

# The Dispossession of Canada's First Nations and the Kinder Morgan Pipeline

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*Imagine that a group of bandits entered your house without permission and booted you and your family members out. Afterwards the bandits continue to occupy the house, but they graciously allow you and your family to stay in the cellar. Would you accept such a state of affairs? Would you not want your house back in its entirety? And would you not want the usurpers evicted?*

*Now imagine that the usurpers had some dubious code of honor whereby if they made any alterations to the stolen abode that they must consult with the original home occupants. Moreover, if the displaced first occupants sought to legally challenge their dispossession or any alterations to their former domicile, the usurpers would graciously cover the legal expenses of the dispossessed original occupants from the largess of the goods befallen the usurpers through acts of dispossessing others. Of course, the legal proceeding is controlled by the usurpers and ruled according to usurpers' law with judges appointed by the usurpers.*

*No intelligent person denies that the Indigenous peoples of Turtle Island (North America) were the original inhabitants. In fact, they precede the coming of Norsemen, Christopher Columbus, John Cabot, and conquistadores by several millennia. Yet the Catholic Church of later seafarers decreed (in the papal bull *Inter Caetera*, 1493) that non-believers were savages and that their territory would belong to European monarchs. This was largely overturned by the papal bull *Sublimis Deus* in 1537.*

*One might have thought that humankind would have evolved morally such that the egregious crimes of centuries ago would not be perpetuated in the 21st century.*

*Nonetheless, at the very least, human morality wouldn't devolve, would it?*

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In Canada, the American pipeline conglomerate Kinder Morgan desires to multiply the amount of fossil fuel carried from the province of Alberta to the British Columbia harbor city of Vancouver. Many First Nations and a multitude of British Columbians are against the Kinder Morgan Trans Mountain project.

While the NDP-Green Party coalition in BC is opposed to the pipeline project, the federal government has approved it. However, chicanery has been unveiled in the process that led to federal approval.

Investigative [reporting](#) by the National Observer revealed documents wherein the federal government had "instructed public servants to find a way to approve the project, even

though the government was supposed to be consulting and accommodating First Nations at that time.” Consultation with First Nations is required by the constitution in Canada.

This filled the Tseil-Waututh Nation, supported by at least four other First Nations (the Coldwater Indian Band, the Stk’emlupsemc te Secwepemc (SSN), the Squamish Nation, and the Upper Nicola Band), to file an extraordinary [motion](#) asking the Federal Court of Appeal to force the government to order the release of uncensored copies of federal documents cited in the National Observer investigation.

The federal government and Kinder Morgan reacted by [demanding](#) the Tseil-Waututh Nation pay for their legal fees for the delayed pipeline project.

BC is unceded territory. [1] First Nation oral histories tell of a colonial-settler control wrought over the landmass of the province by genocide. [2] Canadian courts have evaded the question of who has legal jurisdiction over the land. [3] As for the treaties, Andrea Bear Nicholas – a Maliseet from Nekotkok (Tobique First Nation) in New Brunswick, and a professor emeritus at St. Thomas University – pointed out that in the Maritime Provinces, most treaties were nation-to-nation agreements – peace agreements between the encroaching settlers and Original Peoples – not land treaties.

“When you add it all up, for about 90 per cent of Canada, even under the best possible scenario, there is no legal transfer of title from the Aboriginal inhabitants to the Crown,” said Dr. Roland Chrisjohn, an Onyota’a:ka (Oneida) and former Director of Native Studies at St. Thomas University in the audio documentary [Hoping Against Hope? The Struggle Against Colonialism in Canada](#). [4]

Now the federal government which finances itself through the dispossession of First Nations is requiring the First Nations to pay for a legal determination in the court of the usurpers.

Informed people should not be surprised. One brave lawyer, a specialist in Indigenous sovereignty matters, Dr. Bruce Clark charges that the Canadian legal profession and the judiciary are complicit in misprision of treason, fraud, and genocide. [5]

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## Notes

1. Kerry Coast, [The Colonial Present: The Rule of Ignorance and the Role of Law in British Columbia](#) (Clarity Press and International Human Rights Association of American Minorities, 2013). See [review](#).
2. Tom Swanky, *The Great Darkening: The True Story of Canada’s “War” of Extermination on the Pacific plus The Tsilhqot’in and other First Nations Resistance* (Burnaby, BC: Dragon Heart Enterprises, 2012). See [review](#).
3. Bruce Clark, from his soon to be published book, *Aboriginal Rights and Genocide* (Theytus Books).
4. The link is now dead for the audio series. See [review](#).
5. Bruce Clark, op cit.

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