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## They didn't tell you the Indians wanted Vancouver (back) If you think that's funny you'd better read these books

On those rare occasions in the last two decades when the Indian was asked what he wanted from the white man, he would usually say "I want my treaty rights respected", or more simply, "I want my land back."

**Native Rights** 

**By Douglas Sanders** 

White Canadian liberals, with their colonial eyes fixed firmly on that "bigger-better" black - white "problem" in the U.S. and on the American concept of civil rights which had developed out of that struggle, usually dismissed (kindly but firmly) such requests as irrelevant.

Their reaction has usually been similar to that of Trudeau, who has been quoted as saying that it is "inconceivable that one section of a society should have a treaty with another section of a society. The Indians should become Canadians as have all other Canadians."

Nevertheless, Indians have persisted in the belief that respect for their treaty rights and just settlement of their claims would be the answer to the disasterous effects of more than 100 years of repression by the white man. They feel that a just settlement would provide them with a sound economic base from which they could re-build their culture.

Indians also feel that their self-image and the image as they are seen by whites will not improve until they are able to regain their sense of nationhood, expressed through the treaties as solemn agreements between sovereign peoples.

The importance with which Indian claims and treaty rights are perceived by native peoples is indicated by their desire to deal first with this area in the current negotiations with Ottawa. Only after such a settlement do they want to move on to those day-to-day instruments of white oppression - the Indian Act and the Indian Affairs Branch.

Prepared by a research staff directed by three law professors, 'Native Rights in Canada' translates the "I want my land back" into a scholarly, footnoted history of our usurpation of Indian territories. It describes the legal position in which contemporary Indians find themselves after nearly 400 years of wars, treaties and legislation.

All the important terms and concepts are defined and placed in a historical context - aboriginal rights, treaty rights, and Indian claims. Distinctions between the colonial policies of the French and the English are clearly developed.

Seven chapters are devoted to a regional breakdown of all existing treaties and the extent of unsurrendered lands (important areas of Quebec, the Maritimes, British Columbis, the Yukon, and the North West Territories)

Although somewhat dry, the book covers all the basic issues of what is considered by most Indians as being their fundamental stumbling block.

The Unjust Society By Harold Cardinal Moral rights rather than strictly legal rights are more

the theme of 'The Unjust Society', to fill in some of the humanity missing in the Sanders book. Harold Cardinal, its author, is a young Cree, a

nationally known Indian spok



of the Indian Association of Alberta. The publication of his book marks the first time that the grievances and the mainstream point of view of Canadian Indians has been so accessible

In clear, easy to read, and sometimes humourous style, Cardinal sets forth the contemporary position of native peoples on crucial topics - welfare, education, the churches, "happy but ignorant white do-gooders who clutter up the Indian landscape", and the repressive nature of the Indian Affairs Branch and its Indian Act.

Cardinal provides some historical background on the assimilationist goals of the federal government as they are currently expressed in the White Paper of June, 1969 He explains why treaty rights, Indian claims, and aboriginal rights are of utmost importance to his people and why they feel that these areas must be settled before there is any discussion of the terms of the Indian Act -"settle our rights, then talk legislation."

Cardinal sees future hope for his people coming from within the Indian community. "There must be a rebirth of the Indian, free, proud, his own man," he observes. In order for this to take place, Indians and whites must take new directions.

The Indian must take initiative and leadership in forming and strengthening his own political and social organizations, in re-shaping his education system, and in developing the potential of the reserves.

The white man must give the Indian respect and justice by fairly settling Indian treaty and aboriginal claims. He must also put up the money needed to build Indian organizations and develop Indian economic potential.

In summary, it is eady to see why Cardinal has been able to win support from both the conservative and more radical Indians, whose disputes are over tactics, not on the nature of the central Indian problems which Cardinal sets out so lucidly.

#### **Two Articles By Wilfred Pelletier**

'Two Articles' is the first publication from the Institute for Indian Studies, Rochdale College, and is written by its director, Wilf Pelletier. His pamphlet discusses some of the social effects of white penetration on the traditional Indian cultures, with their central ethics of non-interference and the unity of man and nature.

The principal theme of the two articles is education. Pelletier spells out how the ethics of native peoples were reflected in their "learning situations"

Unstructured observation was the basis of Indian education and no division between learning - way of life work was perceived.

No child was ever rejected or encouraged to compete. Pelletier notes that "the children became very noncompetitive. They had no need to compete."

The natural curiosity of children, put to good use in Indian society, has been replaced by su ventions as examination standards and the Cadillac car

by white educators. Another principal theme in the articles is Indian organization.



### **By Glen** Williams



According to Pelletier, Indian organization can be described as horizontal or organic, with leadership being taken and given up according to the nature of the problems being faced by the community.

Whites have not been able to understand Indian organization and have made repeated attempts through the Indian Affairs Branch and the churches to "organize" him.

"And when they come it's like shooting a goose in a flock of geese, When you hit him you disrupt the pattern. So every time somebody comes into the community they disrupt the pattern.'

The usual Indian response, notes Pelletier, is withdrawal.

Although at first reading the pamphlet may seem a bit rambling, it presents some important observations capable of shaking our Eurocentric horizons.

#### Office Consolidation of the Indian

#### Act By Government of Canada

The Indian Act has been the focus of our policy towards native peoples since it was passed by Parliament in 1951.

Without much distortion, the Act may be described in one sentence - all power is given to the Minister (and hence to the Indian Affairs Branch), and no power is The terms of reference for the Act are incredibly wide. An Indian is told who he is; how he is to be governed; how he is to be educated; and who is to control his economic resources. The Act even provides for the distribution of his property after he dies.

A band is not given the power to decide who its members are. Indeed, certain classes of people with Indian blood are excluded from the terms of the Act (sections 12, 14).

A band is not given the power to establish its own form of government. Complicated regulations for the election and duties of the band council are set out in the Act. (73-79). The powers of the band council are extremely limited and are confined to supplementing the power of the department. (72, 80). The raising or spending of money (even that which belongs to the band) is not permitted unless the Governor-in-Council declares that the band has reached "an advanced state of development". (82)

An individual Indian cannot hold land on the reserve unless the Minister has approved. (20). The Minister can authorize the use of land on the reserve for any purpose n is in the general we band." (18). A band cannot sell or lease its lands without first surrendering that land to the Crown. (37). This, of course, means that the Indian Affairs Branch makes the final decision on what happens to this surrendered land

and not the Indians who are directly involved. (53). This catalogue of the Act's iniquities could go on for much longer, yet very few Canadians have read this quaint piece of mid-twentieth century colonial legislation designed to "teach" the savages the "correct" (white) way of organizing their lives.

#### Statement of the Government of **Canada on Indian Policy**

#### By the Department of Indian Affairs

Better known among Indians as the WHITE paper, it is seen by many as Ottawa's latest attempt to wipe out Indian culture and to ignore their claims and treaty rights. The paternalism of the Indian Act did not succeed in its objective of turning out little brown white men, so the Indians suspect that the Government is trying a new tactic - "equality"

Introduced in June of 1969, the White Paper is a dramatic shift in policy. It proposes that "legislative and constitutional"

discrimination be removed (i.e. the Indian Act); that the Indian Affairs Branch be dissolved and responsibility for Indian programmes be turned over to the provinces; that "lawful" Indian claims and treaties be recognized; and that a programme of "enriched services" be initiated to help those that are "furthest behind".

The Indian case against the White Paper is well documented. Cardinal's 'Unjust Society' devotes three chapters to a discussion of its formulation, purposes and implications.

Without doubt, this White Paper is the most significant statement made by any government since the present Indian Act was passed in 1951, and is an essential link in the long struggle of liberal capitalism to suppress and homogenize Canada's native peoples.

#### **Reservations are for Indians By Heather Robertson**

Heather Robertson, a white writer, has produced a well written book which fascinates from cover to cover, but which has unfortunate gaps in its scope and approach.

The strongest feature of the book is the four "case studies" of Indian reservations and their adjoining white communities

Robertson does a masterful job in these monographs of painfully sketching out the human content of in numerable Government statistical studies - the poverty, suicide, alcoholism, and white racism. She also breathes life into the day to day administration and meaning of the Indian Act.

Yet, the book doesn't satisfy - its approach could be almost labelled sensationalist. The reserves that she chooses to talk about are among the worst in the country, both in human and economic resources.

In fact, Robertson's selection reinforces the image of the stupid, drunken Indian that she claims she is trying to break down.

Further, we are shown the problem but no type of solution is offered. The white man and his Indian Affairs Branch solutions are rightly discredited, to be sure.

But Indian leadership and Indian organizations are not seen to be alternatives. Indeed, Robertson seems to view them as inept, corrupt, and comic.

The distortion is typified by the following comment: "The garble of complaints and grievances, of whining, bitter denunciations, of rhetorical fantasies and delusions which erupts periodically from Canada's Indian spokesmen."

Robertson also has little sympathy for the solution most often put forward by Indian leaders - recognition of treaty rights and settlement of Indian claims.

Although she speaks of how whites have eroded the reserve base and she indulges in chapter five in a very superficial account of the origins of the treaties, she does not develop her thoughts to any sort of conclusion. We are left with the mistaken impression that the whole discussion is about water which has long since passed under the bridge.

The publishers of 'Reservations are for Indians' bill the book as being the answer to the "problem" of a textbook about Canadian Indians which will provide "basic information"

To be sure, the book is good, but overstated in many areas and misleading in others.

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