

From: Paul Lamothe [mailto:pelamothe@videotron.ca]

Sent: January 3, 2011 9:56 AM

To: 'Robert J. Potts'

Cc: 'Kevin Gaudet'; 'comments@auditor.on.ca'; 'communicatio@oag-bvg-gc.ca'; 'Harper.S@parl.gc.ca'; 'ahorwath-co@ndp.on.ca'; 'ljeffrey.mpp.co@liberal.ola.org'; 'Layton.J@parl.gc.ca'; 'lgreen@cfra.com'; 'Park Avenue Gazette'; 'Bentley_Chris-MPP'; 'Michael Swinwood'; 'Heather Yundt'; 'ggalloway@globeandmail.com'; 'nickatnight@cfra.com'; 'angelwithattitudedeceptions@hotmail.com'; 'Dalton McGuinty'; 'cbcnewsottawa@cbc.ca'; 'Gary Heighington'; 'Jo-Anne Thomas'; 'johan@geninfo.org'; 'Jeremiah Jourdain'; 'Jo-Anne Thomas'; 'Jo-Anne Thomas'; 'Bob Lovelace'; 'Nadeau.R@parl.gc.ca'; 'fureyg@sen.parl.gc.ca'; 'MAA Public Enquiries (MAA)'; 'kahntineta Bear'; 'alan@prattlaw.ca'; 'Bastien, Clifford'; 'Bob Craftchick'; 'Davie Joannisse'; 'Davis, Doreen'; 'Glassford, Patick'; 'Greg Sarazin'; 'HLAVALLEY1@aol.com'; 'Katherine Cannon'; 'Kirby Whiteduck'; 'Malcolm,Randy'; 'Pikwakanagan'; 'Richard Zhor'

Subject: RE: Response to Paul Lamothe's E-mail

Mr. Potts,

Let me begin by thanking you for responding to the questions which are being asked by many concerned Algonquin. To assist everyone, I have included my original e-mail at the bottom of your response. I would like to note that this is the first correspondence I have received from you, or any arm of the negotiations process, in well over a year (August 2009 I believe). Although I do understand that at the public meeting in Toronto in November of 2010, you stated that you had attempted to contact me several times and received no response.

Again, I find it interesting that you continue to discredit me, refer to my imagination at work, and put your own twist on what is and has transpired. You again fail to take into consideration the five communities not at the table, including the Ottawa Algonquin First Nation, why they are not at the table, and how the Addendum has been set up to just eliminate the traditional communities and put an individual at the table, whether truly representative or not.

My only remaining question concerning the negotiation process is *why are we referred to as electors, and now voters?* We are Algonquin and should be referred to as such. Please respond. I've been given copies of your AIP documents, although did not receive one myself, even though I am Algonquin and my direct family members did. Please clarify this issue for us all.

Although Mr. Tysick has begun to send you documentation to support our concerns and the true facts, I will not be sending anything further to you to support this. You are well aware of, and in many cases responsible for, the documents of truth. Full documentation supporting everything I have stated can and will be provided to the appropriate individuals when the time comes.

Mr. Potts, thank you for your e-mail. This documentation will be posted on our website, and our facebook page, in the coming week.

Regards,

Paul Lamothe
Chief
Ottawa Algonquin First Nation

From: Robert J. Potts [mailto:bpotts@blaney.com]

Sent: December 31, 2010 1:36 PM

To: pelamothe@videotron.ca

Cc: Kevin Gaudet; comments@auditor.on.ca; communicatio@oag-bvg-gc.ca; Harper.S@parl.gc.ca; ahorwath-co@ndp.on.ca; ljeffrey.mpp.co@liberal.ola.org; Layton.J@parl.gc.ca; lgreen@cfra.com; Park Avenue Gazette; Bentley_Chris-MPP; Michael Swinwood; Heather Yundt; ggalloway@globeandmail.com; nickatnight@cfra.com; angelwithattitudecreations@hotmail.com; Dalton McGuinty; cbcnewsottawa@cbc.ca; Gary Heighington; Jo-Anne Thomas; johan@geninfo.org; Jeremiah Jourdain; Jo-Anne Thomas; Jo-Anne Thomas; Bob Lovelace; Nadeau.R@parl.gc.ca; fureyg@sen.parl.gc.ca; MAA Public Enquiries (MAA); kahntineta Bear; alan@prattlaw.ca; Bastien, Clifford; Bob Craftchick; Davie Joannisse; Davis, Doreen; Glassford, Patick; Greg Sarazin; HLAVALLEY1@aol.com; Katherine Cannon; Kirby Whiteduck; Malcolm,Randy; Pikwakanagan; Richard Zhor

Subject: Re: Response to Paul Lamothe's E-mail

Dear Paul:

First, let me wish you and your family the best of the holiday season. Second, let me thank you in advance for agreeing to post this response on your website, as you put it, "for all to see."

I have two reasons for responding to your message. The first is that I have an obligation to answer all legitimate questions regarding the Algonquin negotiation process from any enrolled Algonquin elector. If your status has changed in that regard, please let me know. Unlike many of your other communications to me, you have actually raised some genuine questions that merit a response. The second reason is that you have created an aura of suspicion and wrongdoing by copying your message to many persons and entities. On the over used and often erroneous axiom that "where there is smoke there is fire," some of these persons who are not aware of your motives might mistakenly regard your questions to me as being well-intended, and thus any failure to respond on my part might be regarded as suspicious.

For the benefit of those who do not have your original e-mail in front of them, I have reproduced your questions along with my answers.

#1:You wrote:

"- in 2004 Joan Holmes was paid \$30,000 dollars by the real Bonnechere Algonquin community to verify the Thomas line.

A few years later an audit of Joan Holmes genealogist work was conducted (or was it) and you personally announced that no faults were found and that Joan Holmes work had a clean bill of health. How can that be? You can understand missing one or two files when conducting an audit! But how do you Mr. Potts explain overlooking the files of 650 people? It doesn't add up. Why should anyone trust or put any faith in Joan Holmes work after this mess? You then formed a committee to oversee the problem. What made the committee members more knowledgeable than Joan Holmes or the government audit? Are they experts in this field?"

The person who informed you that Joan Holmes was paid by anyone to verify the Thomas line was in error. As you know, in the 2004 Addendum to the Protocol Agreement (the Addendum), under the authority of which you became an Algonquin Negotiation Representative (ANR), Ms. Holmes was directed to perform an audit of enrolments that were made after the breakdown of negotiations in November, 2001. The appeal board decision that accepted the Thomas line was in fact made in September, 2001 and was outside the scope of that audit. In fact, I understand that Ms. Holmes did not review the appeal board decisions regarding the Thomas line until the issue was raised earlier this year.

You are correct that Ms. Holmes' work was subject to an audit commissioned by the government of Ontario and was, as you put it, given a "clean bill of health." However, neither Ms. Holmes nor the government audit reviewed enrolments that were made prior to November, 2001. I invite you to review the Addendum to satisfy yourself on this point.

The recent appeal board that rendered the decision relating to the Thomas line was comprised of experienced and knowledgeable Algonquins from the communities that did not have enrolled members under that line. The 2007 Ongoing Identification of Electors document, which governs the process of

enrolling and appealing Electors, provided for an appeal board on which Algonquin Negotiation Representatives would sit. However, when the issues surrounding the Thomas line came to the attention of the ANRs during the summer of 2010, the issues were extensively discussed at the ANR table and it became clear that the ANRs had become too closely involved in discussions on the merits of the issue on both sides to serve as an independent appeal board. Thus, the decision was made in this instance to carefully select an appeal board comprised of prominent Algonquin persons from the communities not affected by the Thomas line issues in order to ensure their independence. That board was given access to Ms. Holmes as a resource and to an independent legal adviser and rendered a carefully considered decision after hearing from all interested parties.

#2 - You wrote:

"-is it not Joan Holmes who verified and authenticated the Antoinnes of Mattawa? As you, all government representatives and the Algonquins at the land claim negotiations are aware the Antoinnes of Mattawa were created by Davie Joannis using his wife's (Antoine) maiden name. The Antoinnes are beneficiaries of the Robinson/ Huron treaty and are said to be Ojibway? It was my belief that you could only benefit from treaty? According to Davie Joannis Joan Holmes was paid in excess of \$100,000 + for her work."

I understand that Joan Holmes & Associates did certain research for the Antoine community in the past. I understand that this work involved documenting the historic basis for land use and occupation by certain Algonquin families in the area around and north of Mattawa and has not been presented to the ANR table for any purpose and certainly has not been used to "verify" or "authenticate" anyone. As you well know, every Algonquin who is not a member of the Algonquins of Pikwakanagan First Nation, in order to be enrolled, must demonstrate direct lineal descent from an Algonquin ancestor. Mr. Joannis and the other persons he represents have gone through that process, which is subject to appeal, as demonstrated in the preceding discussion of the Thomas line.

#3- You wrote:

" is it not Joan Holmes who notified 27 members of the Clouthier family in 2008 that they were to be parachuted from Greater Golden Lake to become the new Ottawa? How much was she paid for that? She then handed over my community list as directed to the new Ottawa community. The same was done with the Bonnechere and Ardoch membership lists." This was done under yours and Brian Crane's direction in order to insure funding would not be interrupted."

You are familiar with the Addendum, having successfully applied under its terms to have the Ottawa Community of Algonquins recognized. Under its terms, all enrolled Algonquin Electors are free to indicate which Community of Algonquins they are most closely affiliated with for electoral purposes. Any decision of any enrolled Algonquin Electors to alter their Community affiliation is done without the involvement of Ms. Holmes. Her only role is to reflect their decision in the enrolment records. In addition, there is no "new Ottawa" Community. Your resignation as an ANR left the Ottawa community without representation at the table and a by-election was held to fill the place you left vacant.

I do not understand the final sentence under this item, which appears to be a non-sequitur. In any event it is an offensive imputation against my reputation and that of Mr. Crane, a senior and eminent member of the Bar.

#4 - You wrote:

"- the ANRS have been given parcels of land (I have pictures). Who authorized this and why are parcels being handed out before a treaty is signed? How much money have you and the ANRS received for signing off crown land?"

I am afraid that I have little to say regarding this point. If there is anything other than your imagination at work here, please provide the evidence.

You wrote:

My final question deals with the ANR meeting you hold every year in Toronto as a guise for your annual birthday bash. Are taxpayers on the hook for your get together? As a taxpayer am I paying for your birthday party and are you charging the taxpayer for the use of your office? I know you will answer that people from

outside the territory ask for this meeting. Have you been to North Bay, Sudbury, Sault St Marie, Temagami Algonquins or anywhere east of Ottawa? There are several thousand Algonquin people living outside of your so called territory and like me they are proven Algonquins.

It is true that my birthday falls in the month of November, and it is also true that we have a practice of holding our November internal and main table meetings in Toronto. During the other months of the year the weeklong negotiation sessions are held throughout the Algonquin Territory and I travel to those meetings . My firm, which values all of its clients highly, has seen fit to host a reception during the November meetings for the ANRs and the governments' negotiating teams, at the end of a day of meetings. Since it happens that my birthday falls around the same time as this meeting, I rather jokingly started referring to this as my own birthday party. It is truly unfortunate that certain people lack a sense of humour. No Paul, the taxpayers are not on the hook. My firm bears the full expense of this annual reception.

With respect to the last part of this question, which does raise legitimate issues, we hold a public meeting for Algonquins once a month in conjunction with our main table meetings including the Toronto meeting. These meetings have taken place to date in all Communities within Algonquin Territory as well as in North Bay and Kingston. If and when we have an agreement in principle to discuss with Algonquin voters, we will certainly consider holding meetings with those "voters" in any location where they can be found in substantial numbers. We are aware that there may be Algonquin people residing east of Ottawa who have not yet, for whatever reason, applied to be enrolled. We would appreciate any assistance you can provide to identify these persons or to inform them of their opportunity to become enrolled and to participate fully in this process. As you are aware the enrolment of "voters" for the Agreement in principle notification process is underway, so the timing for that initiative is ideal.

Finally, newsletters and other correspondence are periodically mailed to all enrolled Electors, regardless of place of residence, including those who have not affiliated with any particular Community.

You wrote:

"I understand you claim that there are but 130 people opposed to your land claim. For your information there are 5 communities who refuse to be part the Algonquin land claim because of you. The manner in which you have assumed complete control over the entire Algonquin land claim operation. The creation of false communities, fixed elections, the discrediting of anyone who challenges you. This is an Algonquin land claim not a Potts land claim. Quite frankly Mr. Potts your integrity as well as the fairness for all Algonquins has been put into question. The question on most people's minds is: why is a Toronto lawyer being paid \$450.00 per hour plus expenses and completely controlling the funding through his office acting as principal negotiator for the Algonquin land claim? Should the principal negotiator not be an Algonquin?"

These comments are nothing more than personal attacks against my own role and my own integrity. In fact, I was hired by the Algonquin leadership to act as Principal Negotiator and Senior Legal Counsel. I serve at the pleasure of the ANRs. I will not apologize for having accepted this assignment; nor do I apologize for the way in which I have carried out my mandate. I take my direction from the ANRs. Those ANRs have been "elected" by the Algonquins of Ontario to engage in treaty negotiations with the government. They tell me what to do and what not to do. They are free to terminate my retainer anytime they wish. I do not control the funding. No election has been fixed. There are no "false communities." I do not discredit anyone who challenges me; and in fact I relish the opportunity to debate the legitimate merits of any issue with any Algonquin, whether or not that person agrees with my perspective on the issues. For example, I have done nothing to discredit you despite your consistent and increasingly vehement and unfounded personal attacks against me, many of which are defamatory. I accept to some degree that a person in my position must be prepared for a certain amount of criticism. However, I must warn you that I am not prepared to be libeled nor slandered by you or anyone else, and I would ask you to please govern yourself accordingly.

You wrote:

"I will be posting this open letter on our website www.ottawaalgonquins.com as well as on Facebook. You will note I have included the auditor general of Canada as well as Ontario. Also included is Kevin Gaudet of the taxpayers federation; they have a vested interest in how taxpayer dollars are spent. I've included newspapers, MPs, MPPs and several other interested parties. I believe since you control the funding and are a private firm you do not fall under the Indian act and are open to forensic audit and investigation.

There are a number of questions. I trust you will answer each and every one of them so I may pass them on and post them for all to see."

Thank you for undertaking to post my answers on your website. Once again, I do not control any funding. Whether or not "I" or my firm falls under the *Indian Act* (whatever you may mean by this) I assure you that any forensic audit or investigation would simply reveal that the funding for the Algonquin negotiations is received and expended under federal and provincial policies, is administered on a day to day basis by a reputable accounting firm in accordance with funding agreements and workplans that are approved by all parties, and that the audited financial statements prepared annually by another independent accountant are available for any enrolled Algonquin elector to view.

Once again, thank you for your ongoing interest in the Algonquin Negotiations and happy holidays to you and your family.

Bob

Robert J. Potts

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Mr. Potts,

I have a few questions regarding the Thomas line that I expect you to answer in detail. Lately I have been getting calls regarding this issue and I have been asked to notify you and seek answers to questions you seem to want to ignore. I know you deplore anyone questioning your judgement or tactics, however this is important.

#1 - in 2004 Joan Holmes was paid \$ 30,000 dollars by the real Bonnechere Algonquin community to verify the Thomas line.

A few years later an audit of Joan Holmes genealogist work was conducted (or was it) and you personally announced that no faults were found and that Joan Holmes work had a clean bill of health. How can that be? You can understand missing one or two files when conducting an audit! But how do you Mr. Potts explain

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Thank you
Paul Lamothe
Chief Ottawa Algonquin First Nation.