

CONTRASTS BETWEEN THE RESOLUTION OF NATIVE LAND CLAIMS IN THE UNITED STATES AND CANADA BASED ON OBSERVATIONS OF THE ALASKA NATIVE LAND CLAIMS MOVEMENT

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INTRODUCTION

My purpose is to contrast some features of the political cultures and institutions of Canada and the United States which relate to Indian and Inuit land claims. I contend that the American situation has provided for more movement and resolution of such issues while the Canadian situation has been more characterised by inactivity or perhaps stagnation. The argument, summarized in advance, is that the American situation has been more conducive because its political system has been less paternalistic in that it accepts, in fact, encourages more active citizen participation; that there are more "pressure points" of influence available to citizen groups and because there has been a longer history of dealing with land claims issues.

However, I would like to point out that there are a few broad similarities in American and Canadian native land claims contexts. In both cases, there has been some legal recognition that aboriginal land rights do exist although the strength of that legal recognition might be interpreted as clearer in the United States (i.e. comparing the Marshall decision v.s. the Calder decision). In both countries, there has been a dual situation in that governments entered into direct treaty arrangements with most native groups, whereas in other cases there were no treaties, as with Alaskan natives and Seminoles of Florida in the U.S. and in Canada with the Inuit and Indians in the Yukon, northern Quebec, British Columbia and the

Maritimes. This duality necessitates different approaches to the settlement of native land protests or claims. In the United States the Indian Land Claims Commission has dealt with most treaty litigation while Congress has resolved previously unsettled cases. In Canada, one non-treaty situation, the James Bay Settlement, has been handled by the Quebec Legislature and grievances of breaches of treaty have been handled in a few sporadic court settlements and some ad hoc cabinet level settlements.

Another major similarity concerns the relationship between native groupings and the federal agencies responsible for their care and administration. The Bureau of Indian Affairs in the United States and the Indian Affairs Branch of D.I.A.N.D. have tended to act in a paternalistic manner with regard to most issues, but also frequently in their dealings with land claims. These agencies, perceived as self-interested and self-perpetuating by native groupings, are sometimes in conflict of interest in that while being responsible for advocating Indian interests they are also responsible for the development of federal lands. For example, the Department of Indian Affairs and Northern Development has supposedly overseen the economic development of the Northwest Territories, whilst at the same time, supposedly protecting native interest. Similarly, when Alaskan native groupings filed land protests with assistance from the Bureau of Indian Affairs, they had to deal with the Bureau of Land Management, an agency which leases the federal domain and therefore generates revenues for the Federal government. Both the Bureau of Indian Affairs and the Bureau of Land Management are agencies of the Department of the Interior.

Another similarity has been the threat of legislated assimilation without the benefit of native consent. In the early 1950's, the American Congress instituted its policy of termination with the notion that "progressive" and economically viable reservations should lose their protected status and enter into assimilative and legally equal status with white institutions. This fundamental threat to American Indian rights was the principle reason for the reactivation of the National Congress of American Indians and other regional and national Indian interest groups. Because of this, native groupings became much more militant in their pursuit of treaty matters and social issues. Even though the Kennedy Administration rescinded

the offensive legislation Indian leaders felt they must constantly scrutinize legislation directed at them. Almost two decades later, the Liberal government of Canada issued its "White Paper" on Indian policy. This naive, yet possibly humanely perceived, policy was considered a frightening anathema to informed native leaders who proceeded to form new native pressure groups and strengthen existing ones, to consult lawyers and to prepare research based on aboriginal land rights.

THE ALASKA CASE

Having suggested some broad similarities, I will now turn to an empirical example from the United States which will illustrate important differences.

My conclusions are derived from an analysis of the land claims activities of the Alaska Federation of Natives (Ervin, 1973; 1976). A legislated resolution was reached in 1971 with the Alaska Native Land Claims Settlement Act. The following is a distillation of the events and social conditions leading to the passing of the Act.

With one exception, no treaties had been signed with Alaskan Native people (Inuit, Yuit, Aleut, Tlingit, Haida, Tsimshian and Athapaskans). Yet, hunting, trapping, fishing activities were left relatively unhindered in most of the remote regions of the vast territory (the Southeastern or Pan-handle region was an exception). The Organic Act of 1884, providing the structure of Territorial administration, recognized and protected these subsistence activities and stipulated that at some future date, aboriginal rights would have to be resolved. This was later reinforced by a clause of the Statehood Act of 1959. However, that latter Act also provided the fledgling State with 103,000,000 acres of land from the Federal domain since it was considered short on revenue. Certain of those selections along with other Federal, State and private projects such as oil drillings, proposals for an underground atomic blast, stricter enforcement of game laws, proposed flooding of the Yukon Flats, etc., directly and dramatically threatened existing native subsistence. During the 1950's and 1960's, Native Alaska was still predominantly rural and dependent on the dual economy of some seasonal wage labour but with a still overwhelming reliance on wild foods.

In the same period, grass-roots discontent was organized into regional and village organizations by native leaders and a few Caucasoid catalysts from the "lower 48 states". In 1958, there had only been one native organization, the Alaska Native Brotherhood, (basically restricted to the Pan-handle region), but by 1967 there were 19 such organizations representing larger towns, cities and all regional ethnic areas of Alaska. Most engaged lawyers and filed land protests based on estimates or original and present usage with the Bureau of Land Management. Virtually all of Alaska was claimed by 1967, an Alaska native land claims movement had been established with the union of these organizations into the Alaska Federation of Natives (AFN).

The executive of that organization, headquartered at Anchorage, and their lawyers examined a series of possible strategies. Since the filing deadline for the U.S. Indian Claims Commission had expired another potential forum for adjudication was the U.S. Court of Claims. It was estimated that such adjudication of claims might take as long as thirty years, which would be arduous and expensive for all parties. However, the possible threat of such litigation, coupled with a Federal freeze on state selections of land in 1966, served as a significant source of leverage on the State government and interested commercial parties. This urgency motivated these groups to seek an early resolution of native claims. A number of court injunctions halting state and commercial developments had also been won by native groupings. It was decided to seek a legislative settlement of land claims through the United States Congress.

There were three ingredients to any such settlement, a continuing land base, (40 million acres eventually was considered a minimal basis for survival), a cash settlement for lands being taken now and in the past, and continuing compensation in the form of oil revenues for future generations. The forum for negotiations was principally the Insular and Interior Committees of the U.S. Senate and the U.S. House of Representatives. These bodies conducted hearings over a four-year period, both in Washington and Alaska, seeking testimony from native groupings, state officials and citizens' groupings. Bills sponsored by the Interior Department and the Alaska Federation of Natives were presented and scrutinized at public hearings. It should be pointed out that there was no distinct a priori Republican or Democratic party position on land claims; it was strictly a bipartisan

situation, crossing into several levels of government. A majority of committee members were Democrats, yet, Republican Walter Hickel, Secretary of Interior during the Nixon administration, is often cited as providing the clearance for a \$500,000,000 cash settlement for aboriginal title to be extinguished. These Committees were the necessary forum for lobbying and the most logical since legislation produced by such groupings tends to be acceptable with little quarrel or amendment by fellow members of Congress.

One of the keys to the ultimate success of the A.F.N. was its liaison with a larger alliance of interest groups that might be characterized as "liberal". Concerns of that alliance were towards civil rights, the welfare of minority groups and it would be somewhat isomorphic with alliances, interests, categories, and groupings established in the "New Deal". Groups that provided financial aid and endorsements for the Alaska Federation of Natives included the American Association of Indian Affairs, the National Congress of American Indians, the AFL-CIO, the United Auto Workers, the Ford Foundation, the U.S. Council of Churches, etc. Some individuals of that alliance network included Senators Edward Kennedy and William Proxmire, the A.F.N. Lawyers, Ramsey Clark and Arthur Goldberg, former Secretaries in Kennedy and Johnson administrations. Basically, the A.F.N. executive were able to enter into a "welloiled" lobbying network being able to recognize and utilize existing pressure points, assisted by financial aid, office space and key introductions from experienced lobbyists of the alliance.

It should be noted that such a liberal alliance does not supply favours from the pure altruistic pleasure of giving. During the time of research, I met a black minister from the Southern Christian Leadership Conference, who identified virtually identical national support groups and personal networks as assisting his organization in Mississippi. He told me that favours are meant to be returned at primary or election time, with support for candidates favoured by the alliance.

"Walking the Halls of Congress" and especially influencing the legislation initiating committees was the main activity of the A.F.N. lobbyists, but other tactics of influence were used. There were relations campaigns conducted through pamphlets, a movie juxtaposing native poverty with evidence of the Alaskan oil boom, and some guest appearances on National T.V. It is interesting to note

that this normative appeal was largely directed at the "Lower 48" states rather than Alaska itself, since it was reasoned that Alaska's lone member of the House of Representatives and two Senators would make little impact on the ultimate Congressional vote. That did not mean that Alaska was completely ignored since the most significant public opposition to A.F.N. positions come from within the State itself. Local interest groups, such as the Alaska's Miners' Association and the Alaska Sportsmen's Council vigorously opposed A.F.N. proposals during the Congressional hearings. The largest daily newspaper in the State, the Anchorage Daily Times, attacked A.F.N. proposals through its editorials; it also carried a regular column critiquing the proposals on the basis of moral, legal and social arguments. A.F.N. speakers went on some speaking tours of the predominately white Anchorage and southeastern regions asserting the legality of their positions whilst wearing dress shirts and ties, citing their loyalty to American institutions, their service records and appealing to American values of fair play and private property.

A factor that was operating in the A.F.N.'s favour was the growing perception among state politicians that Native people represented a potential swing-vote in that they constituted 20-25% of the voting population in the 1960's. There was a gradual politicization among Natives through the perception of threats to their livelihood and a growing consciousness of the land claims movement through native communication media such as the Tundra Times and the open courting of native votes by politicians. No candidate for statewide office (Senator, Congressman, Governor) could openly oppose or ignore native interests. Although native people had tended to vote more consistently for the Democratic party, their independence and swing vote potential could be seen in the defeat of Congressman Rivers, a sitting Democrat, who opposed the philosophy of land claims settlements and in the election of Governor Walter Hickel, a Republican who openly courted Native votes. A Republican shift among Interior Athapaskans provided the equivalent of his margin of victory. Also, more and more native leaders were being elected to the State legislature even though heavily white populated areas of South-central and Southeastern Alaska dominated.

Some opposition to A.F.N. land claims proposals came from the State itself. It objected to factors and proposals that affected actual

and potential State revenues such as the continuation of the "land freeze", potential native selections of lands in mineral rich areas and the proposal of contributing 2% of its mineral revenues in perpetuity. However, since native politicization was growing, that administration had to mute the rhetoric of its opposition so as to not alienate native voters.

Another factor which favoured the native position was the growing expertise of the native leadership in certain mutually reinforcing situations. The latter period of the 1960's was a period of the "War on Poverty" which meant that native leaders were called upon to serve on the boards of Community Action Programs at the local and State level. Furthermore, the Alaska Federation of Natives found itself short of funds so it sought grants from agencies as Health Education and Welfare and the Ford Foundation to investigate conditions of illness and poverty in rural areas, thus reinforcing its position as a multi-issue group and increasing its capacity for background research to be used in land claims negotiations.

The confidence and capacity of the leadership was constantly improved in this hectic five-year period of land claims activity. Basically, the leadership consisted of a core executive, of about six people who did most of the negotiating and another level of approximately 200 from regional ethnic groups. It is interesting to note that given American definitions of native person, evidence of one-quarter native ancestry and recognition by the unit in question (e.g. village or band) is all that is usually required. This meant that the "reservoir" of leadership was widened with regard to "biological or social" membership as well as in the ethnic diversity of the PanNative movement. Several of these leaders also pointed out the irony that Bureau of Indian Affairs residential schools, such as that at Mt. Edgecombe helped to foster a commonality of interest among the diverse groups. Also unique to the American situation was selective military service. Native leaders who had served in the Armed Forces developed confidence and capacity in dealing with Euro-Americans and their institutions as well as perhaps being indirectly influenced by parallel politicization among Black G.I.'s although the issues were ultimately different.

To reiterate, there were a number of features which favoured a land claims settlement in Alaska. Aboriginal title had not yet been extinguished and American law clearly recognized the validity of

Indian land rights as exemplified by previous adjudication in favour of Indian litigants by the U.S. Indian Claims Commission. Also, although no treaties had been signed with Alaskan natives during the time of purchase in 1867, the Organic Act and the Statehood Act confirmed Alaskan Native Land rights. Several Native Alaskan groups tested these laws through court injunctions and because of them the Secretary of the Interior placed a freeze on further state selection in 1966. There was a sense of urgency among State and commercial interests for resolution of the issue. All parties sought a legislative settlement rather than a tortuous set of litigations in the U.S. Court of Claims. Separate native and regional organizations, 19 in total, federated and with a common goal of a package land claims settlement followed the time-honoured procedure of interest group politics with the aid of like-minded allies. Supplemental pressure group tactics were used including on-going threats of litigation and normative appeals to the American public, and local politicians were influenced by native swing vote potentials. Also, the land claims issue was being pursued during the 1960's, a time when there was much more attention paid to minority causes.

The momentum of land claims coupled with the sense of urgency to lift the land freeze (i.e. native litigation and the potential of holding up the strategic Trans-Alaska Pipeline System) led to the passage of the Alaska Native Land Claims Act of 1971. A cash settlement of 462.5 million dollars was to be paid over a period of eleven years. Native corporations are to be provided with 2% annually of Federal and State leasable mineral revenues, until a total of \$500,000,000 has been collected. Native people are given title to 40 million acres of lands, villages receiving surface rights to 22 million acres and an additional 2 million acres to be used for miscellaneous purposes such as 160 acre allotments for native people not currently residing in villages.

The Act provides for the formation of twelve regional ethnic corporations in which each resident is given 100 shares. These corporations are to take sub-surface rights to the lands and to collect and administer the money from the cash settlement on the basis of population. Village corporations affiliated to regional corporations are formed in 220 villages, they will receive surface rights to lands around their villages according to population. Each regional corporation must distribute 50% of cash grants and sub-surface revenue to

village corporations although they may withhold money until the village has provided suitable plans for projects.

Before going further, I should perhaps make a few qualifications to suggest less than ideal aspects of the land claims movement and its results. The representativeness of the leadership and its proposals might be questioned by some. The leadership core was basically an urban elite, well educated with some growing distance from rural roots. Will forty million acres actually be enough in the long run to provide future support for a land-based economy? Native populations are rapidly growing yet their unhindered access to land may be significantly reduced. Is it possible that future Native Alaskans will find Federal services of the Bureau of Indian Affairs and the U.S. Public Health Services terminated because it has been assumed that responsibilities have been fulfilled through the land claims settlement? Will the approximately \$1,000,000,000 be insufficient compensation because of inflation or will many local and regional corporate enterprises prove to be failures because of mismanagement or lack of opportunity? Perhaps in spite of any positive material advantages of the settlement more and more native people will leave villages disillusioned and broken by the "development ethos" that is overtaking Alaska. There may be depopulation of the rural areas as has happened in so many areas of North America and native people may move to the urbanized areas of Alaska where they will become marginal participants in their State. The twentieth century American frontier can be found in Alaska and its results may be inevitably similar.

However, I would respond to these negative aspects by saying that all human groups live in a world of some social risk. The Alaskan native leadership is aware of these possibilities and paradoxes, they have operated under a sense of realpolitik and realized that, although they could claim all of Alaska by aboriginal right, they would not in reality gain it, especially since they had to compete with powerful conservation groups, commercial developers and the State and Federal governments. Sympathetic or radical observers might suggest that Alaskan native people have been given a bad deal but so might white Alaskans perceive themselves when they are restricted in the use of large amounts of land that are tied up in National Parks, game preserves and defense reserves. At least native peoples have hunting rights on most of these preserves. Furthermore, without a doubt, it

has been the most expansive land claim settlement yet provided by the American government. Also, the important provision for village and regional corporations is a unique innovation which provides the potential for corporate undertakings of a social and economic nature with corporations based on tribal or ethnic membership. Rarely do we have corporate endeavours that are rooted in local regions and are responsible for social as well as economic concerns. This is a social experiment that is worth close observation for its potential of transfer to similar settings. Finally, whatever the ultimate outcome, one cannot but have an enormous respect for the capacities of the A.F.N. leadership which led to such a significant political victory.

Now in contrast I will present a sketch of Canadian native land claims history and trends and suggest how aspects of the American experience could facilitate the current stalemate.

THE CANADIAN IMPASSE

A recent volume on land claims in Canada (Daniel, 1980) leaves the impression that policy has been haphazard and ad hoc. The Royal Proclamation of 1763 supposedly recognized the existence of aboriginal title and formulated treaty-making as a means of extinguishing title. Treaties were negotiated in Ontario, the Prairie Provinces, and parts of the Northwest Territories. However, it has been questioned whether these treaties were always properly negotiated with Indian peoples. Also, there have been disputes of interpretation over ammunition and health care benefits as well as over alienation of Indian lands without consent or appropriate compensation. Furthermore, large areas of Canada were brought under sovereignty and settled without benefit of treaty. These significant areas include the Maritime Provinces, Quebec, the Yukon and large portions of the Northwest Territories.

Daniel examines a series of representative case examples showing mechanisms of resolution or more frequently tactics of postponement. Some of the cases, such as those with the Mississauga of the Credit in Ontario and with the Indians of St. Peter's Reserve in Manitoba, were long and protracted resulting ultimately in token settlements by the Federal cabinet. More dramatic and exceptionally frustrating was the 56 year attempt by British Columbia Indians

to clarify their aboriginal title. Their negotiations spanning two centuries led to a decision of the 1926-1927 Parliament to discount their claims. Furthermore, that same Parliament passed an amendment to the Indian Act which prohibited collection of funds from Indians to pursue a claim (Ibid: 27-104).

In reviewing these and other cases, he points out a number of factors creating disadvantages in Canadian land claims activities. Since there never was an explicit claims policy, it has left opportunities for individual civil servants to determine or block the course of a claim. Litigation has largely been avoided with out-of-court settlements being favoured. This, in my opinion, has inhibited the development of extensive legal precedent in favour of native claims. Finally, the general guardian-ward relationship between Indian Affairs and native groups has often frustrated movement on the issues (Ibid: 200-210).

After World War II, the Department of Indian Affairs began to be concerned with improving the conditions of their wards, however, civil servants chose initiatives in social welfare programs rather than land claims. It is ironic, that about the same time in 1946 the United States government instituted the Indian Claims Commission. It is obvious that the United States has had a considerable head start in dealing with this issue.

In spite of government neglect, native land claims and protests accumulated in Canada and both the Diefenbaker and Pearson governments drafted legislation to establish a Canadian Indian Land Claims Commission modelled somewhat on the American effort. With the ascendancy of Trudeau, this was to change and there was an abrupt discontinuity in land claims policy. The tabling of the "Statement of the Government of Canada on Indian Policy" or the familiar "White Paper" in the House of Commons in June of 1969, set the tone for this new atmosphere. Any legislation which appeared to discriminate against Indians was to be removed as well as any consideration of special status. Indians were to receive the same services as other Canadians through the same government agencies. Explicit federal responsibility to Indians was to end, and treaty obligations were interpreted in a limited and diminishing framework (Ponting and Gibbons 1980: 25-30). Such a set of proposals had a broad philosophical resemblance to the termination legislation of the U.S. Congress in the 1950's. The offensive policy statement was

removed in 1971, but it had created considerable mistrust and had motivated and articulated discontent. The government then appointed an Indian Claims Commissioner, Dr. Lloyd Barber, to explore grievances and consider recommendations for adjudication of claims.

Daniel summarizes the atmosphere reached by 1969:

Throughout the 1960's, government policy had moved slowly but steadily towards the establishment of a process of adjudication of Indian claims modelled on the American experience. The events of 1969, and in particular, the introduction of the White Paper, disrupted this process in two ways: (1) by contributing to a deep distrust among Indian leaders of government motives with respect to claims; and (2) by abandoning the project of designing legislation for the adjudication of claims, in favour of starting one with the Barber Commission, to explore alternatives. Entering the 1970's, Indian claims and grievances were being articulated with increasing frequency, but after almost a decade of effort, the search for new mechanisms for settling claims had achieved only a fresh start in a hostile climate. (Daniel 1980: 155).

However, there has been some tentative movement on the issue since 1969, the Supreme Court ruled on the case of *Calder v. s. Attorney General of British Columbia*, a claim brought forward by the Nishga Indians of British Columbia. Unfortunately for the Nishga, they lost, but the rulings of the judges may provide important legal leverage for future Indian Land claims since six of the seven judges recognized the concept of aboriginal title, although three of those ruled that aboriginal title had been extinguished with Nishga (Ibid: 221). Following that decision, the Minister of Indian Affairs announced a policy on land claims, that would seek to fulfill treaties and to negotiate settlements in these regions where treaties had not been signed (Ibid: vi, vii). The Office of Native Claims has been established within the Department of Indian Affairs to negotiate claims with native groupings who have been federally funded in their research to the amount of \$15,668,134 and through loans of \$23,554,479 by 1979. A settlement negotiated between the Quebec government and the native organi-

zations of Northern Quebec was signed in 1974. To date this is the only case of a settlement of a comprehensive claim; it bears a loose resemblance to the Alaska formula with a package of land ownership, cash and hunting fishing and trapping rights over a wider territory. There has, however, been probably more expressed discontent over this settlement than there has been over the Alaska settlement. The rest of the comprehensive claims are still in a process of negotiation with perhaps most progress in the western Arctic where an agreement in principle has been reached with the Committee for Original People's Entitlement. Many groups with treaty grievances are still in the process of research and have been reluctant to present claims because there is no organized structure and rules for determining validity of claims (Ibid: 230).

PROPOSALS FOR THE RESOLUTION OF CANADIAN LAND CLAIMS

Dr. Barber's report, as Commissioner of Land Claims, was released in 1977. He appears to favour continued unstructured negotiations and opposes adjudication because of the expense of litigation; the restricted range of issues that such legal bodies could examine and; conflict that would be generated between native groupings and government. He also suggests that there should be no structured mechanisms until Indian groups have thoroughly researched their positions (Barber 1977: 36-39).

In support of his philosophy he cites the Alaskan settlement as drawing on the experience of the U.S. Indian Land Claims Commission but being one that resulted primarily from negotiation (Ibid: 36). This is true in part; but it should be clearly underscored that a major reason for the success of the A.F.N. was that it had established leverage through previous favourable adjudication and injunctions, clarity of aboriginal rights in American legal history, and through the establishment of some electoral influence. When the A.F.N. entered into negotiations, it held significant leverage and did not have to depend upon the paternalistic good will of guardian bureaucrats and elected officials.

In contrast to Barber, Danial urges the development of formal mechanisms with third party adjudicators and established rules of procedure. He recommends the establishment of a Land Claims

Commission similar to the U.S. Indian Claims Commission. He concedes, that in some instances, negotiations might be suitable for comprehensive claims, but even here he suggests more structure because "the continued failure of inappropriate mechanisms can only engender frustration, cynicism and mutual distrust" (Daniel 1980: 245).

Cumming and Mickenberg (1972) examine the strengths and weaknesses of the U.S. Indian Claims Commission. Some of the disadvantages are that payments are based on market values of the time of taking and back interest is not payable; and that court proceedings have created considerable delays for some litigant parties. However, they report that there has been no widespread dissatisfaction among Indian people with the process. Six hundred and five cases had been set forward as of 1969, 287 having been disposed of with 139 resulting in recovery of \$290,000,000. In these proceedings, Indian people are much less dependent on government bureaucrats but instead rely on private attorneys and expert witnesses. Because of this process much experience, legal clarification and precedent has been gained with regard to aboriginal land rights (Ibid: 243-257). The same cannot be said for Canada.

At this point I would like to make a few recommendations based on my observations of the relative success of the Alaska situation. I realize that, in part, I may be entering into the realm of wishful thinking since the premise of our political culture might legally inhibit imitation. Basically I am suggesting that there needs to be a multiple set of formal bodies of referral and points of legal and political pressure for the successful resolution of land claims.

First of all, I would like to see the Parliamentary Standing Committee on Indian Affairs and Northern Development have more power and more responsibility for the initiation of bills in Parliament. It unfortunately does not have the same significance as parallel U.S. Congressional Committees on Insular and Interior Affairs. Ponting and Gibbons (1980: 249-255) suggest that there is a growing rapport among members of the Parliamentary SCIAND and the officials of the National Indian Brotherhood in contrast to N.I.B.'s relationship with the bureaucrats of the Indian Affairs Branch. In the current Canadian system the key pressure point is Cabinet rather than Parliamentary committees. I feel that most unfortunate because cabinet ministers would not likely place much

priority on native issues and usually follow the tradition of taking advice from their senior "mandarins". A more significant Parliamentary committee system might develop a better understanding of native issues and might develop a sort of bipartisan "third-party" role if its research capabilities were enlarged and especially if it travelled to the regions under dispute as its U.S. counterparts did in rural Alaska. This would provide opportunities for local native people to testify.

Secondly, following American examples it might be useful if aboriginal land rights could be more frequently tested in court cases. Not being a lawyer, I know neither the mechanisms required nor the risks involved. However, I do know that such litigation along with the legal experience of the U.S. Indian Claims Commission made more credible the concept of aboriginal land rights and created leverage on behalf of Alaskan native proposals.

Thirdly, I wish that citizen interest groups were more effective in influencing legislation rather than the current paternalism where policy is basically decided by Cabinet and Ottawa-bound bureaucratic sages. I would like to see more effective channels of communication in the identification of important pressure points and mutually reinforcing sources of leverage among interest groups such as the churches, unions, benevolent funding agencies, conservation groups or whatever is appropriate in conjunction with Indian, Metis and Inuit groupings. According to Ponting and Gibbons (Ibid: 217) there is a latency to such a network with regard to the National Indian Brotherhood.

Related to this is a question of funding. As a Canadian taxpayer I certainly do not begrudge the payment of Federal money to Indian groups to research land claims. But that financial relationship makes me feel uncomfortable when Ponting and Gibbons (1980: 125) report how DIAND maintains a "neopaternalistic" hold on purse strings, thus draining initiative from native groupings. I wish, as they appear to, that there were more developed financial relationships with other interest groups such as the Bronfman and Dormer benevolent foundations. Canadian Indian and Inuit groups might avoid such relationships because they may feel that there are cooptative or compromising dangers in such alliances. However, judging from the Alaskan case, I would suggest such relationships may be more effective. Otherwise native groupings may suffer the

disadvantage of trying to deal directly and basically alone with an all power-yielding federal government, which at the same time operates under the pretense of being a concerned guardian. There can be distinct advantages to playing an adversary role as long as it is properly staged, taking maximum advantage of potentials of alliance and appropriate points of political, legal and normative pressure.

Basically I am advocating more formal channels and optional mechanisms, both political and legal, for Indians, Inuit and Metis to be able to present claims. There is a need for more than the present restricted options of the Office of Native Claims and the Federal cabinet, basically continuations of previous paternalistic policies. I would agree with Daniel's conclusion that we need the equivalent of an Indian Claims Commission as well as regional negotiating bodies which would deal with the Provinces as well. Also, as I have indicated, it would be useful if Parliament, through its committee structure, could more effectively initiate such types of legislation that are more sensitive to the needs of citizen interest groups. Native groupings in Canada need a number of options and multiple reinforcing sources of political, legal and moral leverage to effect satisfactory land claims resolution.

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