

AFN Mercredi caught between a rock and a hard place?

by Paul Barnsley

100 MILE HOUSE, B.C. - AFN Grand Chief Ovide Mercredi can be a Chamberlain or a Churchill as he attempts to negotiate a settlement in an armed standoff, says Ottawa lawyer Bruce Clark.

Clark, the lawyer acting for the Sundancers of Gustafsen Lake, says he has put Ovide Mercredi on the spot in what most observers agree is the ultimate showdown between band council supporters and traditional supporters.

Clark's has advised his clients, a group of about 30 Native people and non-Native supporters who have been occupying a B.C. ranch 150 kilometers northwest of Kamloops since last June, that they have the

legal right to defend their right to remain on the land with force, if necessary. Chief Mercredi has been going into and out of the camp, attempting to bring the confrontation to a peaceful conclusion, since late last week.

"Ovide is being flushed. His true colours will soon be shown," Clark told the TEKA, last Saturday. "He can act either as a bridge or as a collaborator."

In a legal struggle intended to demonstrate that the Indian Act is illegal and unconstitutional, Clark has petitioned the Queen to set up an independent court to hear his clients' case against Canada. His argument (similar to the argument that Hamilton

lawyer Owen Young will use to defend 4 local Mohawks, including band councillor Dave Johns, against a variety of charges) is that Canadian law has no jurisdiction over unceded Native lands.

In the petition, dated January 3, 1995, Clark asked the Crown to give a ruling on his contention that the popular assumption by the Canadian Courts and police that they have jurisdiction over unceded Native territories is "criminally treasonable, fraudulent and complicitous in the genocide of the Aboriginal peoples of Canada."

Clark named Canadian ministers of state, judges, police and

Ovide Mercredi (as, Clark said, "the representative of the collaborative Indian Act system.") as respondents in the petition.

The Supreme Court of Canada earlier refused to hear Clark's arguments. The court does not explain its decisions regarding which cases it will or won't hear.

Clark says Mercredi agreed with the legal aspects of his arguments but disagrees with armed confrontation, the political action the group has chosen.

The Shuswap's lawyer asked Mercredi to sign a request to the British Crown that a third party tribunal be set up to decide the jurisdictional question accord-

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ing to the rule of law. Mercredi, Clark says, declined to sign the request because he was named as a respondent in the original petition.

"He wouldn't sign for that technical reason. I assured him that no personal relief would be sought against him as a respondent. The issue is rehabilitation, the prevention of future crimes not punishment for past crimes," said Clark. "Ovide is really being handed, on a silver platter, the opportunity to act for both sides."

Mercredi can either stand up for his people against the oppressive Canadian regime or be part of it, says Clark.

Clark said that, if Mercredi refuses to sign the request, he must be viewed as an appeaser like Neville Chamberlain who, as the British Prime Minister in the late 1930s when faced by the aggression of Adolph Hitler made concessions and returned home claiming to have secured "peace in our time."

If Mercredi signs the request, Clark says, he will be acting like Sir Winston Churchill, the Prime Minister who succeeded Chamberlain and who led the war effort against the Nazis.

The TEKA's attempts to reach Chief Mercredi in 100 Mile House were unsuccessful. In a *CBC-TV Newsworld* interview last Saturday Mercredi said signing the request would mean he was making a mockery of everything he stood for as Chief of

the AFN, the national association of band council chiefs.

Last Friday, Governor-General Romeo Leblanc rejected Clark's plea for assistance to end the armed stand off. On Saturday, Clark renewed his plea to Queen Elizabeth for help.

"The salvation of the Canadian nation from its errant political and judicial leadership is now up to you," he wrote. "Your office relative to this country exists for no higher, more rational, more just or justifiable purpose."

RCMP tactical units have surrounded the Sundancers' camp. The RCMP says 2 of their officers were struck by automatic weapons fire from inside the camp on Sunday. The officers were not injured because the shots struck their bullet-proof vests, reports say.

The Canadian Co-ordinator for the League of Indigenous Sovereign Nations (LISN), Jay Mason (Yionontaherley, Mohawk Bear Clan), says there's no proof that the Shuswap Nation occupiers fired those shots or even that the shots were fired. Speaking from the Toronto offices of CASNP, the Canadian Alliance in Solidarity with Native People, Mason says the people he talks to on the scene believe that local "rednecks" who have fired on the occupiers in the past may be responsible.

Mason says sympathizers have mounted a protest outside the B.C. Attorney-General's office in