



LUBICON LEGAL DEFENCE FUND

February 2004

Dear Friend,

I was not angry until now!

I can't look at all the work you and I did last year to help the Lubicon win their land settlement agreement — and the personal assurances we received from Prime Minister Chrétien and the Minister of Indian Affairs, Robert Nault — and not conclude: we were betrayed!

Betrayed! All of us. The Lubicon people, you, me, Prime Minister Chrétien, and Minister Nault. Not by those whom you'd expect: politicians who champion oil, gas, forestry, and mining companies profiting off Lubicon lands. No! Most of them favour a just Lubicon land settlement. It's good for business.

Everything we've learned cries out that we were betrayed — and are still being betrayed — by a more insidious foe: federal bureaucrats and negotiators. Ironically, people who you and I pay with our taxes to help the Lubicon.

I once believed that the seemingly endless delays and setbacks in the land settlement talks between the Lubicon, the Alberta government, and the federal government were caused by honest differences over substantive issues. I believe it no more.

I once trusted that federal bureaucrats and negotiators were dealing with the Lubicon in good faith. I trust them no more.

If they are not the reason the Lubicon still don't have a land settlement — and still suffer privation, disease, and despair — then who is? Another answer does not come to my mind.

I believe the federal negotiators and bureaucrats are the last obstacles we must overcome to help the Lubicon finally secure their land settlement.

And, you and I — if we can find it in our hearts to steadfastly, relentlessly maintain our support for the Lubicon people — will overcome these insidious foes.

I've already begun implementing a strategy — which I will explain in more detail below — that will publicly expose, and can rid the Lubicon of, those who are frustrating their just land settlement: a settlement they need to secure their survival as a people.

Please, for the sake of the Lubicon, make common cause with me once again. Please, continue to entrust me with your support and financial generosity. Join me in exposing and fighting those responsible for the never-ending negotiations. In doing so, you and I will be helping the Lubicon, and the many decent politicians (including Andrew Mitchell, the new Minister of Indian Affairs) who need our support as Canadian citizens to win the Lubicon their land settlement.

The willingness of some bureaucrats and negotiators to abuse and misuse their power and position to serve their own personal ends was made clear to me after a long discussion I had with a former Minister of Indian Affairs.

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You and I were right to trust Prime Minister Chrétien and Robert Nault. Like most Ministers, they both tried to conclude the promised land settlement agreement with the Lubicon. And, like everyone before them, despite doing all they could to help the Lubicon, they failed. When all the principals around a negotiating table are committed to reaching an agreement — as is the case with the Lubicon land settlement — and an agreement is not reached, the failure lies elsewhere. The first place to look is at those who would personally benefit from never-ending negotiations.

I'm now convinced that you, me, Chrétien, Nault, and the Lubicon were ill-served — even betrayed — by federal negotiators and bureaucrats, deliberately and callously, if the experiences of past Prime Ministers and Ministers are any indication. We can do something about it.

Indian and Northern Affairs Canada (INAC), the federal agency that oversees the lives of first nations peoples, is an out-of-control, rogue agency that has one single-minded, overriding objective: the preservation of its own interests — no matter the suffering inflicted on indigenous peoples.

The most recent proof of INAC's self-serving disdain is in the November 2003 report of Sheila Fraser, Canada's Auditor General. This, despite the fact that in October 1998, Sheila Fraser testified to the Parliamentary Committee on Aboriginal and Northern Development,

Furthermore, it is questionable, notwithstanding the complex issues, that 20 years or more have been taken, or will be taken, to settle some claims. In my view, protracted settlements do not contribute to cost effectiveness and may result in less desirable outcomes for all concerned.

Chrétien and Nault are only the latest victims in a long line of well-intentioned Ministers who were frustrated, broken, and thwarted by INAC.

If the Lubicon are to have any hope of a land settlement, we must overcome the bureaucrats at INAC and the federal government's negotiators. They control the progress — or lack of progress — of the day-to-day talks. They determine if talks succeed or fail, and how long they last. And, only they can personally benefit from endless negotiations. They're a problem, because, in my view, they have no personal incentive to reach a deal.

Our strategy is based on a simple concept: if the bureaucrats and federal negotiators are frustrating the Lubicon's settlement talks because it is in their personal best interests to do so, then — for you and me to help the Lubicon — we must make it in the bureaucrats' and negotiators' personal best interests *not to do so*, and in their personal best interests to quickly conclude a land settlement with the Lubicon people.

We do that by exposing them. Like the Liberal sponsorship scandal, government and bureaucratic abuse, corruption, and incompetence breaks down when exposed to light.

Because of your past generosity, I was able to take the first step to implement our strategy in early January, the second step just a few weeks ago. There is much more to be done, and I'll need your help to do it.

In January, I sent a letter, briefing documents, and a dossier of our “Keep Your Promise” campaign to the Hon. Andrew Mitchell, the new Minister of Indian Affairs and Northern Development outlining my concerns, and asking for a meeting. I wrote, in part,

We now believe that Indian and Northern Affairs Canada (INAC) and the federal government’s negotiators are dealing with the Lubicon in bad faith.

At best the problem is a matter of bureaucratic or individual incompetence. At worst (which is what we now fear), the endless talks, that are always “going well” but never reach a conclusion, are a deliberate strategy by INAC to extinguish the Lubicon’s claim — and their existence — through never-ending rounds of negotiations camouflaged by assertions of good intentions.

As damning as that charge is, after all these years, it is difficult to draw any other reasonable conclusion.

Please help me expose why — despite the best efforts of a determined Prime Minister of Canada and a committed Minister of Indian Affairs who were highly motivated, in part, by our national “Keep Your Promise” campaign — the Lubicon’s land settlement negotiations failed once again, just as they have been for the past 40 years.

In 1992, the Lubicon Lake Nation Women’s Circle asked,

Why can’t the government settle with the Lubicon? Why have they spent so much time and energy trying to destroy us rather than deal fairly with us? ... We are not dogs, but we are treated like dogs.

Over a decade later, the government still treats the Lubicon “like dogs.” That’s why I was not angry until now. You and I must expose the people who — with cruel and callous disregard for the suffering of the Lubicon people — are blocking the Lubicon’s just land settlement.

In 1994, Chief Ominayak wrote to Minister Ron Irwin,

... it’s clear that one or both levels of Canadian Government had no intention of reaching a fair settlement of Lubicon Land rights but only used the pretence of sincere negotiations to deflect public criticism, publicly confuse the issue, and buy time while continuing to pursue various strategies intended to subvert, discredit and basically outlast the Lubicon people.

In 2003, at our Ottawa press conference, National Chief Matthew Coon Come said,

... this governmental effort to defeat and vanquish the Lubicon Cree Nation has become personal. I believe that certain officials ... are simply determined not to lose this immoral and unjust war they are waging against the Lubicon...

In my 2004 letter to Andrew Mitchell, I wrote,

Since 1998 ... Brad Morse, the federal government's chief negotiator [has] been unable to conclude an agreement with the Lubicon, despite a clear mandate to do so ... Why? Whenever an agreement is close ... Brad Morse finds some reason to extend or delay the talks and avoid a final settlement. Why? Whenever an agreement seems imminent, Morse and his negotiators create new difficulties or renege on previously concluded issues, and fail to proffer solutions. Why?

A few weeks ago, thanks to your past financial support, I was able to retain expert investigative personnel, and begin submitting requests under Canada's Access to Information Act for details about the Lubicon negotiations.

I'm asking for information about a broad range of issues. For example, there are people who — because of protracted land settlement negotiations — have pocketed millions of dollars in professional fees. I'm asking and the Minister should be asking, "Is that why the Lubicon talks keep failing?" To find out, I'm requesting information about the federal government's chief negotiator, Brad Morse: reports he has made to the Minister and officials in INAC, e-mails, contract details, personal and travel expenses, and more.

There's a great deal we need to know about why the Lubicon negotiations keep failing year after year and Minister after Minister. Our Access to Information investigations are just the beginning. Once we get the information — which INAC, Morse, and perhaps others will likely fight to keep us from having — we must then disseminate it to the public and politicians using television, radio, newspaper ads, and the help of like-minded organizations, and through press conferences and other media opportunities.

And of course, all the information we uncover will go to the Lubicon people to help them better deal with the new Minister of Indian Affairs, federal negotiators, and the bureaucrats at INAC.

Your help is needed to fund the research and its dissemination. We need this information. It is critical. We must expose and rid the Lubicon of those who are exploiting the negotiations for their own ends or who are incompetent; only the revelation of information will do it.

Please join me once again to help the Lubicon. Make as generous a donation as you possibly can. Help me expose those who are sabotaging the Lubicon's settlement talks.

Yours sincerely,



Ron Kaplansky, Trustee

P.S. Included with this letter is a special addressed mailer called "Mr. Mitchell, will you fail the Lubicon too?" Please, use it to ask the Hon. Andrew Mitchell to honour our request, and investigate why despite years and the best efforts of his predecessors, the Lubicon still do not have their promised land settlement.