

ernment vs. the people

it." The through Supreme tations. spect of ements the most ys.

ceptable of rights herhood ommons airs and ment of le have wnership

the crux ment and ruling in owed the ing their that they claiming and that

ttlement us they federal f cash y reduce to the mp sum ould be financial some of on-status y these t, which ment, to ndian.

Chretien's documents indicate that the government believes that court decisions would solve only the legal problems and that "the problem is more social and political than legal". But this position seems to contradict the government's approach to James Bay, where there has been no settlement of any kind and the native people have had to turn to the courts without any government assistance.

When the \$3 billion cash settlement was made public, it was rejected by American Indian Movement (AIM) spokesman, Mike Myers, a member of the Seneca Nation. He termed the payments "ludicrous", and an AIM press release said that "the spiritual decay of Indian country is at a point where that money would be burned up in a desperate blur of booze, cars and good times." As for Chretien's price, Myers said that the Six Nations at Brantford would alone be entitled to all of it.

The press release warned that cash settlements would create exploitation of native people by native people. "Indian groups will be at each other's throats in a fight for power...the bulk of Indian country would never see the monies or ever feel the result of the expenditures." Myers said that if there were a separate native educational system which would turn out "human beings instead of consumers" and groups who were aware of their spiritual heritage, "perhaps after five or ten years of re-education such a large influx of government money would not be disruptive or squandered."

A confidential 1972-73 management report on the Department of Indian Affairs proposed that the government seek a

negotiated settlement of two treaties covering North Alberta, Saskatchewan and the Northwest Territories. As a strategy, it proposed setting aside land for Indians at Hay River, Alberta, according to the strict terms of the treaty. This land, the report says, would not be an Indian reserve under the Indian Act, but the Indian Affairs Department would control and manage the land for the benefit of the band so that funds and leases would go to the band's central funds.

"If this approach proves successful, it may be used for other bands while the Brotherhood works on an overall claim," the report said.

This strategy would settle some of those treaties affected by the filing of a caveat by the Northwest Territories' native people. In the court hearings to determine whether the native people would be allowed to file a caveat, native translators testified that they didn't translate sections of the treaties involving the surrender of the lands. Other older native people testified that they were not aware of any clause concerning the lands.

The native people claim that they didn't sign anything giving up their rights to the land. They say they thought it was purely a friendship treaty.

A negotiated settlement of these treaties would prevent any native attempt to have the treaties invalidated and to establish legal ownership of the land.

Hay River is one area where status and non-status Indians have formed a coalition. Since the terms of the treaties excluded non-status Indians, any negotiations would damage the coalition and split the opposition to the government's Indian policies.

This scheme requires that the native people not be allowed to administer the land. There is a mechanism to transfer management of the land from the government to the band but it is based on the government's perception of "fitness" to manage. Consequently, the government will usually only turn lands over to people who take a government position and who are "good managers" in the white man's terms.

Indian Affairs also set a goal of getting 322 Indian children adopted over the course of the fiscal year. It notes that 2,184 Indian children were adopted over the last 10 years—1,625 by non-Indians and only 559 by Indian families. The department also reported that most of the proposed increase in the adoption rate can be expected from non-Indian families.

The newspaper says the problem is not so much racial as a difference of culture and of perceptions of parenthood and the family. The agency, being part of the white society, judges an Indian family that wants to adopt in terms of the prevailing culture. Therefore, Indian people are generally judged as unacceptable parents because the social workers fail to understand the rearing of children in Indian society.

The management report shows how white the Indian Affairs department actually is. While one would assume that the parks branch, for instance, would be a logical employer of native people, there are only 11 natives out of some 2,291 employees. There are 878 administrators in the department but only 16 are native persons. The Indian

Affairs Department has about one native person out of every six employees, but more than half of these people are employed in lower-level jobs.

"A backlash from dissident environmentalists"

Another document dealt with the construction of the MacKenzie Highway, announced in April by Prime Minister Trudeau. The MacKenzie River corridor would also provide a pipeline route and mining exploitation of the Northwest Territories' lands—all this before native claims in that area had been settled.

"A backlash of dissident voices must be expected from environmentalists" the document warns, but it expected that a simultaneous announcement of government willingness to settle treaties with northern Indians would silence any native opposition to the road. It noted that native people do not generally object to projects which ignore their rights but bring certain benefits, and suggested that publicity pointing out advantages to native people would also moderate native complaints.

One document, written in 1971, urged the cabinet to reject the option of actively promoting the Canadian route over the Alaskan route, and to merely say it was willing to consider an application for an oil pipeline in the north. Consequently, the government did not strongly advocate a Canadian pipeline — although many Canadian businessmen would like to see it — and sidestepped native and environmentalist opposition to the pipeline by taking no position.

Cabinet was told that the government's announced intention to negotiate settlements of Indian claims "could be a stabilizing factor, but any apparent failure to follow through or undue delay in negotiating native grievances might easily be exploited by militant elements, with potentially far-reaching emotional effects."

The confidential documents cited other options, for example the creation of a Canadian version of a US Claims Commission which would likely cost Canada \$2.5 billion. The US Claims Commission acts as a court to adjudicate Indian land and treaty claims but many Indians are dissatisfied with settlements they've received from it. The largest land settlement the commission has ever given was one dollar per acre.

The documents also suggest that a fixed lump sum could be set on a per capita basis. A payment of \$10,000 per person was suggested. But any negotiated settlement involving the government paying large amounts of money to the native people without a court judgement leaves open the possibility that other federal aid to Indians will be cut off, leaving government funding lower, or at its present level.

Yukon land claims fit nicely

The Yukon claim was not based so much on legal or aboriginal rights but on moral rights and needs. The government, the documents show, has always been concerned that the native people gain no legal foothold in court but that they remain at the government's mercy in negotiations.

Continued on page 21

