

BRIAN CRANE HAS BALLS

Can We Be Sued for Saying That?

November 18, 2007

We Indigenous recognize freedom of speech and freedom of the press as founding principles in modern democracies. We, Nishnaabe and Ongwehonweh hold Truthfulness as a #1 guiding principle. We tell it the way we see it.

Before we get to examining Brian's "ballsiness", we'll run through some government documents relevant to the Algonquins' struggle to stop uranium mining exploration and development on unceded Algonquin land.

Uranium mining is just the first step in a series of processes where increasing amounts and deadliness of radiation are released into a widening area forever. Opponents of uranium development stand on the front lines against the entire nuclear fuel cycle.

ONTARIO'S SNAZZY BROCHURES "The Docs"

Ontario's "Mineral Development Strategy" and the June 2006 and Winter 2007 documents on Consultation with Aboriginal Peoples (herein after referred to as "the docs") are utterly laughable, not worth the ink and paper they're printed on. Each document is an arrogant piece of prevaricating crap that does not even qualify as sophism.

We have to pause and ask, who wrote them and how much did they get paid to produce such drizzle? What were they imbibing while working on them?

The Winter 2007 Discussion paper is about consultation and the Crown's "duty to consult". The Crown's duty to consult is based in Canada's constitution and confirmed in SCC decisions, Taku River Tlingit First Nation v. Tulsequa Chief Mine Project and Haida Nation v. British Columbia. The Haida case clarified that the province has a "duty to consult with First nations at the strategic planning stage".

It cannot get more absurd and "the docs" would be hilarious if the intent and consequences were not so diabolical. While writing about their duty to consult with First Nations and how to do consulting, Ontario is not consulting with the Algonquins. Frontenac Ventures is busy staking claims before, during and after this creative writing exercise unbeknownst to the Algonquins. They learn about it from their settler neighbours. In April, 2007, when Chief Doreen Davis asked Brian Crane, Ontario negotiator for the Algonquin Land Claim, about the mining claims, he said nothing was going on. Chief Doreen was puzzled by this conflicting information.

By the time the Ardoch and Shabot Obaadjiwan Algonquins had set up camp at the mine site on June 28, the various Ontario ministries were scrambling to avoid dealing with the Algonquins' letters and invitations to negotiate. Isn't responding to letters and invitations a good way to fulfil a "duty to consult"?

Instead, the situation was allowed to develop into a law enforcement matter, precisely the thing that should not have happened.

"The Docs" reveal their own bias when they provide absolutely no provision for the possibility that Indigenous people will say, "No Deal!" and that's the end of it. Ontario presumes that mining development will go ahead one way or the other. They are seeking "Aboriginal Partners" who will get a share in the loot.

If things go badly, "if adverse impacts are unavoidable, that they are mitigated". We interpret that to mean, no matter the damage to the land and watershed, the project will go ahead. The mining company will leave the mess for the Indigenous to clean up and live with. The government will cover it all up with more lies. That's the mitigation part.

The Docs boldly propose eight principles.

"#3 Consultation should be conducted with the objective of avoiding adverse impacts on asserted or established Aboriginal or treaty rights. Where avoidance is not possible, consultation will be conducted with the goal of mitigating such impacts."

According to Ontario, mining is a go no matter what.

And "#5 Although Aboriginal communities have a right to be consulted...They have no veto over the Crown's decisions" which generally rule in favour of industry.

It is all about economics and industry's financial interests, clearly expressed in phrases like, "MNDM (Ministry of Northern Development & Mining) will delegate aspects of project consultation to industry". These resource-grabbing pirates are called "industry stakeholders". Mining is described as a "high risk investment" which justifies the continued use of the free entry system enshrined in Ontario's Mining Act. The Act is based on the false presumption that the Crown owns the land and the minerals in the land.

Any mention of the environment is token. By sustainable, these folks mean sustaining their 6 digit salaries. Do they take the rest of us for complete idiots?

Ardoch and Shabot Obaadjiwan spokespersons have done an incisive and valiant analysis of the winter 2007 discussion paper. They are too polite in our view.

HONOUR OF THE CROWN

There is one section called "The Honour of the Crown". There is no evidence anywhere that the Crown is or ever was honourable in its dealings with Indigenous people, Nishnaabe or Ongwehonweh.

John A. MacDonald made it quite clear in 1867 when he said, "The great aim of our legislation has been to do away with the tribal system, and to assimilate the inhabitants..."

One hundred and forty years later, we remain distinct and independent. Ongwehonweh means "people forever".

Natural Resources Canada tells us, "Minister Gary Lunn speaks frequently about the need to streamline the regulatory approval process for energy and mining projects in Canada, and has made this a personal priority..."

Is Agent Lunn in sync with US VP Dick Cheney, Sec of Energy Bodman and Deputy Sell or what? These madmen want to ram through nuclear development at any cost, preferably with no rules whatsoever asap.

Recent developments within our own region reveal that the Crown has no honour.

MOHAWK NATION

In Mohawk territory, though the Mohawks at the Bay of Quinte remain strong in their reclamation at the quarry site, the entire Mohawk Nation is shaken by leadership scandals from 6 Nations all the way to Kanehsatake. The Crown persists in its methods of divide and conquer. They force their system of chiefs, band councils and blood quantum upon us to isolate and control so-called leadership and buy them out.

Strong defenders of the land, people like Shawn Brant become targets of the criminal justice system because they are perceived as the true leaders of the people. The Crown seeks 12 years in prison for Shawn, the father of two small children.

Strong defenders like the 9 at 6 Nations are targeted. They are facing costly court cases before the same Crown after a brutal invasion by OPP, RCMP and local police in September. They were tasered and beaten, some of them women and charged with mischief.

PORT HOPE

In a press release this week, the Port Hope Community Health Concerns Committee announces the results and data of the Port Hope Radiobiological Studies Project 2007 have been posted at their web site.

Port Hope is a small city on Lake Ontario about 2 hours from Sharbot Lake. Better named, Port Hopeless, it is the repository for 3.5 million cubic meters of Canada's nuclear waste. The government devotes \$\$millions to manage the nuclear waste stored at Port Hope but there is no funding to monitor the inevitable, harmful health effects on the people. The people had to fund their own research. The results are shocking and confirm the presence of very high levels of uranium isotopes in the residents' bodies. You can read all about it at their web site. Where is the Honour of the Crown in this picture which involves an entire city of Canadians?

BRIAN CRANE & GOWLING, LAFLEUR & HENDERSON

We didn't forget about Brian Crane, Ontario negotiator for the Algonquin Land Claim. He's a very sharp, old guy, a lawyer employed with Gowlings, Lafleur and Henderson, one of Canada's largest and oldest law firms. Gowlings' trademarked motto is "The Power of Original Thought". When it comes to law, they do everything. From aboriginal law to defamation&media to venture capital, Gowlings have their busy fingers into every pie. They work for industry sectors including life sciences (bioengineering), energy and government. (Yup, they file government under industry sector where it belongs.)

Gowlings' energy department does things like setting those hydro and natural gas rates for you to pay and advising the Nuclear Waste Management Organization.* They claim their "experience covers the breadth of skills required to make deals in the nuclear sector a reality." "Gowlings knows nuclear."

They are members in the Canadian Nuclear Association, involved in all aspects of nuclear development. Many GLH lawyers sit on various industry boards of directors and organizations like the Stakeholders Alliance. In their own words, they are "trusted advisors to senior executives..." Gowlings head energy man is David McFadden in Toronto. He can be reached at 416 3697243 or david.mcfadden@gowlings.com

With Brian Crane, a GLH lawyer at the table, Frontenac Ventures won't need their own lawyers. Watch out for Brian passing notes under the table to George White.

Brian Crane is the Ottawa group leader of the GLH Aboriginal law department. Gowlings claim decisive accomplishments like the deal between the James Bay Cree and Hydro Quebec, finally completed after a generation of Crees were pressured to revoke a previous ban on hydro development in their territory.

Brian is secretary on the Board of Directors of the Parliamentary Centre, Canada's answer to NED, the National Endowment for Democracy. Their Patron is Michaëlle Jean, Governor General of Canada. These busy bodies call themselves "partners in parliamentary development" as they go around the world telling other people what to do and how to do it. They are very active in Haiti with CIDA.

If you are a new MP in Ottawa, ParlCent organizes your orientation. They even give you tips on how to relieve stress when you are a new MP and really want to represent your constituents: "don't listen to those peons, just keep your eyes on the money if you want to stay in this league!"

Brian once worked with the Department of External Affairs. He taught university and acted as consultant for the Law Reform Commission of Canada. He is a member of several professional clubs and does community work with the Canadian Mental Health Association.

ALGONQUINS ENTER MEDIATION

The Algonquins, now going into mediation and negotiations, face some very crafty adversaries who have no intention of consulting or compromising on their grandiose schemes. Like a pack of wolves, Ontario and other agents of the Crown seek to cut a few individuals out from the "herd" and isolate them with secret deals.

The Ardoch and Shabot Algonquins still face Frontenac Ventures' \$77 million lawsuit and contempt charges before the Crown.

The Algonquins have been adamant about Openness, an essential in Algonquin law. Yet Ontario has insisted on closed door meetings. Ontario got their way when selection of the mediator became a private affair. How much was each person paid to be there? What sort of treats and delicacies were offered to the Algonquins this time?

The mediations must be open to the entire community to ensure "good faith".

If you want to tell Brian Crane that we've been talking about him, here's his phone number 613 7860107 and email <brian.crane@gowlings.com>. Be sure to include this message from Mohawk worker, Iokerenenh:

“Once Great Britain and the other European countries found out about the New World, they set out to make their fraudulent claims. Every “license, permit, grant, charter and declaration” that these franchises known as “Canada” and the “United States” were issued and those they themselves now issue are invalid and fraudulent.

“Nothing is legal here, except us”, said Iokerenenh.

“The United States and Canada are paper countries. They are not sovereign states, because they don't have the land. As artificially created entities, they can be destroyed by a stroke of the pen. We want these foreign corporations dissolved and all contracts to be deemed as null and void effective immediately. Since they did not bring anything with them here, they have to hand everything over to us.”

Jennifer Tsun
McDonalds Corners

Your feedback is welcome. Please forward this message to a friend. If you have received this message as a forward and would like to receive further weekly reports, send email to <kittoh@storm.ca>

Notes and Sources:

Ardoch & Shabot Algonquins response to Ontario's "Aboriginal Consultation Approach for Mineral Sector Activities at <<http://www.ccamu.ca/firstnationsfull.htm>>

Ontario Ministry of Aboriginal Affairs <

<http://www.nativeaffairs.jus.gov.on.ca/english/negotiate/algonquin/factsheet.html> >

Ontario Ministry of Northern Development & Mining <

http://www.mndm.gov.on.ca/mndm/mines/mds/default_e.asp>

Tyendinaga Support Committee < <http://www.ocap.ca/supporttmt.html>>

Port Hope Community Health Concerns Committee < <http://www.porthopehealthconcerns.com/>>

Gowlings, Lafleur & Henderson < www.gowlings.com>

Canadian Nuclear Association < <http://cna.ca/english/members.asp>>

The Parliamentary Centre < http://www.parlcent.ca/staff/index_e.php>

"The Agonizing Death of 'Colonialism' and 'Federal Indian Law'in Akwesasne" by Kahentinetha Horn. Available from MNN < www.mohawknationnews.com>

*Another connection: Nuclear Waste Management Organization: David Crombie sits on their advisory council. He is also the liaison for the Caledonia Citizens Alliance, a group of settlers who refuse to believe they're squatters on Mohawk land.

The inspiration for the title of this article came from this testimony:

"Ray Manygoats [Navajo] of Tuba City [Arizona] told how his family cooked their meals on a grill his father brought from Rare Metals. The grill had been used to sift yellowcake.

"We would play in the yellowcake sand at the mill, jumping and rolling around in it. We also found many small metal balls at the mill. The balls were used to crush and process the uranium. We played marbles with them and had contests to see how far we could throw them."

from: Uranium legacy outrages Congress: Waxman: 'The primary responsibility for this tragedy rests with the federal government'

< http://www.gallupindependent.com/2007/october/102407kh_urnmlgcy.html >