If we followed the theory that Indians are the only real Canadians, we find that the English aren't really English, but a race resulting from a Norman Conquest, and before that, a Danish Invasion. According to this, Americans are not really Americans, French are not really French, Mexicans are not really Mexicans, but merely foreign invaders. See the point?

Canada is a young country and that is the excuse given for the present "mosaic." But why must one have thousands of years of ancestry behind him to be a "native"? Why must the "third element" peoples constantly live in their old cultures? Why must there be ethnic organizations? Why can't there be a *Canadian* race instead of Ukrainian-Canadians, French-Canadians, German-Canadians, etc? Why must there be this arguement about cultural prejudice, when the people who argue were born in Canada and are Canadians?

Of course, now I'll be labelled a bigot, but then, what is a nationalist except one who wants to create a true culture for his country? Answer - a "bigot."

Gordon Turtle
Arts 1

Bears vs Soviets

While gleaning last week's issues of *Gateway*, I noticed that the Golden Bear's offensive line was featured with a good photograph, but without names and very few numbers of the local heros, whereas "outstanding individuals" representing a minority group were not only given front page coverage in Tuesday's issue, but a fully-captioned photo in Thursday's issue.

Could this suggest that the University newspaper is more concerned with non-student oriented issues than with its own football team? I certainly hope not - an obscure delegation is soon forgotten, while a University tradition (eg. the Bears) can be a source of warm nostalgia in tired moments. If I want to read an irrelevant newspaper, I shouldn't have to look to the University.

Respectfully
Nanker Pheldge

Residence

Thanks for your article on Pembina. Perhaps if *Gateway* organized a survey of opinions by inmates - sorry, residents of Pembina Hall, the volume of complaints would move renovations that much quicker. As you pointed out, it is a residence mainly for foreign students, such as myself, so I wish the University would remember that most of us are stuck there through the vacation as well as term-time.

Yours sincerely
Madeleine Huck
Classics

NORTHERN LAND FREEZE

by Art Neumann

There's a land war on. Covering 400,000 square miles of the Mackenzie Valley and Great Slave Lake area, it promises to reshape the entire area of natives' land rights, and by extension, the full gamut of our relationship with them.

The disputed land comes under Treaties No. 8, signed in 1899, and No. 11, signed in 1922. In them, the Indians are clearly required to "cede, release, surrender, and yield up to the Government of the Dominion of Canada" all their "rights, titles, and privileges" to their lands for reservations on the basis of one square mile per family of five.

But that's not what they were told, say the Indians, and since they obviously did not read the white man's printed language, it appears as though the white man's forked tongue is caught again, solidly embedded in his cheek.

Let's go back. Aboriginal property rights, based on original use and occupancy of land, have always been recognized by English and Canadian law. The basic notion was that, although a discovering nation took claim, the natives retained thier property rights.

They were bound, moreover, not to make private sales, and to the concept that aboriginal title is one of communal ownership. These lands were reserved for the Indians to continue in their lifestyles, and whites were out.

As the white settlers' land needs grew, the Crown provided that the lands in "Indian Country" could be sold, but only to the Crown. Came the Treaties - a rash of them lasting until 1923 - in which the government went into the beads and trinkets business: for Treaty 11, $5 cash and $3 supplies per native per annum.

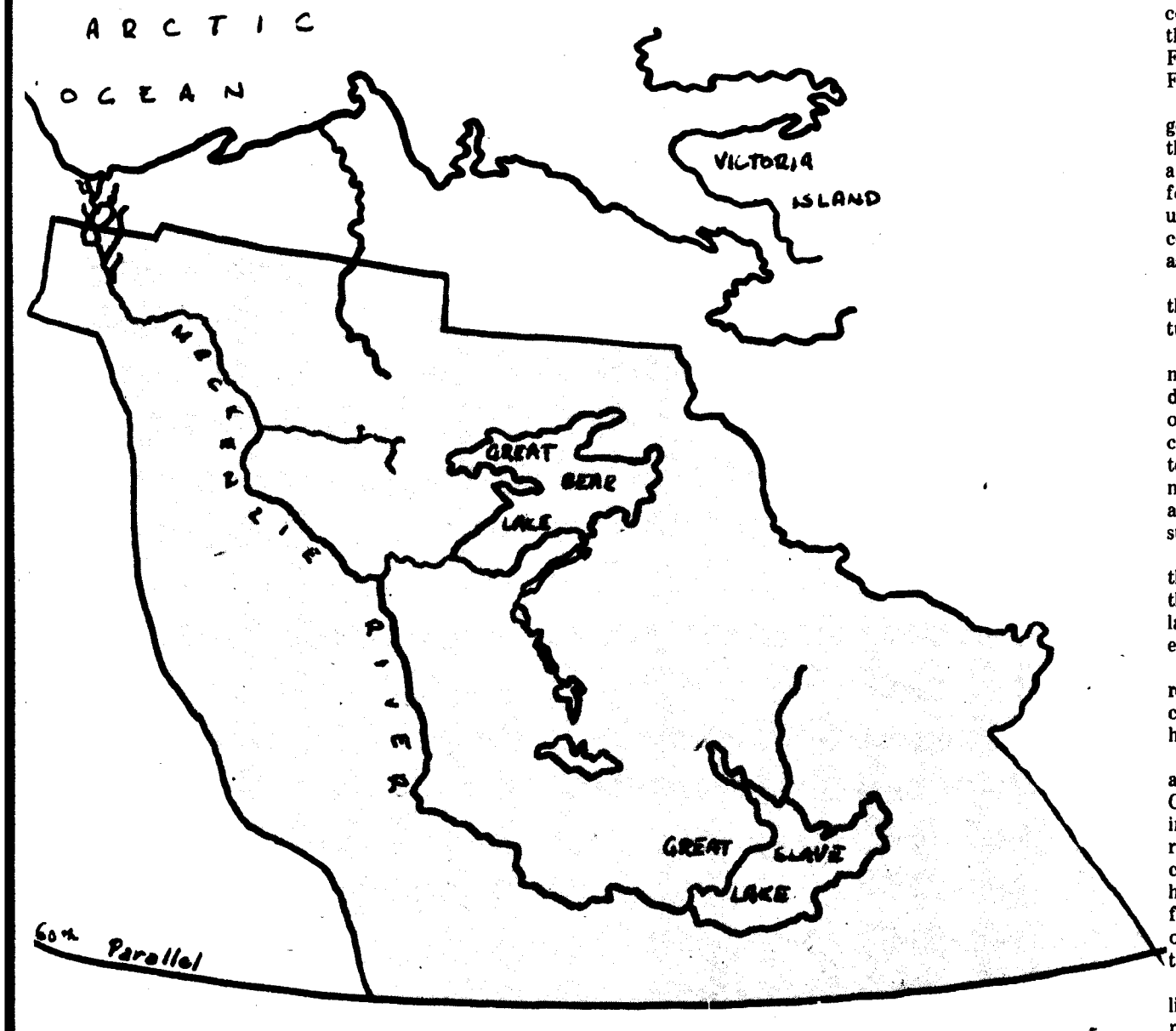
Since then, in a number of milestone achievements by government and Indian Affairs officials, aboriginal rights were defended and sponsored to greater heights. In 1971, for instance, the Dorion Commission expressly recognized aboriginal rights, and acknowledged the need for compensation where those rights had been ceded, as in treaties.

Prime Minister Trudeau didn't agree. In a speech in Vancouver in August 1969, he stated that aboriginal rights, apart from treaty rights, will no longer be recognized. Thus if you're not a treaty Indian, you've lost your aboriginal rights, and if you are a treaty Indian, your rights were signed away in a document your forefathers couldn't read, and whose real meaning was often at distinct variance with what the signers were told.

In the North, unhappily for the government, two original native signatories to Treaties 8 and 11 are still alive, and they swear that they were told they were signing a "peace treaty." Not one of the 40 witnesses to the signing polled by the investigating court could remember anything about "surrendering the rights" to their lands. Given the deep feeling Indians have toward their land, this seems hardly surprising.

With a little help from Jean Cretien - as ironic as it seems - the natives organized the Indian Brotherhood of the NWT, hired lawyer Gerald Sutton, and went to court.

They knew that they had been cheated at the original signing, and they knew that even those documents the federal government had not honoured: Indian reserve lands, for instance, have yet to be allotted in the NWT. They wanted the treaties renegotiated for a more equitable compensation for their lost lands.



Above all, they wanted to put a stop to the scramble for mineral wealth that is occurring on their land.

Their first step was to file a "caveat" with the territorial land and titles registrar. In land titles practice, a caveat blocks any subsequent proceedings of land to which you claim an interest, and about which you demand to be heard. The interest here is aboriginal rights.

The registrar passed the buck to Justice Morrow, of the NWT Supreme Court, for a ruling on the legality of the caveat. The feds challenged his right to rule in the case, but the NWTLand Titles Act clearly empowered Judge Morrow to deal with all claims of title.

On July 5, the federal government wanted to oust Morrow from the case, challenging his right to hear the case. In a manoevre that would have changed his status from NWTSupreme Court judge to a "person designata" in the case, they hoped to reduce him to an appointed official without any attachment to the court. This thoroughly enraged Northerners. Said the "News of the North": (this action puts the Trudeau government) "dangerously close to contempt of court and, in turn, makes it worthy of little but disgust."

Then, on July 11, the federal government backed off. Their team of lawyers folded their tents and returned to Ottawa. Morrow was forced to appoint a lawyer to represent them.

The case became properly lodged, and Morrow held a ciruit court, travelling throughout the Mackenzie delta, taking testimony, and hearing the stories of men who helped shape NWT history.

Flying in a DC-3 with a battery of interpreters, the court visited Fort Simpson, Fort Wrigley (where one of the men who originally signed the treaty still lives), Fort Resolution, Fort Providence, Fort Nerman, and Fort Good Hope.

In Fort Simpson, testimony revealed that government "negotiators" tried for three days to get the Indians to sign Treaty 11. Finally, they had to pin a medal on one of them, promising him to be chief forever, if he singed. Other testimony - virtually unanimous - protested that the land had never been considered as sold, citing the natives' dependence on it as a source of food and supplies.

Morrow said that members of the court party felt that "for a moment the pages of history were being turned back."

"These witnesses, for the most part, were very old men and women, one of them 101 years old, were dignified, and showed that they were and had persons of strong character and leaders in their own communities. There is no doubt in my mind that their testimony was the truth and represented their best memory of what to them at the time must have been an important event. It is fortunate indeed that their stories are now preserved."

On Sept. 15, he gave his final decision: recognizing the Indians as the descendants of the first owners of the land,and never having ginen up their rights to this land, he decided that aborigianl rights were basis enough for filing a caveat on the land in question.

Since the Indians cannot deposit securities as required under a normal caveat, Morrow ruled that the caveat cannot be filed until the time for the appeal of his decision is out.

The natives must now weigh the risk: should the aboriginal rights claim be ruled against by the Supreme Court of Canada, developers can sue for lost investment. On Nov. 8, the cheifs decided to enter the risk. But the natives are not interested in a sheer confrontation, with a black-white court decision. Their hope is for a political settlement, to establish a new format for negotiations. They want more involvement over time in the management of the resources under their land, rather than a cash settlement.

It is significant for them to bring about a new lifestyle for which their social condition, and our perception of it, must change. All Canadians would benefit from an equitable decision of this critical issue.