

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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