

Smoke Signals Radio Archive Episode 1999-10-16
Segment 1
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Dan Smoke teaches listeners about border crossing events, an event where Indigenous peoples exercise their right to free access and to carry goods across the Canada/US border as stated in the Jay Treaty of 1760. Dan then uses the Jay Treaty as an example which Indigenous and non-Indigenous groups must emulate today as a way to enter into good-faith negotiations about how to use resources fairly.

Host(s): Dan Smoke, Mary Lou Smoke

DAN SMOKE: Aanii! Boozhoo! Sge:no! Shekoli! Koolamalsi! Tunngasugitsi. Waciye. Greetings to all of our listeners of Smoke Signals, First Nations radio here at CHRW 94.7 FM, radio with relevance just west of the dial. My name is Dan Smoke, Asayenes, and I'm in the studio this afternoon with Mary Lou Smoke, my partner, co-hostess, anishinaabekwe of the **Anishinaabe Nation, Bear Clan**.

MARY LOU SMOKE: Boozhoo again, everybody!

DS: And I'm a member of the **Seneca Nation** of the **Iroquois Confederacy**, and a member of the **Killdeer Clan**. And I just happen to be remarking to Mary Lou that I'd just gotten the call from the **Six Nations** territory from where I come from near **Grand River**, on the Grand River territory near Brantford, and I guess they're planning on doing a condolence ceremony in the **Onondaga longhouse**, which is one of the longhouse which is the traditional way of living and thinking that many people subscribe to in the Six Nation territories. And it's a longhouse that still conducts ceremonies in the old ways, still has recitals of the **Great Law** and the **Code of Handsome Lake**, which are part of the **Iroquois** ways, teachings. And they tell me that they're thinking of having a condolence, which is the ceremony in which we elevate clan mothers, in which we elevate chiefs and faith keepers from within the family units that we are all members of. Each member of the **Haudenosaunee**, people of the longhouse, that's what we call ourselves, Haudenosaunee, we are born into a clan. A clan is a family unit, and usually the clans are made up of one of the animals that symbolize the clans, and there's a teaching as to how that came to be. But we don't have enough time today to talk about that. But suffice it to say that I am a member of the Killdeer, also known as the Snipe, which is part of the Sandpiper family, clan. And Mary Lou is a member of the Bear Clan, which is also one of the big family units. Bear also is a symbol of medicine, healing, and strength, and security. So, that's the latest news that I get from the Six Nations reserve.

DS: Recently, Mary Lou and I were down at the border crossing event down on the **Peace Bridge**, which joins Buffalo, New York and Fort Erie, Canada, and we were there last Sunday to take part in this border crossing event. The border crossing event commemorates the **Jay Treaty** and the right of free access, the right to carry goods and possessions across the border without being harassed by the Canada customs or the US customs. And this is a right that was negotiated by our ancestors, and it is still a right that we practice today that is recognized by the United States. The Jay Treaty is recognized by the United States federal government, but it is not recognized by the Canadian federal government. And so, we, from time to time, I know on a monthly basis down in Sarnia and various border crossing cities like Sarnia, Sault Ste. Marie, they still practice their rights where they, on a monthly basis, cross the border en masse as a show of unity that they still have these rights. They go across the border, and they make purchases for their own personal use, mind you, not for resale or not for commercial gain. They

just go across and they make purchases just for their own personal use and they bring them back across the border without having to declare them to customs, without having to declare the duty.

And this is an Aboriginal right that was negotiated by our ancestors in return for the sharing of the land and resources upon which many of our non-Native neighbours still live on today and are still making a living out of today. And what we're seeing out now, right out on the east coast lobster fishery in New Brunswick and Prince Edward Island and Nova Scotia, we're seeing the exercising of this treaty right, which is a right that Native people have always had. They never, ever gave it up. But when they negotiated that treaty in 1760, it was a treaty upon which two nations came together, sat at a table, had some coffee, sat down and discussed how best to treat one another in good faith negotiations, so that one another could live and reside side-by-side and experience good living by sharing the land, the resources. And what we are seeing today is the Native people, for many, many years, being deprived of their right to the land and resources because they gave up a huge territory to share with their neighbours, with the Acadians, with the east coast people. And for many, many years, they accepted the fact that they would receive the crumbs off the table which was the commercial gain that was derived from the sea, from the land, the lumber. I mean, the Irving family out on the east coast is just a huge, powerful, national corporation out there and they pretty much dictate the lives of everyone who lives out there. They've got rich off the spoils of the land, because for some reason they feel that they have the right, the dominion, to the resources, which they don't.

DS: And now, it's time to share some of that resource commercial gain, and the Supreme Court has passed a law, has passed a ruling that says that now, the First Nations people have a right to live and to gain a living off of gathering, off of fishing, and off of their rights to the land, the mineral resources. And this is a right that has always been part of this treaty, but it was never recognized before, so First Nations people never had a commercial fishery. They never were able to partake of the millions and millions of dollars that were taken out of the sea by the white, by the non-Native lobster fisheries. And so, now, the non-Native lobster fisheries are starting to have to share this resource with their Native brothers and sisters. The Native brothers and sisters have always shared this resource, and always believed that they had a right to a living from the sea, and they are just practicing a right that was always theirs right from the beginning of time. And we're seeing this fear from the non-Native lobster fishery that they fear that Native fisherman are going to do to the lobster fishery exactly what the non-Native lobster fishery has been doing to the lobster fishery for the past couple hundred years, and that's deplete the stocks and deplete the resource until what you are left with is what has happened with the cod fishing, the ground fishing, that at one time was just teeming and teeming with cod. Now, you can't fish for it, you can't go out and make a living off of it because there's none left. We have to wait for the cod fishery to regenerate itself.

And this is what...the Native people have always known that. They've always understood the laws of conservation. What you do to the fishery you do to yourself, so we will not do that to our relatives in the sea because we would not do that to ourselves. We would not deplete ourselves of a much-needed resource that we need to live in order to make instant gratification, financial gain, commercial gain. And so we know that this takes time to live in balance, and it takes great care to live in balance, and this is what the Native lobster fishery families that depend on that resource are going to do. They're going to live in balance and they're going to observe conservation methods. And when you look at the amount of lobster traps that they set, which is at one estimate 12,000 in all of the lobster fishery out there on the east coast, and then you look at the lobster traps that are set by the non-Native commercial lobster fisheries, which number close to 2 million, then there's a big difference. There's a big...I don't think the Native lobster

fishery is any threat to the resource of the lobster that are presently in existence and moving on out to the sea to warmer water, which they are doing now.

But I understand that there was a report that there were non-Native lobster fisherman sitting poised on the wharves out on the east coast someplace waiting to destroy the Native lobster traps, and I hope that that's not true. I hope that this is just a rumour, and I hope that there's no more confrontation. We can all bring our good minds. The creator gave each of us a good mind, to use our best rational mind, logical thinking mind, to enter into good faith negotiations, to come up with a law that everyone can live with, a regulation that everyone can live with and abide by and respect. It's the same kind of respect, and it's the same kind of good mind that was brought to bear in the good faith negotiations that our ancestors entered into back in 1760. So, this is what we have to do again in the year 2000. We have to use the examples set by our ancestors from 1760 to come up with the same kind of regulation and law that will benefit all human beings, that will benefit Native and non-Native fisherman alike. This is what we have to do. This is what it's all about today.

DS: That song you heard was **Ulali**, singing "**Mother**," and that comes from their ***Mahk Jchi*** CD. We're now going to listen to the **R. Carlos Nakai Quartet**. This is called ***Big Medicine***, and this is the "**Montana Grass Dance**," here on Smoke Signals.