

e014-domination-chronicles-guest-russel-diabo

intro

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Welcome to the Domination Chronicles podcast. I'm your co-host, Peter P. d'Errico.

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And I'm your co-host, Steven Newcomb. Together, Peter and I have 90 years of experience researching,

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discussing, and writing about indigenous people's issues. Here, we explore themes such as the

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original free existence of Native nations and peoples, colonization as a claim of a right of

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domination, and civilization as a process and system of domination. Be sure to like and subscribe to our

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Now let's get into it.

[Peter] (0:01 - 1:14)

Well, good morning, everyone. Good morning, Steve, and good morning, Russ. We've got another episode now of the Domination Chronicles, and Steve and I have been really looking forward to having Russ Diabo with us in a conversation.

And I'd like to introduce him, but there's so much to say about him, I'm just going to turn it over to him, because he's been active for decades now in First Nations and Indigenous peoples' issues internationally. And the details would take up the whole session here just to talk about that. So, Russ, whatever you think is relevant to say, what your background is, it gives you the basis to do the work you're doing now.

Russ is a First Nations policy analyst, working with strategic issues that are especially highlighted now with what the Canadian government is trying to do to essentially get rid of the last vestiges of independent existence of Native

peoples, at least that's the way I would see it. So, good morning, Russ, and welcome to our conversation on Domination Chronicles.

[Russell] (1:15 - 30:13)

Good morning. Thank you, Peter. Yeah, I guess, first of all, my name is Russ Diabo.

That's the way to pronounce it. And I'm a member of the Mohawk Nation at Kahnawake, which is in Quebec near Montreal on the St. Lawrence River. I've been active since my teens on Indigenous advocacy issues.

When I was 16, I hitchhiked to Washington DC to take over the BIA building, which had already been occupied when I got there. And it was part of the Trail Broken Treaties caravan, where they had a 20-point position paper. So, I was 16, I was just starting to learn about these issues.

In fact, I quit high school after reading Vine Deloria Jr.'s book, *Custer Died for Your Sins*. I wound up going to the BIA takeover and met Lakota people there from Pine Ridge, wound up sleeping in the basement and cubicles, that's where people were sleeping after the building basically was trashed, you know, with slogans all over. And they told me about Pine Ridge and what was going on, the Treaty of Fort Laramie of 1868, how it was broken and why they were there.

And so, a few months later, my birthday's on Christmas Day, so I turned 17. A few months later, I saw on TV that they'd taken over Wounded Knee. And I was watching that on the news because, you know, I met these guys, they were from Pine Ridge.

So, I was very interested in what was going on there. And then they kicked the media out. And then, you know, you'd only see things on TV like government sources today said kind of thing.

Whereas before, you were getting video of what was going on there. So, I hitchhiked out there to South Dakota. I managed to get into Wounded Knee hitchhiking.

Outside of Gordon, Nebraska, a carload of Indians asked me if I was going to the knee. I said, yeah. And so, they picked me up and they dropped me off at a house just on the edge of the reservation.

They said they would take you in. So, I went in there and the guy came out of his house and said, get in the barn. And there were already a dozen people in there.

And that night, they took us in to Wounded Knee, you know, through the valleys because it's a bunch of hills there. So, we were able to get past the FBI and the U.S. Marshals and got in there. And I was in there about a week and experienced, you know, the different firefights.

They were using .50 caliber machine guns mounted on those armored personnel carriers. And I went there to find out what was going on. And after about a week, I figured it out, you know, what they were trying to negotiate.

They were shooting flares at night and that would help them aim their machine guns. Every night, we'd get like a briefing from Russell Means and Dennis Banks about the negotiations. There were about 200 or 300 people there when I was there, but people are always coming and going, myself included.

As a young Lakota guy said, I'm going home. You want to go with me? And I can't remember his name.

I don't remember if it was Wayne Scout or Frank Scout because there was a father whose house we went to and it was his son who was in Wounded Knee and took me to their place, which was in Porcupine, South Dakota, about eight miles north of Wounded Knee. So, he and I, you know, went out at night. Again, we got past the U.S. Marshals and the FBI and didn't get caught. And we went to his place in Porcupine. I stayed there about a week until they could get me a ride off the reservation back east. So, those experiences, you know, I was a high school dropout.

Those experiences have stayed with me throughout my life and driven me, I guess you could say. I went back to get my high school equivalency and then I went to post-secondary school for a few years. I went to Manitou College, which was an Indian-run college in Quebec.

It used to be a Beaumarck Missile Base that they turned into a college in Quebec, at La Macaza, Quebec. It's since been closed, but I went there for a semester. My father died when I was there and I didn't know.

I found out after he had been living in Brooklyn. My father was a Mohawk ironworker. He had worked out of Brooklyn most of his adult life.

I saw a guy in Erie, Pennsylvania, where I had grown up a lot, in the mall. He looked like my dad. So, when I went to see him, he was making silver turquoise jewelry and said he was teaching silversmithing at Navajo Community College.

He said, you know, your tuition would be covered if you went there. He had a college catalog. He gave it to me.

So, I applied. Got accepted. Went to school there at Navajo Community College on the Navajo Reservation.

It's called Diné College now, but it was Navajo Community College then. So, I went there in 1975, in the fall, in '76, for a year. I wound up working in the museum there as a work-study student, which was in a trailer at the time.

They were building a \$6 million cultural center on the campus, which later I would come back and work in. There were two floors that were museum. Then, in 1976, in the fall, I went to school at the University of California at Berkeley.

Took Native American studies. Of course, I had to get a thesaurus because they were using words I didn't understand, you know, coming from community college, like paradigmatic shift and all this stuff. I didn't know what a paradigm was.

I sure learned all of that. My professors there were all Native. Of course, they all had masters and PhDs.

I went there for a year, and then I went back to Navajo Community College and worked in the museum. And Harry Walters, who's a Navajo curator there, he's the one that trained me in museology, basically as a museum technician, all the way up to an acting assistant curator, because I'd been there a couple of times working for him. Then, I was more interested in politics and law.

I went back to my reserve and was museum development coordinator for a while. Got into an argument with management over the direction of the project and went back to university, where I went to Trent University in Peterborough, Ontario. I finally graduated with a bachelor's of arts and native studies out of Laurentian University in Sudbury, Ontario.

So, I sampled the intellectual supermarket quite a bit. And then, I went to graduate school at the University of Arizona, and the guy whose book I read that I quit high school, Vervine Deloria Jr., he had a program called American

Indian Policy Studies at the graduate level, master's program in political science at the University of Arizona. So, I went to Tucson for a year and went there.

But while I was going to school in Tucson, Canada had a new constitution they had adopted in 1982. They have a section in there, section 35, that says the existing aboriginal treaty rights of aboriginal peoples are hereby recognized and affirmed. They were constitutionally required to hold what they call first ministers' conferences with the national aboriginal organizations.

That meant the prime minister, the premiers of the provinces, you know, what you call governors down in the states, the heads of the territorial governments, the Northwest Territories and Yukon, they were all sitting around the table with the leaders of the four national aboriginal organizations, representing First Nations, Métis and Inuit. The Assembly of First Nations represented First Nations, the Métis National Council, which had to go to court to get a seat at the table, was representing the Métis, the original Métis out of the Red River Valley in Manitoba, Saskatchewan. And then there was the National Council, what do we call it, Native Council of Canada, who represented, they said, the off-reserve and the Métis.

And then there was the Inuit Tapirizat, who represented the Inuit. Those four organizations were negotiating. The purpose of those meetings was to identify the meaning of aboriginal treaty rights in the new constitution.

Because of course, Canada's own constitution was the British North America Act of 1867. And that act is which divided powers between the national government and the provincial governments. And the national government had powers over Indians and lands reserved for Indians.

Under section 91, section 91 are the federal powers and section 92 are provincial powers. Section 91(24) is the head of power that gave the federal parliament exclusive legislative control for Indians and lands reserved for Indians. And they used that head of power in 1876 to create the Indian Act, which is 150 years old this year, 2026.

And it's still in force. It's been amended from time to time to control and manage what's called status Indians, but it's still the main law to control what happens on the Indian reserves in Canada. And one thing I learned about going to school on the U.S. side and studying Native policy and Indian policy in Canada is that after the American Revolution, that's when the U.S. and Canada divided Indian policy, basically through, I believe it was the 1790 Non-Intercourse Act to control who could trade with Indians. The U.S. government

passed that because they had to kind of develop Indian policy as they went along because they cut off their ties with the British, who of course had global experience in colonizing peoples and lands. But what became Canada, the British advised on creating the Indian Act, which was a long-term plan to assimilate Indians until they were fit for Canadian citizenship. So that's what's been in place for 150 years.

And they control the ways out of the Indian Act through what they call rights recognition framework of policy and legislation, where they're basically transforming Indian Act bans into what they call Indigenous governing bodies, which have the same legal statuses of municipalities and corporations in Canadian law. What they say is they have the rights, powers, and privileges of a natural person at law in Canada. And that's the same thing as municipalities, corporations, where they can borrow money, spend money, hire people, things like that.

But the laws that they pass, the jurisdiction under these self-government agreements and legislation, because they don't take effect until the parliament passes the legislation, granting self-government basically. The jurisdiction over laws are local laws, not laws that deal with trade and commerce or nationhood. So that's what's happened in Canada.

The colonial system is different than what happened down there, the development of Title 25, Indian Removal Act, the Collier Act, all the things that they did down there for self-government, the recognition of tribal sovereignty being internal, while they still control and regulate trade externally. Same as in Canada, except there's a little more leeway for the tribes to exercise jurisdiction in the reservation than they do in Canada. Because under the Indian Act, they don't recognize any real form of traditional government.

Well, the Indian Act Section 2 says there's custom bans and who select their leaders through custom. And then Section 74 provides for band councils that are elected under the Indian Act. And it describes their bylaw-making powers and everything.

So that's what we've been dealing with up here in Canada, even though there's a new constitution in 1982 that recognized and affirmed the existing aboriginal treaty rights of aboriginal peoples. And in the 1980s, these constitutional talks, there was a Section 37 of that new Act, which provided for those talks. But that section became empty or spent in 1987.

And in 1983, they amended that constitution to allow for land claims agreements to be considered treaties within the meaning of Section 35. And they also amended it to Section 35.4 that said, laws will be guaranteed equally to men and women. And that's because under the Indian Act, women and their children lost status if they married a non-status person.

For generations, that was in place. So there had been a human rights case just before that 1983 constitutional conference, ruling that Section 12.1b of the Indian Act was discriminatory towards women. And that led eventually to an amendment to the Indian Act in 1985 to reinstate people who had lost Indian status prior to that.

They basically created kind of two categories of status Indians. 6-1 status Indians are those who had status before the 1985 amendments to the Indian Act. And then 6-2 were the ones who were reinstated, 6-2 status Indians.

And so right now, there's a whole—they don't use blood quantum in Canada like they do in the States. It's who's entitled to be registered as an Indian and can be added to banned lists through the Indian Act. So they control all that in Ottawa through the Department of—well, they dissolved the Department of Indian Affairs under Justin Trudeau in 2019 and created these two new Indigenous departments.

But the one that manages banned lists and who's eligible to have status is called Indigenous Services Canada, ISC. And then there's the Crown Indigenous Relations and Northern Affairs Canada, CERNAC. So their mandate is to negotiate these modern treaties and self-government agreements.

Well, Indigenous Services Canada's job is to prepare bans for self-government through the funding. They're offering 10-year grants to improve financial administrative capacity so that they can become self-governing First Nations as defined by the Feds. So that's how they're defining Section 35 is through this legislation and these policies.

And they have, I think, 24 self-government agreements affecting about 40 communities, First Nations and Métis and Inuit communities. And they have what's called modern treaties, mostly in British Columbia, but those are to extinguish Aboriginal title and basically get former Indian Act bans and reserves into this Indigenous governing body, you know, supposed status. And there's 615 First Nation communities or Indian bans across Canada right now.

They want all of them to go into that self-government. And the plan is to dissolve Indigenous Services Canada because it won't be needed once programs are transferred to these Indigenous governing bodies. And then Crown Indigenous Relations will manage the ongoing, the new relationship, you know, between these Indigenous governing bodies and the federal and provincial governments.

Justin Trudeau called them the fourth level of government, Indigenous governments, because they're lower in status than the federal government, the provincial governments and the municipal governments as the fourth level of government in Canada. So they're at the bottom of the federation. Like Indian bands under the Indian Act, it's kind of a sideways move, I see it as.

It's like saying, okay, you're in this decrepit old jail cell from the 1800s. We're going to allow you to move into a new modern jail cell with a chrome toilet and a kitchen in that. But, you know, we're still going to circumscribe your jurisdiction and authority for your former reserve lands because your rights and interests off reserve will be diminished or eliminated because the provinces have jurisdiction over the lands and resources surrounding Indian reserves in Canada, what they call crown lands.

And they issue permits and licenses around them. They've done that, you know, since the beginning of the 1800s. And now there's what they call cumulative impacts, especially for the bands in the south.

Like my reserve is on the south shore of the St. Lawrence River. We're surrounded by urban areas, the city of Montreal, Chateaugay. We're under a lot of pressure.

We still have a land base and we still fight for our identity, but we're definitely not in an eastern woodland situation like we came from. And we're not farmers like we used to be because we went into ironwork. The men moved into the wage economy from the agricultural lifestyle we had before that.

And I would say most of the bands across southern Canada have been surrounded by white settlement and occupation. And to go hunt a moose or something like that, they have to go pretty far. Anyways, they're finishing us off, I'd say under the Carney.

Well, Trudeau did it for the last 10 years. He's the son of Pierre Trudeau, the prime minister before him, who had proposed with Jean Chrétien, who was the

Minister of Indian Affairs in 1969. They proposed a white paper on Indian policy to basically terminate Indians through different measures.

They wanted to remove the legal distinction between Indians and Canadians through different means. They wanted to repeal the Indian Act. They wanted to amend the constitution to remove any reference to Indians under that section 9124.

They wanted to end the treaties. They wanted to settle land claims and cash settlements once and for all. So, they had a number of measures they wanted, and they wanted to do that all within five years.

And they wanted to end the Department of Indian Affairs. Chiefs across Canada pushed back against the white paper. They came up with the brown paper, the red paper, all these position papers countering the white paper.

And in 1971, or 1970, I guess it was, Pierre Trudeau announced they were publicly withdrawing the white paper. But privately, the bureaucracy has been implementing it. We have correspondence that shows that was the plan.

It was to get rid of the five-year time frame and to break it into components, the plan, and continue implementing it. So, that was 55 years ago, and that's what they've been doing. It's basically a divide and conquer approach, getting groups to buy into self-government or land claims to get out of the Indian Act with the federal government defining everything.

And so, even though they have a new constitution that for the past 35 years, Section 35, because those constitutional talks ended in failure in the 1980s, because the main issue they talked about in the constitutional talks until they ended in 1987 was self-government. The four national organizations said self-government is an inherent right, and the Crown governments, the federal, provincial, and territorial governments just needed to recognize it. And the prime minister, the premiers, the territorial leaders said, no, you have to negotiate with us.

And they started talking about Section 35 like a full box of rights and an empty box of rights. And the four national organizations said Section 35 is a full box of rights. You just need to recognize it, then we'll negotiate.

And the prime minister, which became Brian Mulroney, he took over after an election. He and the premier said, no, it's an empty box. You have to negotiate

self-government agreements with us, and we need to fill that box with agreements.

And so, they went round and the table and didn't agree. And starting in 1990, the Supreme Court of Canada took over and started defining Section 35 through case law. And the first case was in 1990.

It had to do with the size of a fishing net. Well, the Sparrow case, it had to do with the Musqueam Indians in Vancouver. They got charged with using a fishing net larger than what the Department of Fisheries and Oceans regulations allowed.

So, they fought that all the way to the Supreme Court. And the Supreme Court said Section 35 rights are not absolute. They can be justifiably infringed for valid legislative reasons.

Section 35 doesn't revive rights that were extinguished prior to 1982. But if the Crown says there was extinguishment of rights, the burden of proof shifts to the Crown to prove that the intent of the Crown was clear and plain. But that Sparrow case set off the beginning of the Supreme Court of Canada, laying out through different cases, legal principles and standards and tests for proving aboriginal treaty rights, which cost millions of dollars to collect the cultural and historical evidence to meet.

Although some have gone to court and kind of pushed it along. And then on the other hand, you've got these self-government and land claims negotiation policies and legislation. They're saying you don't need to go to court.

You can just go into our rights recognition framework, which is designed to extinguish or limit or restrict aboriginal treaty rights. So that's what they're doing. They're taking advantage of the poverty of the Indian Act caused by the Indian Act and the dependency on the federal transfer payment, forcing bans into negotiations under these policies, which further limit and restrict their rights.

And they have a self-government fiscal policy. I guess I'll end on this. They have a self-government fiscal policy they introduced under the Trudeau government.

Carney has taken over all these tables Trudeau set up in policies. The self-government fiscal policy is based on own source revenues. It's based on the principle that Indigenous governments have to share the cost of programs and service delivery and the cost of governance.

The government assesses a community's own source revenue and then they reduce the federal transfer payment and tell the Indigenous government, you have to make up the difference with your revenue generating powers and money. You have to take on the program risks and manage it because basically, under the new relationship, they no longer have the fiduciary obligations. You know, you've given those up for this new relationship and you get to manage the money.

And own source revenue includes taxation and loans. You can borrow money for housing and infrastructure. But that's what they're calling self-government in Canada under that fiscal policy.

And having limited jurisdiction to your former reserve lands because the province has managed the lands and resources around your former reserve lands. Your former or your ongoing traditional treaty territory or Aboriginal title territory. The duty to consult on projects and activities on your traditional lands is tied to strength of claim because of the Supreme Court of Canada legal tests.

So, you have to prove that you have strength of claim if they're proposing logging or mining or oil and gas or whatever around on your traditional territory. And then they do what's called a depth of consultation assessment based on your evidence of strength of claim. It's basically like a threat assessment.

If they think you have enough evidence to go to court and maybe win an injunction to stop or change the project, then they negotiate what they call accommodation measures. Otherwise, you're just going to notice in 30 days or 60 or 90 days saying, we're going ahead with the proposed project or activity on your traditional territory. So, that's what recognition in the constitution has brought us to is Supreme Court tests, putting the burden on proof on us.

And communities are not funded to research their reserve rights and interests. They have to figure out how to get money to do that, including doing mapping, like computer mapping, GIS mapping of their territory, whose interests are on there and everything. Because that's what I tell bands they need to do is they need to do research mapping and planning, self-determination planning on a territorial basis, not a reserve basis.

And it costs a lot of money to do that. But that's what we're into. Canada's war with First Nations is basically a legal, political, economic one, where they're

taking advantage of our poverty and dependency, which the Indian Act has created on reserve.

Because under the Indian Act, they controlled all development for 150 years now. Even agricultural products on reserve couldn't be sold off reserve without the minister's permission. So, that's a little different in the US and, you know, the approach with the reservations under Collier and the tribal constitutions and stuff.

[Peter] (30:17 - 30:50)

So, Russ, you know, I think one of the things that people need to understand that is kind of hard because it deals with the languages. So, you're using words like self-determination or self-government or whatever it may be. And those words to the person who doesn't really understand what's going on, they sound like they're very favorable.

But when they follow through how you're describing what's going on, they realize these are, I mean, I guess you could just call them lies.

[Russell] (30:51 - 30:52)

Yeah, they're lies.

[Peter] (30:52 - 31:11)

It's certainly intentional confusion to say, well, here's your plan for self-government. Well, we didn't develop that plan. Yeah, but it's your plan for self-government because we declared it's your plan for self-government and we're the Canadian government.

We can tell you what your self-government means.

[Russell] (31:12 - 36:29)

Well, there's two things I left out I should mention. One is that in 2021, the Trudeau government passed the United Nations Declaration on the International Minimum Standards of the UN version of DRIPA with a domestic law version, the case law I'm talking about, the policies I'm talking about. To say they're implementing UNDRIP in Canada through that legislative framework.

And one of the things that was included in that law that passed in 2021 is they had to develop a national action plan to implement the UN Declaration. Of course, the Canadian definition of it through that law. And Section 2.2 of that law, Bill C-15, defines the rights of Indigenous peoples, basically a Section 35 common law, they call it. All that case law for the past 35, 36 years of the

Supreme Court is how they're interpreting the UNDRIP articles. So they've replaced them as kind of a sleight of hand. But the other thing is, because of the words, early on, I guess in the 1990s, there was a public relations firm that advised Continental Golan Harris, they were called.

They were advising the federal government on how to deal with the Quebec Crees negotiations and the James Bay Agreement. That was the first modern treaty in Canada in 1975, where they flooded northern Quebec for hydroelectric power. And they had money to go to court and stuff through that settlement agreement they had, unlike many other First Nations.

And so the public relations firm advised the federal government at the time, you need to create a SWAT team around the minister to do communications. SWAT, meaning special words and tactics, so that at any time the Cree said something, the government would respond, because the whole objective of the communication strategy was to control the dialogue, to make Canada appear reasonable and make the Indians appear unreasonable. In this case, the Crees, to make the Crees appear unreasonable.

But it's basically a strategic communication strategy that they've used, the federal government has used, since they were advised to do that. And they've used it on everything to do with First Nations Canada relations. So they say, like Justin Trudeau said, reconciliation and nation to nation.

But it was all defined within their framework. They steal our ideas. So if government came from us, they stole the term and put a policy definition to it, emptying it out of any meaning that we had.

Same with reconciliation, that assumes that you're going to reach some kind of agreement. And I ran for National Chief of the Assembly of First Nations in 2018. That's the equivalent of the National Congress of American Indians in the States in Canada.

And my campaign was truth before reconciliation. Because I wanted to point out that Trudeau's government was trying to rush to say everything they're doing is reconciliation. But he's avoiding the past and how we got here.

The broken treaties, the Indian Act, all the unresolved issues out of the Indian Act, and the unresolved constitutional issues. Section 35, the meaning of that was supposed to be a political agreement. But the courts took over and started defining it.

It wasn't supposed to be legal definitions that we now have to meet in terms of a burden of proof. So that's two things. They've manipulated UNDRIP, and they have a communication strategy called using special words and tactics.

And that's to convince the public, the media, and First Nations that they're out to help us. But you get the lawyers in the room. And the lawyers basically come up with indemnification clauses and other things to just give us a cash payment and say, that's it, we're done, you can't take us to court anymore.

Once you sign it, take this check. So those are things you have to keep in mind with Canada. And in the US, Barack Obama said the same thing to the tribes.

UNDRIP, of course, self-determination, has a special meaning, a unique meaning in UNDRIP, and it doesn't affect the real international meaning of self-determination. I watched him give that speech. So both in the US and Canada, they've manipulated UNDRIP.

In fact, Steve and I were both involved in the North American Indigenous People's Caucus at the UN trying to address how US, Canada, and Mexico were manipulating, saying they're recognizing UNDRIP articles when through their domestic policies of legislation, they're doing the opposite.

[Peter] (36:31 - 37:37)

Yeah, one of the most blatant examples, you mentioned Obama's role there. We've talked about this on another broadcast, but Obama actually redefined consent out of existence. The UN Declaration talks about that certain events cannot happen without consent of the original peoples.

And Obama, it's just like George Orwell, just right out in front, he says, well, consent doesn't really mean that they agree. It just means we consult with them. And that language of consultation has completely replaced the notion of consent here, is that if the government has a little meeting and says, okay, we've consulted, now we're going to do whatever we want to do.

And people seem to fall for that. Like, oh, they consulted. Well, if consulting means you sit down at the table and you listen, and then you get up and do what you intended to do anyway, that is, it's a fraud.

I mean, it's a charade. It's a joke, actually, if people, once people begin to see it.

[Russell] (37:38 - 41:02)

Well, Pierre, sorry, Justin Trudeau did the same thing in Canada. Because it's all about consultation up here. And they even have a definition of free, prior informed consent in Canada.

They define it as meaningful participation with a view to trying to get consent, not achieving it. That's not required. And they always said, F-PIC means doesn't mean a veto.

That was what they were saying in Canada. In other words, it doesn't mean you have a right to say no. And this is playing out right now.

One of the first laws that Prime Minister Mark Carney got passed through Parliament this last year was Bill C-5, the One Economy Act, which has two parts. One is a free trade and mobilization act. And the Building Canada Act is part two.

And it's the Building Canada Act, which gives the federal cabinet the authority to approve major projects, they call them, which could be pipelines, nuclear installations, AI centers, dams, transportation routes, you name it. If they've created a major projects office, if they designate something, a major project, then they can shortcut environmental and indigenous consultation. And right now, the Premier of Alberta got Carney to sign a memorandum of understanding on energy.

And in there, they want to build a new pipeline, an oil pipeline from Alberta to the coast of British Columbia. And the coastal First Nations there are opposed to it. They're tanker banned off the coast of BC for decades.

So, the Supreme Mayor of Alberta wants that removed tanker ban. And she wants that pipeline to go to the coast of BC. And of course, they have Aboriginal title out there.

Not everybody has signed treaties. The Haida reached an agreement on their Aboriginal title getting recognized by both BC and Canada. But there are other First Nations along the coast that haven't resolved their Aboriginal title issues yet.

And they're opposing the pipeline. So, now, the Conservative Party, the leader of the opposition is saying if he becomes Prime Minister, because we could have an election up here, maybe this year even, he's saying that he would consult, but he would take that as input, he'd go ahead and build that pipeline. So, there's a move to put pressure on the coastal First Nations that the pipeline

is going to be built whether they agree or not, basically, for the economy of Canada, especially in light of Trump's threats of, well, his trade tariffs and his threat of economic annexation of Canada.

He's really impacting the economy up here. And once the economy starts getting impacted, you know, the white interests start to dominate. And of course, the ones they go after are the ones who are in the way of the development, right?

[Peter] (41:05 - 42:09)

Well, Russell, I wanted to point to another issue, which is every time you talk about economics and so forth, the ideology that we hear all the time is capitalism, markets, free markets, you know, etc. But in practice, that does not apply to Native Peoples, First Nations, Indigenous Peoples, whatever term you use there, that they're considered somehow not capable of making economic decisions in a market sense. So that even internal, well, you referred to it before, even agricultural products that in order for them to sell those products in a market economy, they had to get permission to do that.

And so the fundamental, supposedly, one of the fundamental pieces of the economic activity of these nation states, that they're working in a market system, that is also denied to the original peoples, that they're excluded from that.

[Russell] (42:10 - 47:28)

Well, in Canada, what Justin Trudeau's government did early on when they were pushing through that TMX pipeline used to be the Kinder Morgan pipeline. And then the government of Canada bought it to go from Alberta through British Columbia. Because there was already an existing pipeline built in the 1950s.

So they basically twinned the pipeline with this new pipeline they built under Justin Trudeau's government. And he had set aside \$5 billion for a loan guarantee fund so that First Nations could have equity ownership in projects, major projects, including that pipeline. And also the LNG pipeline in the interior that the Wet'suwet'en hereditary chiefs were blocking and getting arrested for.

The Indian Act, Wet'suwet'en were signing an agreement using that loan fund to have equity ownership in part of that pipeline, which went to the coast. There's a big LNG port in the Haisla. Let that port be built on the coast in their territory.

And they're big promoters of the natural gas, so they don't mind fracking at all. Because tankers are coming in and taking that liquid natural gas and shipping it to Asia. They finally finished building that pipeline.

But that's the approach that Carney's taking. He's continuing what Trudeau did. And under that, this group called the First Nations Major Projects Coalition was formed, who were buying into that TMX pipeline, and then later on the LNG pipeline, both in British Columbia.

So that First Nations Major Projects Coalition grew to 130 members, mostly based on the loan funds that were available for them to have equity ownership, or taking out loans into these projects. And Carney's increased that to \$10 billion now, the \$10 billion loan guarantee. And his approach under the major projects legislation is that First Nations can have equity ownership and economically benefit from participation in these major projects.

But nowhere does he mention consent, because it's all consultation. And that means the burden of proof is on any Indigenous group or community that's in the path of these major projects, whether it's a pipeline or a mine, or whatever it's going to be. They have to show that they have rights and interests under the legal test for strength of claim.

And then if they are able to do that, to show strong enough strength of claim, to get to the stage of negotiating accommodation measures, it's still about buying into the project through equity ownership. It's not about having consent over it, whether it should go ahead or not. Even though it's going to permanently affect the cultural landscape of a particular Indigenous group by having a mine, you can never reclaim a mine after a big pit's been dug.

Or if there's a pipeline, it's going to be scarring your territory and affecting your ability to harvest, hunt, fish, trap, and gather on it. Not to mention the potential impacts to water, which all life needs. So they are promoting economic development up here.

There are groups like that major projects coalition, and there's one in northern Alberta, Métis and First Nations, that have been working with the Alberta government and fossil fuel industry. The Alberta premier already has Indigenous groups in Alberta ready to go into that pipeline to BC, even though the coastal First Nations are opposing it, saying they don't give consent. This has been dividing communities for a while because they're throwing some money out.

And money changes values, as you know. Many of our people's values have been changed by jumping on this economic development bandwagon. Even though the Indian Act has created the conditions on reserve for poverty and dependency, because that's still in place.

So now the government's saying, well, you can be involved in economic development off reserve. You can buy into it, you can go into debt, get some loans, and you can be partial owners in it. But they're not saying anything about having a say over your traditional territory, no consent.

So they're dividing communities that way, because some communities want to protect and buffer cultural sites, environmental sites. Others are saying, well, it's going to happen anyway, let's just do it.

[Peter] (47:29 - 47:35)

Yeah, fatalism. Steve, you got anything you want to?

[Steve] (47:36 - 50:02)

Well, thank you, Russell. That was quite extraordinary. I think that, you know, one of the reasons why I set the context, generally, when I do these presentations or when I give a talk these days, you know, I acknowledge the original free existence of our nations and peoples extending back to the beginning of time through our oral histories and oral traditions, and the contrast of that free existence with the system of domination that was brought by ship across the ocean and imposed on everyone and everything. And it's within the context of that system of domination that all these specifics are occurring and have been occurring, going all the way back to the time when they first, you know, invasively arrived.

And then you have the contrast of the viewpoint of our ancestors looking out at their ships coming toward them, toward our ancestors, and the viewpoint from the deck of the ship coming toward our ancestors with the intention of establishing that system of domination, where it did not yet exist. And I think that there's a very amazing strength in laying that out in that manner, because it kind of helps to at least remind people of where we started out. Things become so fractured and confused, and all of the various details of the history can really distract people away from those fundamentals.

And, you know, if you could take it back, take that so-called crown system back to that first charter of Henry VII to the Cabots, John Cabot and his sons, you see in there that the king is instructing them to get unto him, getting unto us, as

the king puts it, jurisdiction and the dominium title, which is a domination title, which is an admission on his part that he doesn't have either of those things.

But how many people understand any of that, right? I mean, those that haven't bothered to go into the specific documentation and parse it out and so forth are going to be unaware of what I'm talking about right now. So I want to add that to the mix.

Say it again?

[Russell] (50:03 - 50:04)
Don't forget Jacques Cartier.

[Steve] (50:04 - 50:07)
Yeah, Jacques Cartier. Of the same arts. Yep, exactly.

[Russell] (50:07 - 50:08)
And Champlain.

[Steve] (50:08 - 50:47)
All of them. So, you know, I think you have that one book called The Law of Nations and the New World. I don't know if you ever saw that one, but it does a really interesting job of justifying that whole system of domination and making it seem as if it's perfectly acceptable and so forth.

So I wanted to add that into the mix as far as our discussion here today, because we're, you know, coming up to the top of the hour. Do you have any particular thought about the setting of the context in that way?

[Russell] (50:49 - 50:57)
Well, I mean, that's the basis of Canada's assertion of sovereignty and territorial integrity is based on the doctrine of discovery.

[Steve] (50:57 - 51:00)
Yeah, what I call the doctrine of domination.

[Russell] (51:00 - 56:19)
Yes, you call it the doctrine. Sorry. The doctrine of domination.

But we had the French presence first, you know, up to St. Lawrence with Cartier, followed by Champlain. And then on the East Coast, we had John Cabot in what they call Newfoundland. And that's how, you know, basically now we have the

French fact in Quebec and across Canada and in the rest of Canada being, you know, dominated by the English.

But originally when Canada started, right, with the Royal Proclamation, King George III, we had already had a couple hundred years of Indian treaty making, certainly with the Haudenosaunee and the Turo-Wampum with the Dutch and then the British. The Covenant Chain, we began to call it. You know, 1760, we had peace and friendship treaties.

We agreed to remain neutral when the British conquered the French in Montreal in 1760. The Treaty of Gunawage, we became allies. The former French allies became the British allies.

Going into, well, then the Royal Proclamation was issued. Mostly after Pontiac burned down like 10 of the 12 forts in the Great Lakes. So the Royal Proclamation referred to protecting Indians from trespass, which was a big concern from Pontiac.

And then we had that Treaty of Niagara in 1764 with the Haudenosaunee and the Anishinaabe confederacies, which, you know, basically was the beginning of the treaty making process in what became Canada anyway. Of course, shortly after that was the American Revolution, right, which started dividing. And then the War of 1812, it was mostly, you know, Indians, First Nations who were on the front line fighting the Americans from invading what was to become Canada, you know, and what's now southern Ontario or into Quebec.

You know, my own community was involved in some of those fights. Otherwise, Trump would have been the president up here too. But it all starts from the ships and, you know, them planting the flag and expanding out because really the French, you know, in what is now Quebec, didn't have much jurisdiction except as far as a musket ball would go around a fort in Quebec City or, you know, places they planted them.

And then as more people came in, they were able to outnumber us. I'd say about the 1840s, you know, after the War of 1812, about the 1840s was going in what's now called Ontario and Quebec. We were outnumbered.

And they stopped calling us allies and started calling us subjects and started to pass laws over us in the 1850s up here in what was called Lower Canada and Upper Canada, which is now Quebec and Ontario. And then, of course, their new constitution and then the Indian Act. And, you know, that's one big thing I noticed in the States is they had to kind of develop their Indian policy as they

went along because, you know, being new settlers, they didn't have the advice from the old British colonists to tell you how to colonize people and take their land.

But they kept it up here. That's why the Indian Act was designed to be long-term assimilation. It wasn't a quick fix, you know, until eventually they could repeal the Indian Act.

And we're at that stage now. In the National Action Plan to implement UNDRIP in Canada, they have what's included in there is to repeal the Indian Act and to replace it with this version of self-government and modern treaties. So, they have a master plan to finish the colonization project.

We're at that stage now where they figure, you know, it's pretty much done. They just need to change our legal status by getting us to consent through referendums band by band into this version of self-government. So, it's a lot different than the States because we have this new constitution.

You don't have that situation down there. Most of what I can see, they're calling it settled law, right? Like the Indian Claims Commission, the paying off for former claims and stuff that was all done, you know, in the 80s, I guess, 70s.

But we still have what's called unoccupied crown land up here that's being fought over, arguing aboriginal treaty rights, that it's encumbered with those. So, we're still seeing case law kind of come about about aboriginal treaty rights here in Canada.

[Peter] (56:20 - 59:50)

And I think on that note, I want to just mention a paper that you recently sent out to us, Susan Collis, just published last month, 27th of December, 2025, a really thoughtful, useful study. It's called From Reconciliation to Economic Reconciliation, and the subtitle, The Rise of a State Project and Its Limits. And we'll put in a link to that in the show notes here.

But the point I want to make is that, as you just said, this is the culmination of hundreds of years. I mean, given what Steve has pointed to for decades now, this is back thousands of years, goes back to the claims, the original claims of Christendom. But coming up through those centuries and decades to now, it's still the same thing still going on.

So, one important thing for people to have is the time frame in mind. This is not just something that happened under this government or the previous two governments. It's still going on.

And the Susan Collis paper, the piece that I want to emphasize, not just the saying that this is still going on, the struggle is real in the present day, but also it's sometimes people wonder, well, why do we constantly come back to this original free nation starting point for the analysis of domination? Because our analysis of domination says the entire history of Western civilization, not to mention other civilizations, has been a system of domination. So that the church, for example, the Roman church and Christendom, that was all basically imperial powers and imperial religious doctrines.

And so when we say, well, we're talking about domination, I see that the situation of indigenous peoples, original peoples, is like a way in which we have a place to stand to conceptualize what are we talking about when we talk about domination and non-domination. And so Susan Collis, when she has that, the rise of a state project and its limits, she's talking about how native, the original people's own economic policies being hemmed in by this so-called economic coordination that the Canadian government is pushing, is that it shows that there is a place still existing in which the concept and the practice of having an economy based on your own actions arising out of your own people is still happening in conflict with the claim of the state to monopolize the entire land base and the entire economy. And I think that it's just a way of saying, here we are, the same struggle's been going on, it's still going on. I think it's very clear that the overwhelming weight is on the side of colonialism and domination, but that's true worldwide, it seems to me.

And so looking at the situation of indigenous peoples allows us to see the worldwide situation standing in what remains of a current reality of free existence. I don't know if that's all coherent or not, but it just strikes me that that's what's so important about these discussions. It shows the live moment right now when free existence is still being asserted against domination.

[Steve] (59:51 - 59:55)

Well, but then is it? I mean, that's, to me, that's the question.

[Peter] (59:55 - 59:58)

The Susan Collis paper gives examples.

[Steve] (1:00:01 - 1:00:44)

I understand. For example, the big document on the doctrine of discovery by the Assembly of First Nations, domination wasn't mentioned even once, not one time. And it wasn't within the framework of the vocabulary of the people working on that document. And then they went into justifying crown title.

They said, oh, well, even if the doctrine of discovery calls into question the assertion of crown title and crown sovereignty and all that, there must be some other means of justifying those concepts. Why would they bother saying that? That was so odd.

[Russell] (1:00:45 - 1:00:49)

Are you referring to the Royal Commission on Aboriginal Peoples study?

[Steve] (1:00:50 - 1:00:58)

Yeah, I think so. That was a \$50 million study. Murray Sinclair and those folks, right?

[Russell] (1:00:59 - 1:01:01)

Oh, the Truth and Reconciliation Commission.

[Steve] (1:01:01 - 1:01:09)

There you go. Sorry. Yes, yes.

I'm a bit inaccurate there, but yeah. So I don't know if you read that study.

[Russell] (1:01:10 - 1:01:10)

I did, yeah.

[Steve] (1:01:11 - 1:01:40)

But I was struck by the fact that there's no mention of domination. There's so much that's missing from that, yet they were treating it as if they had been very comprehensive. And then they had that strange mention at the end that there must be some other way to justify crown title.

I'm thinking, well, I guess they were working at the behest of the crown, or I don't know. Is that what it was?

[Russell] (1:01:40 - 1:01:43)

Yeah, they were a commission of the—they were a federal commission.

[Steve] (1:01:43 - 1:01:44)

Yeah.

[Russell] (1:01:44 - 1:01:51)

And their terms of reference was very limited, too. That was under Prime Minister Stephen Harper, Conservative.

[Steve] (1:01:51 - 1:01:51)

Yeah.

[Russell] (1:01:53 - 1:02:03)

And originally, they had a lead commissioner, two commissioners that started fighting. So they were replaced. Murray Sinclair was a replacement.

[Steve] (1:02:03 - 1:02:04)

Oh, okay.

[Russell] (1:02:05 - 1:02:26)

And the other two commissioners that were put on there were replacements as well. But it was the Assembly of First Nations, Phil Fontaine, who negotiated the terms of reference with the federal government. And they couldn't even subpoena anybody working in—because it was about the residential schools, right?

[Steve] (1:02:26 - 1:02:27)

Yeah.

[Russell] (1:02:27 - 1:02:29)

What they called cultural genocide.

[Steve] (1:02:29 - 1:02:30)

Right.

[Russell] (1:02:30 - 1:02:58)

But they couldn't subpoena any priests or nuns or workers who worked at the schools unless they were charged, you know, it was a public conviction, you know, for sexual assault or anything, you know, the crimes that happened as a result of residential school. So they had kind of their hands tied. And, you know, I guess they pushed it as—well, Murray pushed it as far as he could.

He passed away, by the way, about a year ago now.

[Steve] (1:02:58 - 1:04:46)

Yeah, I had heard that. Well, I was told by a good source, I think someone who really knows, that it was handed off to an attorney, a non-Native attorney, who proofed it and went through and perhaps even put that additional language in there about the crown title and so forth. It could be.

Yeah, it kind of massaged it or whatever. But regardless of all that, I think that I want to just end on this note that I think oftentimes when people immediately go into the discussion of treaties and so forth, somehow that replaces the focus on the original free existence. And somehow that never gets mentioned at all.

The use of the term treaty or treaty rights and so forth is standing in place of a discussion about a free existence. And whether we have even accepted the notion that there is a right of domination rightfully asserted over our territories and asserted over our lives and so forth, that seems to be out of focus entirely. It never becomes a focus of attention in terms of what people are actually discussing.

So you have all this other language taking up the space without ever getting into that contrast between the original free existence and them coming over on a premise of a claim of a right of domination. And that's what I'm really encouraging, is that we go ahead and make that the central focus and see if that can change the dynamic to some extent.

[Peter] (1:04:46 - 1:05:01)

I think that's probably a good place to quit. We're at the top of the hour, and it seems to me Russell is engaged directly in exactly what you're talking about, the ongoing kind of insistence that there's more to be talked about here.

[Russell] (1:05:02 - 1:06:20)

Well, the final point I'd make is the Sue Carless paper you're referring to, the example she's giving where Carney's economic reconciliation is fake is she uses the Mohawk tobacco trade because there's smoke shops on the reserves are manufacturing cigarettes on Mohawk communities and on the Canadian side. And she's saying, you know, this economic reconciliation that Prime Minister Carney's pushing is okay when you're talking about, you know, getting into buying into pipelines or mines and things like that. But if it's a self-sufficient economy, like the tobacco was provided for, you know, selling tobacco, they're not supporting that.

They're still criminalizing it and trying to shut it down. Mostly because they're not regulating it and getting their taxes from it, right? The revenues.

Exactly. That's the only reason why they're saying it's illegal. So that's the point she's showing is that Carney's economic reconciliation is really false because it's not supporting anything to do with supporting sovereignty of Indigenous peoples, you know, in the economy that gives them sovereign, the right of freedom that, you know, Steve was talking about.

[Peter] (1:06:20 - 1:06:35)

Yep. Well, Russell, thank you so, so much. We'll probably call on you again at some point as things develop.

But it's a great conversation to have had with you. Steve, you want to say?

[Steve] (1:06:35 - 1:06:36)

Yeah, thank you, Russ. Appreciate it.

[Russell] (1:06:37 - 1:06:39)

I hope next time my camera's working.

[Steve] (1:06:39 - 1:06:40)

Yeah, it would be good.

[Russell] (1:06:40 - 1:06:40)

That would be good.

[Steve] (1:06:41 - 1:06:43)

Or at least have a photo of yourself up there.

[Russell] (1:06:43 - 1:06:45)

Yeah, yeah. Okay. All right.

Outro

00:00 --> 00:06

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