



South Wind

"The official newspaper of the Manitoba Southern Chiefs' Organization, Inc."

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Message from SCO Grand Chief Chris Henderson

Boozhoo! Tansi! Wash-tay! Greetings to our Elders, Veterans, Southern Chiefs, Council Members and Indian peoples.

I want take this opportunity to once again recognize, acknowledge and thank our leaders, elders, staff, volunteers, financial sponsors and delegates who attended and supported the National Indian Treaties 1-11 Gathering held at the Historic Lower Fort Garry. *Kitch-Meegwetch* for your support and participation at this monumental gathering.

As well, I want to officially congratulate Chief Ovide Mercredi, of the Grand Rapids First Nation, on his selection as the Spokesperson for Treaties 1-11.



Chief Ovide Mercredi, Grand Rapids First Nation

In other news, recently, the Calgary Police Services had cleared the Winnipeg Police Services' investigation into the shooting death of young 18 year old Matthew Dumas, who was shot and killed by a Winnipeg Police Service officer on January 31, 2005.

I want to reiterate and restate our political support for the family of Matthew Dumas as they prepare for the yet-to-be called public inquest by the Provincial Minister of Justice into this fatality. We will not abandon this family in their quest for the truth and justice.

In closing, I wish you and your families well for the remainder of these summer months!

ALL MY RELATIONS!

MB Government ordered to enforce no smoking on First Nations reserves

On Monday August 14, 2006, Provincial Court of Queens Bench Justice Albert Clearwater issued his decision on the Manitoba Government's "Non-Smokers Health Protection Act" and the exemption it provided to First Nation 'Indian reserves'.

In essence, the court struck the exemption section of the Act which made the Act inapplicable to Indian reserves. The Court found that the exemption section of the Act violated Section 15 of the Federal Charter of Rights and Freedoms. The Court then directed the Province to begin enforcing the Act on reserves within a short period of time. The Province has 30 days to decide if it will appeal the decision to the Court of Appeal.

Subject to appeal by the Province, the effect of this court ruling (known as *Creekside Hideaway Motel Ltd. v. Her Majesty the Queen*) is that Indian reserves (including casinos, VLT's & bingo operations on such reserves) are no longer exempt from the Act (and therefore no longer smoke free). The Province has been ordered to begin enforcement of the Act on Indian reserves shortly.

Depending on the collective position of Manitoba First Nations, there are at least three (3) options:

- 1) Accept that the Act and therefore all public places (VLT and Bingo) on reserves become smoke free;
- 2) First Nations could attempt to pass a smoking by-law under Section 81 (health) of the Indian Act. In the by-law, the FN can designate certain areas smoke free and other areas (such as the bingo and VLT areas) smoking permitted. The significance of a by-law under the Indian Act is that it supersedes or pushes out provincial laws by virtue of Section 88 in the Indian Act. It remains to be seen whether or not the Federal Minister of Indian Affairs will, or would, approve such a by-law.
- 3) When the Province comes to enforce the Act on Indian reserves, First Nations could legally challenge the Act and argue that it is inapplicable to Indian reserves.

It will be interesting to see how the Provincial NDP Government responds to Judge Clearwater's decision and order.

Reprinted

PRESS STATEMENT

FOR IMMEDIATE RELEASE
Wednesday, August 16, 2006

PROVINCIAL JUDGE THROWS OUT CHARGES AGAINST FIRST NATION CHIEF

WINNIPEG, MB - On August 16, 2006, Chief Irvin McIvor of Sandy Bay Ojibway First Nation appeared before Provincial Court Judge Corrin and entered a guilty plea to the charges of unsafe storage of firearm.

After hearing the submission of his lawyer, Norman Boudreau, Judge Corrin granted Chief McIvor an Absolute Discharge. Judge Corrin commented that Chief McIvor was an "upstanding citizen" and that he had a reasonable explanation for the charges of unsafe storage. Judge Corrin indicated that the allegations against Chief McIvor did not warrant a criminal conviction.

In March 2006, Chief McIvor was arrested at the Winnipeg International Airport for an alleged breach of an undertaking resulting from the charges not to leave the Province. As a result Chief McIvor spent the night under arrest at the local RCMP detachment.

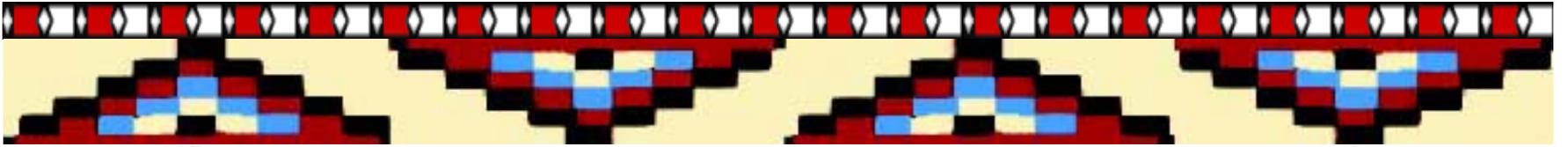
Chief McIvor stated that "As holder of the Justice Portfolio of the Southern Chiefs Organization, I strongly believe that my integrity and reputation was attacked and the arrest was politically motivated". Chief McIvor further deplores the manner in which the media reported the incident. "The media were there when the charges were laid, but not when the Court gave me an Absolute Discharge".



Chief Irvin McIvor
Sandy Bay Ojibway First Nation

"As holder of the Justice Portfolio of the Southern Chiefs' Organization, I strongly believe that my integrity and reputation was attacked and the arrest was politically motivated."





Meegwetch! Thank You!!

NATIONAL INDIAN TREATIES 1-11 GATHERING

"For as long as the sun shines, the grass grows and the waters flow"



Acknowledgment to the Major Financial Contributors

- Tribal Councils Investment Group of Manitoba
- Assembly of Manitoba Chiefs
- Manitoba Keewatinook Inineew Okimowin
- Treaty 8 First Nations of Alberta
- Treaty Relations Commission of Manitoba
- Indian and Northern Affairs Canada
- Parks Canada
- Manitoba Hydro
- Province of Manitoba

Acknowledgment to the individuals who made this event an historical and successful Gathering.

- Elders
- Volunteers
- Southern Chiefs' Organization Staff
- Assembly of Manitoba Chiefs Staff
- Manitoba Keewatinook Inineew Okimowin Staff



Photos Courtesy of Assembly of Manitoba Chiefs and Treaty Relations Commission of Manitoba

