

The

# FORGOTTEN PEOPLES

April 2004

The National Voice of Off-reserve Indian and Metis Peoples Throughout Canada



## Urban Aboriginal Issues Make Throne Speech & Budget

### Govt. steps in right direction with Aboriginal agenda

Recent actions by the federal government seem to indicate a more inclusive approach to the Aboriginal reality in Canada, one that recognizes over 800,000 Aboriginal people who form the majority off-reserve population, according to the national chief of the Congress of Aboriginal Peoples.

"When Prime Minister Martin not only sets up but personally chairs a cabinet committee on Aboriginal Affairs soon after being elected, when he sets out a broader Aboriginal approach in the Speech from the Throne, and when he offers some continued support for an off-reserve urban agenda, I have to believe he really wants to make a positive difference," said Congress chief Dwight Dorey.

He cited the March 23<sup>rd</sup> federal budget announcements to double the money targeted to an extended four-year urban Aboriginal strategy and adding the number of cities to be included, along with renewing the Aboriginal Human Resources Development Strategy for a further five years, and including the Congress in the deliberations on the establishment of an Independent Centre for First Nations Government, as "steps in the right direction for off-reserve Aboriginal people."

Chief Dorey also noted the recent decision by the House of Commons Committee on Aboriginal Affairs to include representation from the five national Aboriginal organizations as permanent committee members when reviewing legislation of interest to their people.

"I see that as another positive sign that Aboriginal people are going to get more involved in policy formation and legislative review with respect to Aboriginal issues."

He said the move was significant because it was passed by an all-party House of Commons committee.

Chief Dorey said he would continue to press for involvement by the Congress and its Metis regional constituent member organizations in the \$20 million consultative process on the Supreme Court's Powley decision, affecting the rights of Metis people.



### Aboriginal Ancestry Population Size in Canada\*

**Total Aboriginal Population:**

- 1.3 million (4.4% of Canadian population)
- Number off reserve 1,045,675
- Percent off reserve 79% (4 out of 5)

**Composition:**

- Indian 957,645 (Status & non Status Indians)
- Metis 266,020
- Inuit 51,020

**Status Indian Population:**

- Total 558,175
- Number on reserve 274,215
- Number off reserve 283,960
- Percent off reserve 51%

**Off Reserve Aboriginal Population of Interest to CAP:**

- Non Status Indian 399,470
- Off reserve Status Indian 283,960
- Metis 266,020
- Total 72% (excluding Inuit) 949,450

\*Source: Statistics Canada, 2001 Census

Visit CAPonline at <http://www.abo-peoples.org>



# CAP Active On Urban Agenda

**As a long-time advocate for Aboriginal peoples living away from reserve communities, CAP has been pushing forward with an aggressive urban agenda.**

With its focus on developing real-life solutions for grassroots Aboriginal peoples, regardless of status or residency, the Congress is working to support local initiatives as part of the CAP Urban Aboriginal Strategy. At the same time, CAP is working hard to ensure the federal government has a good understanding of urban conditions as they develop federal urban policy.

The **United Native Nations of BC** recently signed a tripartite agreement with the province and Canada. CAP is working closely with UNN to assist them in using existing urban funding to plan for greater involvement by Aboriginal communities in child protection services across the province.

The Congress has established a partnership to help support the Edmonton-based **Native Counselling Services of Alberta** on an innovative program that helps Aboriginal people make the transition from

correctional institutions and the streets to secure permanent employment and housing. In addition, a research project is underway to gain funding for a partnership project that links Aboriginal youth with the Edmonton small business sector.

In Saskatchewan CAP helped sponsor a pilot project, and continues to support the **Construction Careers Development Project**, aimed at getting Aboriginal people employed in the construction industry in Regina and Saskatoon.

## Misquadis

The Congress played a strong role in supporting the Misquadis case, which resulted in a landmark Supreme Court decision that will open up community-based consultations across the country to actively involve urban Aboriginal peoples in the design and delivery of labour market programs.

## AHRDS Extended

The federal Aboriginal Human Resource Development Strategy has been extended for a one year period initially but with a commitment from the government to review the program this year and extend it for another five years.

The Prime Minister has directed that further policy, partnership and program work on Aboriginal skills development issues be undertaken with more participation from the provinces, territories and the private sector during this spring and summer.

The Congress is looking forward to active participation in the consultative process.

## More communities, doubled funding

The March 23<sup>rd</sup> budget announcement doubling the funding for the federal Urban Aboriginal Strategy, increasing the number of urban communities to be included, and extending the program to four years from three is a boon for off-reserve Aboriginal peoples.

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## CAP/Canada Political Accord 10<sup>th</sup> Anniversary

This year the Congress of Aboriginal Peoples entered into the 10<sup>th</sup> year of a Political Accord with the Government of Canada, dealing with issues affecting off-reserve Aboriginal peoples.

The Accord was originally signed in 1994 with the then-Minister of Indian and Northern Affairs and the Federal Interlocutor for Metis and Non-Status Indians, and was renewed in 1998.

The focus of the Accord has been to create a framework for a consultation process between the Congress and the Federal Government on “*Gathering Strength: Canada’s Aboriginal Action Plan.*”

It identifies important issues to the off-reserve Aboriginal peoples for whom the Congress has acted as a national advocate for 34 years. As set out in *Gathering Strength* they are:

- **Renewing the Partnerships** (between Canada and Aboriginal peoples) *speaks to bringing about meaningful and lasting change in our relationships with Aboriginal people;*
- **Strengthening Aboriginal Governance** *is about supporting people in their efforts to create effective and accountable governments, affirming treaty relationships and negotiating fair solutions to Aboriginal land claims;*
- **Developing a New Fiscal Relationship** *means arriving at financial arrangements with Aboriginal governments and organizations which are stable, predictable, and accountable and will help foster self-reliance, and;*
- **Supporting Strong Communities, People and Economies** *focuses on improving health and public safety, investing in people and strengthening Aboriginal economic development.*

Progress on the Accord’s implementation has been slow, but there have been numerous bilateral discussions between CAP and the federal government on Accord-related issues over the years.



**Chief Dwight Dorey and  
Hon. Denis Coderre**

Interlocutor for Metis and Non-Status Indians.

CAP has also been working to set up both *specific* and *general* forums with federal ministers as set out in the Accord, where there would be joint focus and actions developed on issues of major concern to the off reserve Aboriginal population.

Despite the challenges with implementation, CAP sees the Political Accord’s potential as a valuable tool in accommodating the needs of the people for whom it advocates.

But to be more effective, it needs to be strengthened through a greater federal commitment to work with CAP in setting practical, realistic goals and targeted accomplishments.

The Congress has approached the current Federal Interlocutor for Metis and Non-Status Indians, and the Minister of Indian and Northern Affairs to renew the Political Accord on these terms and is awaiting a response.





## NWAC Forms “Sisters in Spirit” For Missing Aboriginal Women

**At least 500 Aboriginal women have gone missing in the last 15 years, many of whom have been murdered. Of these, the most vivid cases are those whose bodies were found among the remains of the 22 victims found on a Port Coquitlam, B.C. pig farm.**

On March 22 , 2004 the Native Women’s Association of Canada (NWAC) launched a “Sisters in Spirit Campaign” on Parliament Hill, to create awareness of issues and dangers specific to Aboriginal women.

“We must not forget that the women we are speaking out on behalf of are our mothers, our sisters and our daughters,” said the Vice-Chief of the Congress of Aboriginal Peoples, Patrick Brazeau, attending the launch on Parliament Hill.

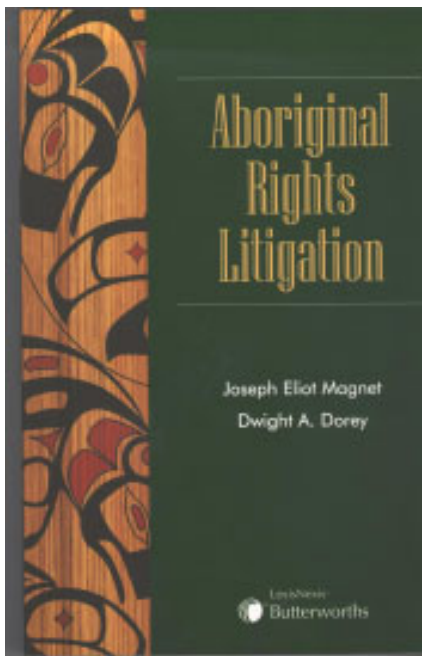
“I am a proud husband and father to my three-year old daughter and will contribute in any way I can for the betterment of Aboriginal women.”

Terry Brown, President of NWAC, told a story of how she lost her sister due to domestic violence.

Since most of the women involved in the B.C tragedy were prostitutes or drug addicts, the association is calling for a study to research how so many aboriginal women end up in situations where they turn to drugs, alcohol and prostitution.



**CAP Vice-Chief Patrick Brazeau addresses NWAC launch of “Sisters in Spirit.”**



### CAP Book Outlines Off-Reserve Cases

The long-awaited book on the efforts of off-reserve Aboriginal peoples to establish access to their rights through Canadian courts is now available from the publisher, Lexis-Nexus, Butterworths.

This collection of essays grew out of a series of meetings, seminars and a conference organized by the Congress of Aboriginal Peoples. It is a comprehensive discussion of Aboriginal rights litigation as it applies to off-reserve Aboriginal peoples - a population that comprises more than 70% of the total native population in Canada.

Under the editorship of Dwight A. Dorey, national chief of the Congress of Aboriginal Peoples and Professor Joseph E. Magnet, the Congress’s principal lawyer and General Counsel, the volume contains leading work from top Aboriginal and other legal scholars from across the country.

Order your copy now at:

<http://www.butterworths.ca/bookstore/bookinfo.php?pid=632>



## A Forgotten Community Initiates Claims

In response to a request from the Aseniwuche Winewak Nation (AWN) at Grande Cache in northwestern Alberta, CAP national Chief Dwight Dorey visited their community in January 2003, to participate in consultations regarding their claim in the Rocky Mountains.

“Chief Dorey’s visit was so encouraging to our community,” said Rachelle McDonald, executive director of the AWN, “not only due to the initiatives being taken on by CAP across Canada, but especially because we finally found an organization that provides representation for who we are.”

The “Rocky Mountain People,” are non-status Indians descended from Cree, Beaver, Stony & Iroquois and fur trappers and traders who lived in the area. They were relocated from Jasper, Alberta in 1907 by the federal government, which promised them the land they live on now.

“Unfortunately,” said Ms. McDonald, “no official documents were signed at that time.”

The chief spoke with the Elder’s council, via a translator, since the Elders speak only Cree.

The people in this traditional community live simply, keeping their heritage and their ancestors close. They practice their culture, yet still develop connections with current urban thinking. They look forward to investing in ways to keep up with social and economic trends, with roots firmly planted in tradition.

This Nation has been seeking recognition by the department of Indian Affairs for four years. AWN was incorporated in September 1994. They joined with six other Aboriginal settlements (legal cooperatives and enterprises) located near the town of Grande Cache to speak with a more collective voice.



## National Forum - Connecting Indigenous People in Canada

National Chief Dwight A. Dorey had the opportunity to congratulate the Teknowave students at the third annual Connecting Indigenous Peoples in Canada Forum in Ottawa.



CAP’s affiliate, the New Brunswick Aboriginal Peoples’ Council, made a panel presentation on their innovative use of Internet and Communications Technologies to employ single mothers in their region.

“It’s a case of Mohammed can’t go to the mountain,” said Roger Nason, the representative from the NBAPC, “so we’re bringing the mountain to Mohammed.”

A practical approach to employment, and with the organization recognizing that a large portion of its constituency base are sole-support mothers, the project employs single moms to work from home via computers, to help travelers book not only travel arrangements, but trip itineraries online.

The Teknowave project website can be found at [www.teknowave.ca](http://www.teknowave.ca). For more information on the NBAPC initiatives, please check out their website at [www.nbapc.com](http://www.nbapc.com).





## Standing Committee Picks Up CAP Recommendations

**The Government of Canada’s current consultation process for the governance initiative is complete, and for the first time in twenty years, the voices of off-reserve Aboriginal people were actually heard in the context of Indian Act governance.**

In fact, four of the six changes that the Congress of Aboriginal Peoples proposed were reflected in the recommendations of the Standing Committee on Aboriginal Affairs.

Other national Aboriginal organizations refused to participate, but the CAP “truly reflected the needs of its people,” said vice-chief Patrick Brazeau. “That’s where our mandate came from. Had we not been at the table, our people would not have had a voice.”

“We had to be there – it’s like a hockey game. It’s better to be on the ice as a player to try and change the outcome of the game rather than complain from the sidelines. That’s exactly what our participation did.”

The FNGA would have repealed the prohibition of the Canadian Human Rights Commission in addressing Indian Act issues. It would have accorded Aboriginal peoples the same protection as other Canadians.

The First Nations Governance Centre (FNGC), an independent institution led by First Nations people, recently invited CAP to participate in talks.

The guiding principle when the institute was created was for reserve-based communities, but the vice-chief attended the two-day think tank session, and is serving as the organization’s representative on the advisory council for the institute.

“We’re seeing this as an opportunity,” said vice-chief Brazeau, “This is a place where all Aboriginal groups can come together and work together for nation-rebuilding.”

The Congress of Aboriginal Peoples has been encouraging the institute to broaden its mandate to include all the national Aboriginal organizations.

The participants will be working on a report over the next three months for the Honourable Andy Mitchell, Minister of Indian and Northern Affairs Canada.



## National Board Appoints Vice-Chief Patrick Brazeau

Patrick Brazeau is an Algonquin from the Kitigan Zibi reserve near Maniwaki, Quebec. Prior to his appointment, he was the national coordinator of the proposed First Nations Governance Act for the Congress of Aboriginal Peoples. Patrick has also represented CAP at various national and international venues.

Mr. Brazeau holds a degree in Social Sciences and has studied Civil Law at the University of Ottawa. His areas of responsibility are: Species at Risk Act, youth and children, women’s issues, environment, corrections, Métis issues, governance and the INAC Political Accord.

**Patrick Brazeau**

*National Vice-Chief*





## Powley Decision Sets New Métis Rights Criteria

**The Supreme Court of Canada, in its Powley decision of 2003, not only upheld the hunting rights of two Métis brothers in Ontario, but set out a specific framework in which those rights could be exercised.**

Most importantly the decision declared:

*“... the recognition of Métis rights in s. 35 is not reducible to the Métis’ Indian ancestry. The unique status of the Métis as an Aboriginal people with post-contact origins requires an adaptation of the pre-contact approach to meet the distinctive historical circumstances surrounding the evolution of Métis communities.”*

The unanimous decision reversed the decades old INAC policy and Indian Act legislation that operated on the principle that descendants of Métis who “took treaty” or were registered under the Indian Act and were later enfranchised were, for all legal purposes, white men.

*“We emphasize that the individual decision by a Métis person’s ancestors to take treaty benefits does not necessarily extinguish that person’s claim to Métis rights.”*

There are many other aspects of the Powley decision that will impact on the identification of the Métis constituency of CAP everywhere in Canada. While establishing that:

*“Different groups of Métis peoples across Canada exhibit their own distinctive traits and traditions.”*

The decision insisted that:

*“The term “Métis” does not encompass all individuals with mixed Indian and European heritage.”*

The court also called for:

*“the standardization of Métis membership requirements so legitimate rights-holders can be identified.”*

Without actually formally defining the term Métis, the Supreme Court did set out criteria for identifying those

Métis who could exercise Aboriginal rights under sec. 35 of the Constitution Act, 1982.

*“Self-identification, ancestral connection, and community acceptance are factors which define Métis identity for the purpose of claiming Métis rights under s.35.”*

The decision specifically addressed the role – or lack of it – of Métis political representative organizations in that process. On the one hand the decision affirmed that membership in an Aboriginal organization may be relevant as an indicator that an individual was “accepted” as Métis by a modern Métis community, but it was also quick to rule that:

*“Membership in a Métis political organization is not, in itself, sufficient to establish acceptance by a modern rights-bearing Métis community.”*

and that:

*“Ancestral connection to an historic community is essential to claim a section 35 right, no matter how a contemporary community defines its membership.”*

Whatever else the Powley decision might be interpreted to mean, it clearly establishes that the Métis constitutionally recognized in s. 35, exist in communities across Canada which may be both historically and culturally distinct from one another.

The Supreme Court also recognized that the Ontario Métis and Aboriginal Association, an affiliate of CAP, is a relevant modern representative of Métis people. Finally, the decision repudiates federal/INAC policy and Indian Act revisions that presume modern Métis rights are precluded by inclusion of Métis predecessors in Treaty or extinguished by virtue of subsequent enfranchisement.





The Congress of Aboriginal Peoples is comprised of constituent member organizations throughout the country. In this edition of the Forgotten People we are featuring a contribution from the Federation of Newfoundland Indians.

## Trilateral Negotiations Underway in Newfoundland and Labrador

Corner Brook, Preliminary negotiations are underway to develop a process addressing the concerns of the Mi'kmaq constituents of the Federation of Newfoundland Indians (FNI).

FNI is currently holding on-going meetings with Indian and Northern Affairs Canada (INAC) and Justice regarding membership criteria and programs and services for the members of the FNI. They are also in the process of holding public consultation meetings with the FNI's nine affiliate Bands to discuss the landless band option that INAC has offered FNI.

The negotiating team has been on hand for all meetings to date to answer any questions and concerns put forth by the membership.

Robert D. Nault, then Minister of Indian Affairs and Northern Development, Brendan Sheppard, President of FNI, and Thomas G. Rideout, Minister Responsible for Aboriginal Affairs for the Government of Newfoundland and Labrador formally announced the process last November.

A negotiating team comprised of Brendan Sheppard, Shayne McDonald and Annie Randall will represent the FNI. The province has also been invited to participate

"These preliminary negotiations are an important step toward developing a common understanding of the issues and exploring new ways to move forward," said Minister Nault.

"This is a testament to the willingness of all parties to work together to determine a mutually acceptable course for future negotiations."

"The announcement is without a doubt the most significant message that has ever been relayed to the

Mi'kmaq people in Newfoundland and Labrador represented by the Federation of Newfoundland Indians," said Mr. Sheppard. "Together – Mi'kmaq people, the Government of Canada and the Province of Newfoundland and Labrador will work to obtain a level of recognition that is acceptable by all."

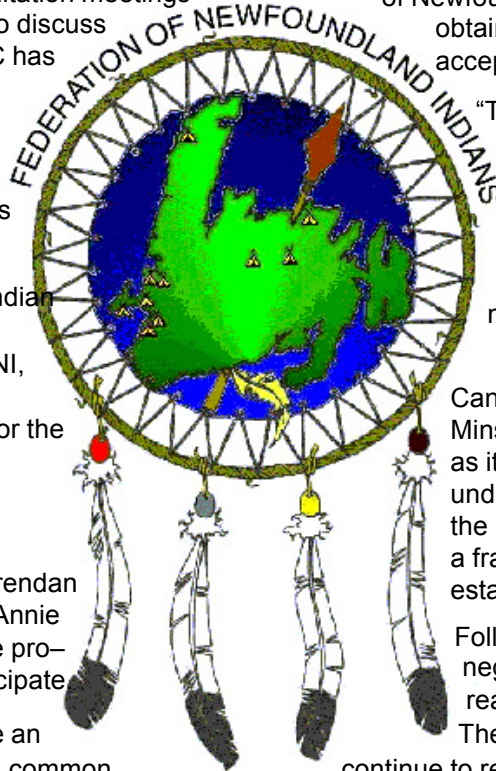
"This administration is pleased to be involved in examining the concept of landless bands through the preliminary negotiations to determine the best way to move forward for the benefit of the FNI membership," said Minister Rideout.

In April 2002, the Government of Canada appointed former Cabinet Minister, the Honourable Marc Lalonde, as its Special Representative, to undertake exploratory discussions with the FNI and the province to determine if a framework for negotiations could be established.

Following successful preliminary negotiations, the next step would be reaching an Agreement-in-Principle.

The Honourable Marc Lalonde will continue to represent the Government of Canada as the Federal Special Representative. The FNI represents Mi'kmaq in nine communities across the island and is based in Corner Brook.

"The consultation meetings to date have been well attended with a great deal of participation from the members in each community," said President Sheppard.







## The Mi'kmaq People of Newfoundland Celebrate Their Heritage

In the summer of 2003 the Federation of Newfoundland Indians (FNI) entered into a partnership with the Western Newfoundland and Labrador Field Unit of Parks Canada to produce an exhibition on the presence of the Mi'kmaq people in Newfoundland.

FNI assumed the lead role in the management and direction of this project and FNI's Annie Randall worked closely with Edward Tompkins, the curator of the exhibition.

FNI determined that this exhibition would have a different focus from the new permanent Mi'kmaq exhibition that was being planned for the new Provincial Museum of Newfoundland and Labrador. Instead of producing an ethnographic exhibition which would focus on historical artifacts, FNI decided to support the curator's idea that this exhibition should focus on historical and contemporary portraits of Newfoundland Mi'kmaq.

The curator selected forty historical portraits of the Newfoundland Mi'kmaq — almost all that are known to exist in public collections — and arranged to have exhibition-quality prints made from the original negatives. The Library and Archives Canada will hopefully be lending the six original portraits of the Newfoundland Mi'kmaq that were taken by a French naval officer, Paul-Emile Miot in 1857-1859. These are

the earliest known portraits of Newfoundland Mi'kmaq. A unique feature of this exhibition is the creation of a portfolio of forty-eight portraits of FNI members. Jeff Thomas, an internationally known photographer who comes from the Onondaga nation, was commissioned to come to Newfoundland and take these portraits. The portraits will be the centrepiece of this exhibition which will open at the Corner Brook Museum on National Aboriginal Day and run until the end of October, 2004. They will then move to the new museum in St. John's and then to the museum in Grand Falls.

In this way all FNI members as well as the Mi'kmaq people of the Miawpukek First Nation (Conne River) will have an opportunity to view the exhibition. When the exhibition finishes, FNI will donate all the portraits to the Provincial Archives of Newfoundland and Labrador so that there will be a permanent record of the exhibition and a more complete collection of Newfoundland Mi'kmaq portraits in the province. For this exhibition, FNI also acquired four lithographic prints by the Newfoundland Mi'kmaq artist, Jerry Evans. The prints, which use historical Newfoundland Mi'kmaq portraits, will be donated by FNI to the new Art Gallery of Newfoundland and Labrador.



### Fishing Enterprise to be Acquired by FNI - Fleet-Members to Help With Re-naming

The FNI is in the final stages of acquiring a fishing enterprise consisting of a jumbo fishing vessel, crab, herring, mackerel, and ground fish licenses and fishing gear. The enterprise will be operated through the FNI's development corporation "Mi'kmaq Commercial Fisheries Ltd."

"Funding assistance from DFO's ATP program has made this initiative a reality," said Brendan Sheppard, FNI President.

The enterprise will operate on the Northeast coast in management zone 3k and will pursue crab, herring, mackerel, and caplin, as well as turbot. A crew of non-native mentors and Mi'kmaq people will operate the

enterprise under the direction of "Mi'kmaq Commercial Fisheries."

The acquisition represents a significant step for the FNI in creating employment prospects for Mi'kmaq people and revenue generating potential for the FNI.

"No doubt this will aid in our goal of improving the cultural, social, and economic well being of the Mi'kmaq people of Newfoundland," said FNI President Sheppard.

The commercial enterprise represents a cornerstone for an active economic development approach and strategy that in time will enhance the lifestyle for many Mi'kmaq people.





## Supreme Court Decision Leaves 91(24) Issues Open

The Supreme Court of Canada decision that denied Métis Ernie Blais the right to hunt and fish under the Natural Resources and Transfer Agreement (NRTA) of 1930, will not “preclude” CAP’s 91(24) initiative to have unregistered Indian and Métis people recognized as a federal responsibility.

In a specific reference in the Blais decision of September 19, 2003, the Supreme Court judges declared that the conclusion of the court -- that Métis were not Indians within the meaning of the 1930 legislation:

*“in no way precludes a more liberal interpretation of other constitutional provisions, depending on their particular linguistic, philosophical and historical contexts.”*

In effect this statement ensures the Blais decision is without prejudice to the question of whether section 91(24) of the British North America Act, 1867 included

*We emphasize that we leave open for another day the question of whether the term “Indians” in s. 91(24) of the Constitution Act, 1867 includes the Métis — an issue not before us in this appeal.*

*SCC: Blais v. R, September 19, 2003, para 36*

federal jurisdiction for Métis and unregistered Indians. The 91(24) case is awaiting an upcoming hearing before the Supreme Court.

## Ernie Blais v. The Queen

**Joseph Eliot Magnet**

General Counsel, Congress of Aboriginal Peoples

Ernie Blais is Métis whose ancestors received land under the land grant provided for the Métis when the Province of Manitoba was formed in 1870.

In 1994 he went hunting for deer in the District of Piney, in Manitoba, an area which is unoccupied Crown land. Deer hunting is prohibited there by the Manitoba *Wildlife Act*. Ernie was charged with hunting deer out of season, and was convicted.

He said he had a constitutional right to hunt that was recognized by the Natural Resources Transfer Agreement (NRTA) of 1930. The NRTA is a constitutional document by which Canada transferred ownership of Crown lands to Manitoba. As a condition of the transfer, Manitoba promised that Indians would have the right to hunt, trap and fish for food on unoccupied Crown lands.

Ernie said his conviction could not stand, because he was entitled to this right. He appealed to the Supreme Court of Canada. Blais’ case raised the issue whether

he, being Métis, also enjoyed a constitutional right to hunt, trap and fish for food on unoccupied Crown lands. Did the recognized right of Indians also extend to the Métis: were the Métis “Indians” in the constitutional sense intended by the NRTA?

The Congress of Aboriginal Peoples became interested in Ernie Blais’ case. A central objective that CAP has been pursuing since it was formed thirty four years ago is to establish recognition of equivalent rights and access to benefits for non status Indians and Métis peoples as those enjoyed by registered Indians. CAP’s many representations to Canada about this issue have been blunted because, Canada says, the Federal government does not have jurisdiction over Métis and non status Indians.

The implication of Canada’s position is that federal government can, through legislation, unilaterally determine the limits of that constitutional jurisdiction.

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This is why post secondary scholarships, non-insured health benefits, tax exemptions and a host of other federal benefits are provided to registered Indians but not to non status Indians and Métis peoples. Ernie Blais' case touches on this issue. It questions whether Métis peoples are included in a constitutional provision similar to the provision that grants jurisdiction over Indians to the federal government, *Constitution Act, 1867*, s. 91(24).

Because Blais' case touches on this issue, CAP intervened in his case when it reached the Supreme Court of Canada.

CAP tried to persuade the Supreme Court that Métis were included in the NRTA promise that Indians could hunt, trap and fish for food on unoccupied Crown lands in Manitoba. CAP argued that the authorities, before and immediately after Confederation, referred to the Métis as Indians, and dealt with them as such; that the purpose of the NRTA, para.13 was to assure to Aboriginal people who depended on hunting for survival that nothing in the transfer of lands to Manitoba in 1930 would threaten their way of life; that Ernie Blais was descended from the very same Métis who reached a settlement with Canada for a land grant in 1870.

The settlement with Ernie's ancestors extinguished the "Indian title" of his ancestors in exchange for the land grant. CAP pointed out that it should be obvious that only "Indians" could have "Indian title". As Ernie was descended from the "Indians" of 1870, he continued to enjoy their "Indian" rights.

CAP drew attention to the significance of the jurisdictional question. CAP asked the Court to rule that all of the constitutional provisions should receive the same large, liberal interpretation, and that the constitutional use of the word "Indians" should uniformly include the Métis.

The Supreme Court dismissed Ernie Blais' appeal from conviction. It relied on narrow grounds. The usage of the term "Indian" in 1930, said the Court, did not encompass the Métis. Para. 13 was placed under the heading "Indian Reserves", indicating that it targeted reserve based Indians for the benefits it conferred. The purpose of para 13, according to the Court, was to ensure respect for the Crown's obligations to "Indians" with respect to hunting rights. Reserve based Indians were viewed as requiring special protection and assistance; the Métis were considered as more independent, and less in need of Crown protection.

The Supreme Court remarked on the importance of the jurisdictional issue – whether Métis were included in federal jurisdiction at s. 91:24 of the *Constitution Act, 1867*.

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Published by:

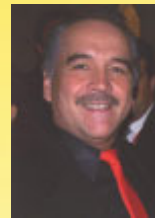
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The Court said that nothing in Ernie Blais' case should be taken to determine that issue. That issue, said the Court, would be left for another day.

That other day will perhaps not be long in coming. CAP will have to be prepared for that other day when it does arrive, for it will be then that the Court will decide the issue that CAP has deemed so critical to its mission of improving the lives of its non status Indian and Métis constituents.





## CAPonline attracts thousands to off-reserve information

The website of the Congress of Aboriginal Peoples, CAPonline, has topped 250,000 hits a month as over 7,600 visitors every month seek information on off-reserve and urban Aboriginal issues.

The top 12 most frequently visited pages in the month of February, 2004, apart from entry and menu pages, are listed in the adjacent column with their respective web addresses. Site visitors downloaded 2,500 copies of 20 different documents ranging from previous issues of this and the youth newsletter, to project workbooks and reports, and background papers on Aboriginal programs and issues.

Within its limited resources, CAPonline emphasizes meaningful content over corporate promotion and provides frequently updated links to more than 500 Canadian Aboriginal websites, including its affiliates throughout Canada.

Visitors are encouraged to provide feedback on the contents of CAPonline via email links throughout the site, or to suggest other Aboriginal links that might be included in the Native links section.

**1. Programs and Issues**

<http://www.abo-peoples.org/programs/>

**2. What's New**

<http://www.abo-peoples.org/whatsnew.html>

**3. Corporate Profile**

<http://www.abo-peoples.org/background/>

**4. CAPfaq - Frequently Asked Questions**

<http://www.abo-peoples.org/CAPfaq.html>

**5. Contact Information**

<http://www.abo-peoples.org/contact.html>

**6. Affiliates and PIOs**

<http://www.abo-peoples.org/affiliates/>

**7. Special Features**

<http://www.abo-peoples.org/Features/special.html>

**8. Urban Native Housing Prog**

<http://www.abo-peoples.org/programs/housing.html>

**9. Native Links Index**

<http://www.abo-peoples.org/NativeLinks/NativeLinks.html>

**10. Native Rights and Claims Links**

<http://www.abo-peoples.org/NativeLinks/RightsLinks.html>

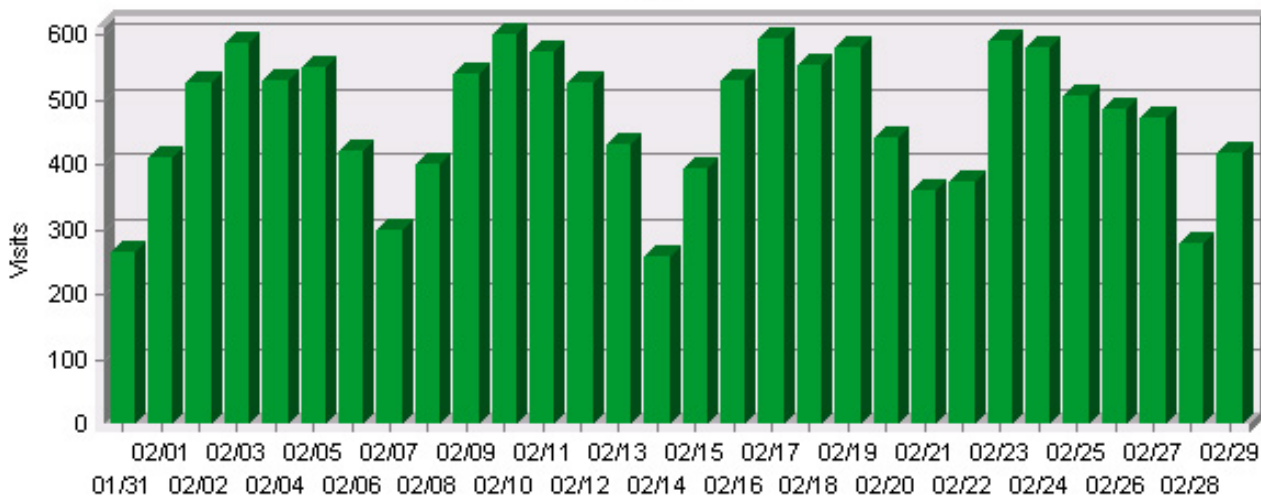
**11. The CAP Constituency**

<http://www.abo-peoples.org/background/indianact.html>

**12. 1979 Declaration of Rights**

<http://www.abo-peoples.org/Features/Declaration/dec.html>

Visits



**Visit CAPonline at <http://www.abo-peoples.org>**