In regards to the letter written by David Beverly Foster on May 8th there are some significant errors that most ill informed Canadians might simply accept as fact. That should come as no surprise as the Canadian public has been kept in the dark while major concessions are being made on the aboriginal front daily. Most Canadians are blissfully unaware of the effect these developments will have on them and on future generations. Since there is very little information available to the public that gives the legal reality of Native claims and contentions I have relied on the expertise of Melvin H. Smith Q.C a constitutional expert, and his book, OUR HOME OR NATIVE LAND?

The native agenda began in the days of Trudeau, Chretien and their White Paper of 1969, which was designed to "lead to the full, free and non-discriminatory participation of the Indian people in Canadian society. Native leaders voted it down and the Native Agenda began. *"The Native agenda has taken us on a frightening journey through the looking glass where everything is backwards. Whatever the courts say, the governments do the opposite. Victories in court are treated as losses. Winning lawyers are fired and new lawyers are hired with instructions to lose on appeal. We are indeed "through the looking glass" where the Queen demands that the sentence be carried out before the case is even heard and Tweedledum and Tweedledee are pushed at us as knowing what they are talking about."*

Mr. Foster contends that, "The Saugeen First Nation has fishing rights in this area. This means as a distinct nation from the Canadian Crown, the fish in those waters are under their jurisdiction. They have a right to negotiate these fishing rights with whomever they wish; recently, they negotiated with the MNR. They did so of their own accord as a sovereign nation." Well, Mr Foster there is no legal precedent for "sovereign nation." Governments have entered into formal accords with the native leadership that concede the inherent right of native self-government when the courts have found that no such right exists. Consider what a land full of Native homelands means. The very notion of such a thing revolted the civilized world when they were created in South Africa. …The folly of a state within a state, where rights are determined by the colour of one's skin. Remember, it was called apartheid?

The Saugeen right to commercially fish is based on the Fairgrieve decision and is one of those agreements Melvin Smith was talking about in his quote above. The Fairgrieve decision was never appealed yet the Praxis Report that sits on a dusty shelf in Toronto very clearly outlines the ridiculous shortcomings and failure of government lawyers to present pertinent factual information that would have refuted the Ojibwa claim. The Native right to commercially fish does not exist in law in Canada and was in fact rejected recently in bill C-34. Most importantly, all Canadians have a right to fish. The right comes down from the Magna Carta in British law to the BNA Act and the Canadian Constitution. The fishery unlike the land, or the trees or the natural resources belongs to the people not the Crown. So the government has no right to negotiate away our rights to the fishery.

Mr. Foster goes on to belittle the value of the fishery in Ontario. The recreational fishery is worth somewhere between 6 and 12 billion a year to Ontario's economy. (Exact numbers unavailable due to flawed Liberal survey.) Why should Ontario's citizens willingly jeopardize that economy? His contention that we somehow owe aboriginal people because they were here first is also flawed under the law. Aboriginal title may have existed in the past but had been effectively extinguished by the exercise of sovereignty and by colonial actions prior to Confederation. *"All land in Canada, since the exercise of British sovereignty, is public land owned, in the first instance, by the federal crown, in the case of the territories; and by the provincial crown in the case of the provinces. The Constitution of Canada and every judicial decision that has considered the matter has so found. Unless it has been formally conveyed by Crown grant by the relevant government, it remains Crown property. Even if Crown granted, the underlying title still remains in the Crown."*

As flawed and unfair as the SON Fisheries Agreement is the Algonquin Land Claim in Eastern Ontario is even worse. Present-day land claim settlements go far beyond legal entitlement. To the extent that they do, the legal entitlements of the rest of society are diminished. This is unfair and unjust. To be nice, politically correct, Canadians and stand by and allow this to happen to our country and

saddle our children and their children with the results of these ludicrous settlements is unconscionable. Fair and equitable compensation is one thing but recent land claim settlements go far beyond constitutional entitlement. Canadians need to wake up and demand, fair, equitable and final solutions.

You can read the Praxis report and view a presentation on the Algonquin Land Claim by retired MNR supervisor John Winters at www.temagamistewardship.ca under Native Issues.

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