rely on that economy," said Eric Joseph, chief of the Tsawataineuk First Nation.

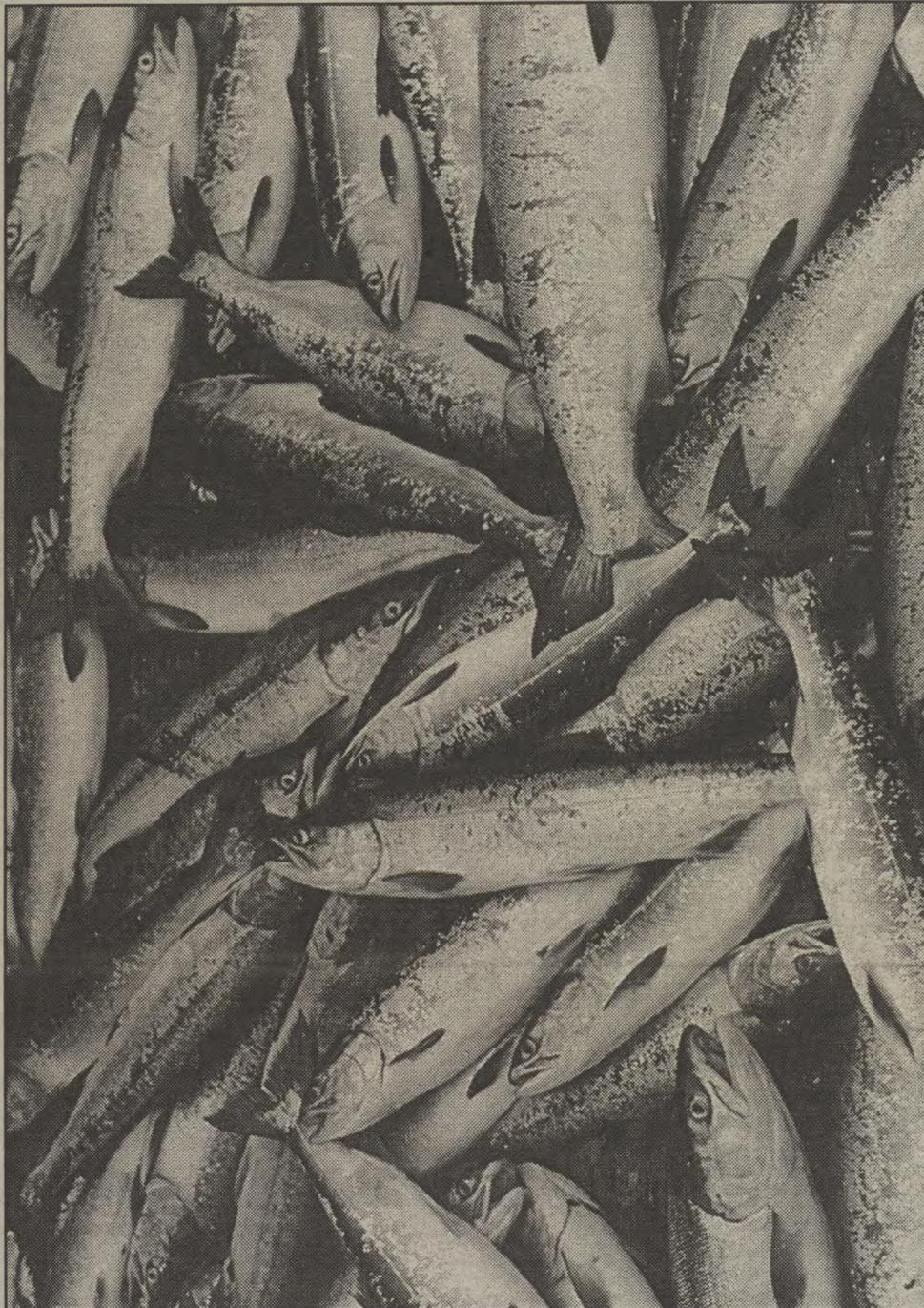
The Kitasoo First Nation at Klemtu, B.C. has been salmon farming for 15 years, proving to Richard Harry, the executive director of the Aboriginal Aquaculture Association, that First Nations can farm salmon without impacting their traditional way of life.

"There's not a whole lot of options on the coast here for Aboriginal communities, few and far between. And the people that choose to get involved in aquaculture don't have to prove or justify what they're doing. It's a choice to make to have healthy communities. They make all the risk assessments according to government regulations," said Harry.

Many jobs come from monitoring the salmon farm's impact on the environment.

"I think as time goes on, you're going to see a lot more First Nations working with industry to sort of do monitoring and capacity training for their own members and get more involved in aquaculture development, whether it's finfish, shell fish or other species," Harry said.

So, what will it be folks? Salmon tonight? After all that needs to be considered, it wouldn't surprise us if you chose a nice slab of beef. Of, course, then you'd have to be concerned with BSE. A nice veggie-burger anyone?



grow our fish," said Walling.

To that end, some groups have advocated that salmon farmers use a closed-containment system that would, they say, prevent salmon farm pollutants from entering the environment. But fish biologist John Volpe argues that current closed-containment practices are not much better than the open net pens.

"They've got a hole in the bottom and all they really do is concentrate all of the byproducts, not just uneaten food and fish waste but also these chemical additives that are used periodically in the net pens," said Volpe.

Perhaps you're thinking now the choice is clear. Wild salmon it is for dinner tonight. Not so fast. While some wild salmon runs are robust, others, especially the sockeye, considered the best by salmon connoisseurs, are suffering.

Cultus Lake and Sakinaw Lake sockeye are endangered, according to the Committee on the Status of Endangered Wildlife in Canada. Early Stuart,

moratorium on the fishery, any fisher, on the early Stuart to rebuild the wild salmon stocks. And we've been pushing this for about 20 years now because we've seen the continued decline of the salmon stocks and it's a huge concern for us," said Grand Chief Edward John of the Tl'azt'en Nation and Carrier-Sekani Tribal Council. He told *Windspeaker* that although there are about 4,000 people who depend on the sockeye for food, societal and ceremonial purposes, the 2004 catch was only in the hundreds.

Declining salmon stocks would make salmon farms seem like a good idea. Convert the entire industry and save the wild salmon, right?

Not according to some.

Another major criticism of the salmon farming industry is that on the West Coast, Atlantic salmon had been escaping the farms and taking over runs from the native Pacific varieties. Salmon farms breed Atlantic salmon because the species is hardier. Although government and

the department of Fisheries and Oceans (DFO) under-estimates the amount of escaped Atlantic by 40 per cent.

The B.C. government and the DFO keep track of escaped Atlantic salmon based on reports by the fishing industry and government field workers. They report that in 2003, only 40 Atlantic salmon escaped. Down considerably from the 20,000-plus that escaped in 2002.

Walling said that the salmon aquaculture industry had made mistakes in the past, but new polices and technologies have led to major improvements.

"These are very valuable fish so we want to make sure that we're able to harvest them to market," said Walling.

Walling disagreed with Volpe, saying domesticated, farmed salmon can't survive in the wild.

"They don't know how to forage in a marine environment. They don't know to feed ... They're used to [eating] little pellets."

Another threat to wild salmon stocks comes from the disease and

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Expert witness

(Continued from page 12.)

John Murdoch researched the backgrounds of the academics that did agree to testify for the Crown and found none of them had done any fieldwork in Aboriginal communities.

"All of their evidence was based on other people's writings and that's hearsay evidence. It would have been admissible had they been able to prove it as a result of their personal knowledge of the facts," he added.

But all legal texts and all court decisions dealing with the rules of admissibility of evidence going back 100 years or more say that personal knowledge of the facts is required to be qualified as an expert, he said, and anything else is hearsay and inadmissible.

Murdoch concludes that judges and even some lawyers who represent Aboriginal clients have absorbed the biases about Aboriginal people to the point where they don't challenge academics who present hearsay evidence. It's accepted as something "everybody knows."

"It's a matter of record. Every province and territory's ministry of education and every human rights commission has issued some sort of a statement or some sort of declaration of the fact of highly prejudicial, negative images of Aboriginal people as being disorganized, lacking sophistication and so on," he said. "That bias speaks directly to the ultimate issue of the trials. So under normal conditions and under normal rules, none of that testimony should have been admitted."

He said the law expects judges to look beyond the biases that permeate society and act as a "gate-keeper" to keep bad facts out of the courtroom.

"The judge has the responsibility to qualify expert witnesses. Ultimately if people are not competently represented by counsel, it's the judge's responsibility," he said.

A former Supreme Court of Canada justice, the late John Sopinka, along with Sidney N. Lederman and Alan W. Bryant, authored *The Law Of Evidence in Canada*. That book, regarded as an authoritative source on the rules of evidence "clearly identifies it as reversible error if the judge fails to supervise the qualification of expert witnesses based on personal knowledge of the facts," Murdoch said. "When a judge accepts an opinion, it becomes fact. And that is the problem."

If there's no personal knowledge then what is presented to the court is mere opinion, he added.

"The difference between opinion and fact is quite well explained [in legal texts]. Opinion is something that's the result of speculation. Fact is the result of experience," Murdoch said.

Murdock believes a case could be made that the improper use of expert witnesses in arguing against assertions of Aboriginal rights is a breach of the government's fiduciary obligation to

Aboriginal people.

"And you know what the point of compensation is for breach of fiduciary responsibility? Restore things to the way it would have been had there not been a breach," he said.

Windspeaker asked University of Calgary law professor Kathleen Mahoney, a prominent human rights advocate, about Murdoch's ideas. She agreed with his claim that appellate courts must deal only with the facts that make it into evidence at trial.

"That's true. An appellate court will not disturb findings of fact at the trial level. The test is, unless it brings justice into disrepute," she said. "That's a pretty high bar. So it's absolutely right that very seldom do they ever change findings of fact of the trial judge or even agree to hear witnesses to change them. So that's why the trial level is so crucially important in important cases because if you get a bad set of facts you're stuck with them. And the trial judge makes findings of fact. That's his job."

She also agreed that more learned judges at the appellate level have their hands tied if mistakes are made in admitting questionable facts.

"That's absolutely correct," she said.

As for Murdoch's theory that the Crown consciously came up with a strategy of taking advantage of this flaw in the legal system to gain an advantage, the law professor said lawyers do that kind of thing all the time. But Crown lawyers should be more interested in justice than in winning or losing, she added.

"Well, this isn't new. Whether the Crown should be doing it is a very good question because they're supposed to be neutral. When I'm representing Joe Smith against Joe Jones, I can be as non-neutral as I possibly can to try to get the best expert. And often these cases are battles of the experts and there's all sorts of jokes out there about how much do you have to pay your expert to say what you want him to say. That goes on all the time," she said. "But if the allegation is that the Crown is doing it, that's a little more serious because the Crown's job is not to punish or win cases or lose cases."

As for Murdoch's suggestion that cases could—and should—be re-opened because unexamined biases made it possible for the Crown to get hearsay evidence past judges and onto the record, the law professor found that idea intriguing.

"That's a very, very interesting point and I think it's worth pursuing. He should pursue that because we found it elsewhere. We found it in many other areas: Black people, Aboriginal people, women, anybody that's not the White power group has experienced those kinds of systemic biases so it would be absolutely extraordinary if it didn't exist," she said.

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Frank decision

(Continued from page 13.)

The council summoned Harley Frank to appear before them at a meeting off reserve.

"I said, 'No. You're not the judge, jury and prosecutor. This is not how we handle things in a democratic forum.' They went ahead with the meeting and proceeded to pass a resolution removing me from office," he added.

Frank obtained a Federal Court injunction ordering that things remain as they were while efforts were made to resolve the dispute. Instead it got worse.

"They said that the Federal Court injunction did not apply to them because they were sovereign," he said. "Against the orders of the Federal Court they went on to hold a by-election for my position. So I was forced to apply for another court injunction to protect my position and they resisted that so it took the courage of Madame Justice Reed to say, 'Enough is enough. I think we've gone through the procedures; we're going to trial.'"

The trial was held in Calgary in early 1994. During that time Frank said he had no salary. He also said he received death threats and that members of his family were denied services.

"It was brutal, but we survived," he said.

Once he produced a letter from the then deputy minister of Indian Affairs, Dan Goodleaf, stating that the federal government recognized him as chief, the judge was convinced that council was in the wrong.

"The issue of the trial was that they defied a Federal Court injunction so that's what Justice Reed had to decide. We had a break and the lawyers went into the judge's room and about a half hour later my lawyer came out and said, 'Harley, it's your call. She's found them guilty. If you want, she'll call in the RCMP, handcuff them and lead them out and they'll face fines individually of \$25,000. What do you want

to do?' I said 'I can't send them to jail. I don't want to send them to jail. It'll be civil war.' It's not the way I view things. I said, 'Give it back to the people. We'll have a re-election,'" he said. "I ran. I didn't campaign. I suspected some irregularities in the vote. I was asked if I wanted a recount and I said no. That was the last time I was in politics, in the spring of 1994."

He returned to the family farming and ranching business. From time to time over the years people asked him to run again. After 10 years, he decided it was time.

He finished in sixth place in the race for chief, behind Charles Weasel Head, Jr. who succeeded former chief Chris Shade. The sixth place finish earned him a spot on council.

Frank said the 1994 case came down to a basic conflict in First Nation politics.

"Council has always stated that the collective rights of the tribe is more important than the individual rights and I disagree with that. The individuals make up the band. We all contribute towards our community. We feel we're a part of this community and we're proud of this community. I'm very proud to be a Blood Tribe member and I always will be in spite of what's happened," he said.

He believes collective rights are important but the rights of the individual must not be forgotten. He said he was taught to work hard and be self-sufficient and he has the right to fully benefit from his efforts.

"That's an individual perspective. And I've got an independent streak. That's the way I was raised along with hundreds of others including my political foes at that time. I was no different than anyone. But I think in this process of building up a system, their efforts to protect their positions without any concerns for accountability, forgetting that you are working for the people, the individual rights were kind of slowly lost in this process.

On being mixed

(Continued from page 15.)

On a more mythological and religious level, theology is ripe with interesting "mixed-bloods". In Greek lore, Hercules was the product of an illicit liaison between Alcmene, his mortal mother, and Zeus, grand chief of the Greek Gods. What did this double heritage do for him? Give him biceps that could crack walnuts and a life full of adventure. You find that with many of us "half-breeds".

Closer to my Ojibway home, there's our own beloved Nanabush (or Nanaboozo) himself. His father was the West Wind (hard to get child support there), and a human mother who was swept (or blown) off her feet. Evidently the West Wind brought more than just a Chinook. Again, it provided a life of adventure and

fame for Mr. Nanabush, one fellow I am trying to emulate.

And, of course, there's the granddaddy "half-breed" of them all. His mother was Jewish and his father was the big guy himself, God. I am talking, of course, about a fellow named Jesus Christ; you may have heard of him. He was in all the papers. He had a biography out some time ago and his birthday is a national holiday. As a "half-breed" mentor/hero, he did pretty good for himself over the years. Though his gesture was a noble one, I would still prefer to die in my sleep.

So I guess us "half-breeds" walk in illustrious company. We make life interesting for sure. There is a noble brotherhood. The next time anybody gives us any flack about it, well, just walk away ... across the water.

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[careers & training] Playing games

(Continued from page 15.)

In a note I sent to a friend in Greenland in Inuktitut orthography, the word, kisiani, meaning "but" has the computer suggesting it as "kissing". For uvanga, which means "me", it suggests "avenge" and "avenger". The word for "maybe", immaqaa, is suggested as "Imam". So, the vain suggestions of the "likeness of a brain" has the words "kissing", "avenger" and a Muslim cleric, appearing together in one sentence.

This is something other than "educated guessing". It might be called "wild cyber shots-in-the-dark". It's easy to make your own fun with a computer's illiteracy in Inuktitut.

In another area of technology, we are well in the midst of the digital camera revolution, but I haven't entered that track yet. I'm still thoroughly on the panoramic camera track, and utterly content to wait the week or so it takes to get its film developed.



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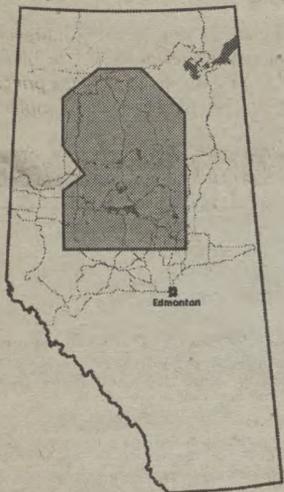
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[footprints] Dr. Anne Anderson

Teacher, author makes good on a promise to her mother

By Cheryl Petten

"You don't know where you are going if you don't know where you came from."

These words were often spoken by Dr. Anne Anderson, who was dedicated to ensuring Cree and Métis people knew about their history and their culture.

"Without culture, there is a definite limit as to how far a man can develop himself in the world around him," she wrote at the beginning of one of her books. "Without his culture, without that strong line from his forefathers, no man knows who he really is. If one does not know who he is, he cannot possess pride or dignity for himself or his people."

The early days

Anderson was born Feb. 3, 1906 in St. Albert, Alta., the third of 10 children born to William Gairdner and Elizabeth Calliou. Her father was of French and Scottish descent; her mother was Cree.

Her early days in the world gave no hint of the great things Anderson would achieve. She was tiny and frail at birth, so small that her first cradle was a shoebox lined with rabbit fur. Her mother, concerned her daughter would not survive, asked a medicine man to make her strong. He assured her distraught mother that young Anne would not only survive, but would grow to be a strong, determined woman who would accomplish much with her life.

Anderson attended Bellerose school, except for three years at Grey Nuns convent where she was sent at age 10. She completed Grade 10 before she had to leave school to help her parents on the farm.

When she was 16 her father died. She began

doing housework for neighbors to help support her mother and siblings.

Throughout her childhood, Anderson had learned about the Cree language and the Cree way of life from her mother.

"Always speak your language," her mother had told her time and time again. She also learned about Cree culture from Elders, who would tell stories of the way things were when they were young, of the buffalo hunt and of how bannock was made.

A promise made

When Elizabeth Calliou lay on her deathbed, she urged her daughter to record the Cree language in written form so it would not be forgotten. Anderson promised her mother that she would.

And when Anderson retired as a nurses aid she set about to ensure the Cree language was not only preserved, but promoted.

Anderson has more than 90 published works to her credit, including a 38,000 word Métis Cree dictionary she wrote in 1975 by translating an English dictionary into Cree. A decade later she published *The First Métis ... A New Nation*, which documents several generations of Alberta Métis families and information about the history and way of life of the early Métis people.

Fifteen of her books are included in the Dr. Anne Anderson Collection, new editions of books Anderson wrote in the 1970s. Included in the collection are storybooks, books on numbers and books teaching the Cree words to describe plants, animals, birds, insects and spiders, as well as Anderson's dictionary.

Anderson also created a number of Cree language tapes,

ensuring the sound of the language would be preserved. Anderson introduced Cree classes to schools in Edmonton and across the country, adding the role of teacher to her list of accomplishments. She was always in great demand, and taught at many of Alberta's post-secondary institutions, including the University of Alberta, Grant MacEwan College and Fairview College.

But she also taught in less academic settings—in the jail in Fort Saskatchewan, at the friendship centre and at the Charles Camsell Indian Hospital in Edmonton.

She taught both Native and non-Native students, helping people outside of the culture better understand the Cree and Métis people, while helping Cree and Métis students see that their heritage was something to be proud of.

In great demand

In 1982 Anderson founded the Native Heritage and Cultural Centre, to provide Cree language instruction and promote Native culture.

The work she began with was continued by the Métis Nation of Alberta, which purchased the cultural centre and the rights to the centre's materials and worked to provide Alberta schools with learning resources about the Métis people.

Anderson was also involved in a number of other organizations, including the Native Brotherhood Society, the Alberta Native Teachers' Society, the Voice of Alberta Native Women and the Edmonton YWCA. She had a hand in the creation of the Native People's Garden at the Devonian Botanic Garden west of Edmonton by providing advice and information on traditional Native

Dr. Anne Anderson promised her mother that she would work to keep the Cree language and culture alive and in use. After she retired from a job as a nurses aid, she set her mind to keep that promise. She published a series of books, including a Cree dictionary that she made by

translating an English dictionary. She taught in schools and even at a provincial prison in Alberta. She passed in 1997 at the age of 91, but not before bestowing on three generations the gift of language, and not before fulfilling her promise to her mother.

uses of the plants found within the garden.

The honors and accolades Anderson received over the years in recognition of the work she did were many. She received an Alberta Achievement Award in 1975. In 1978 she received an honorary doctorate of laws from the University of Alberta in recognition of her work as a writer and teacher. In 1991 she received the Order of Canada for her work promoting Cree and Métis culture. She was also named a YWCA Edmonton Woman of Distinction in the Arts and Culture category and a received a Heritage Language Development Award from the Alberta Multicultural Commission that same year.

She was named to the City of Edmonton's Cultural Hall of

Fame in 1992 in the builder category and in 2004, during Edmonton's centennial celebrations, was named as one of the city's 100 Edmontonians of the century, recognizing, among other things, her efforts to introduce Cree classes into city schools.

The City of Edmonton has also named a park in her honor.

During her lifetime, Anderson taught three generations about the Cree language, culture and knowledge. She passed away April 21, 1997 at the age of 91, but even now, others continue to build on the foundations she laid, working to ensure current and future generations of Cree and Métis people never lose touch with who they are.



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