



HOUSE OF COMMONS
CANADA

CONSTITUENCY OFFICE
4871 DELTA ST.
DELTA, B.C.
V4K 2T9
TEL: (604) 940-8040
FAX: (604) 940-8041
E-mail: cummins@dccnet.com

JOHN CUMMINS, M.P.
DELTA-RICHMOND EAST

OTTAWA OFFICE
ROOM 548 CONFEDERATION BLDG.
HOUSE OF COMMONS
OTTAWA, ON K1A 0A6
TEL: (613) 992-2957
FAX: (613) 992-3589
E-mail: cummij@parl.gc.ca
www.johncummins.ca

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Letters Editor

The Vancouver Sun
#1 - 200 Granville Street
Vancouver BC V6C 3N3

Dear Editor:

Re: "Certainty and Fairness for All," Geoff Plant, Vancouver Sun, May 10, 2009

Mr. Plant seems offended by my observation that on aboriginal title Gordon Campbell "snatched defeat from the jaws of victory." So be it.

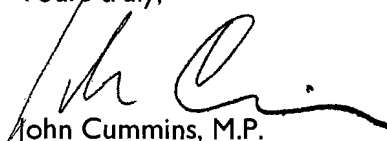
I am sure that Mr. Plant knows full well that the Supreme Court of Canada made the issue of aboriginal title largely irrelevant in British Columbia in 2005 when it rejected the approach to aboriginal title now espoused by Gordon Campbell.

Mr. Plant fails to mention that on February 27, 2009 John Hunter QC, former president of the Law Society of British Columbia, who acts on behalf of the province on aboriginal matters, stated that the *territorial approach* to aboriginal title that is central to Mr. Campbell's proposed aboriginal title legislation had been "decisively rejected by the Supreme Court of Canada."

On March 4th Mr. Hunter, acting on behalf of the Province, advised the B.C. Supreme Court that the Province was withdrawing from the *Ahousaht* trial because the Province was no longer able to take "*a strictly legal position* regarding the test for aboriginal title." Mr. Hunter went on to advise the Court that he had been instructed by the Province that it would take "*no position in upcoming closing arguments*" and that the Province would *not* be filing a legal argument, "nor will counsel for the Province appear at the closing arguments."

It would appear that Mr. Plant supports the Province's refusal to argue the law in Court. Perhaps I am old fashioned but I thought that was the job of the B.C. Attorney General's legal officers and that it was their solemn duty to leave the politics to others.

Yours truly,


John Cummins, M.P.
Delta-Richmond East