

RESPONSE OF INDIAN LEADERS TO  
WHITE PAPER

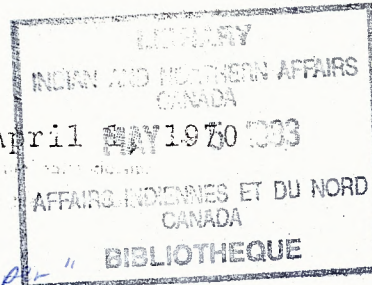
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DEPUTY MINISTER

OTTAWA 4, April ~~MAY~~ 1970 1303



*"Response of Indian Leaders to white Paper"*

When the Government issued its Statement on Indian Policy last June the response of the Indian leaders was almost unanimously unfavourable. They voiced their rejection of the Government's views in harsh and uncompromising terms, complaining that they had not been consulted and asserting that the Government's aim was cultural genocide. In the intervening months some Indian individuals and groups have spoken favourably of the Government's proposals, but generally the flow of criticism continues. Although the attitude of some of the Indian leaders seems to be moderating and several provincial associations are planning discussions at the grass roots centred around the policy proposals, it is correct to say that it has not yet been possible to begin constructive discussion of the policy.

Thus it is appropriate to analyze the policy now in the light of events that occurred both before and after its announcement and to consider whether a change in tactics, strategy, or policy content is indicated. This must be an analysis not only of the facts that are apparent to us in the Department, but also of the facts as the Indians perceive them in the context of their expectations of government. Because Indian attitudes are not unanimous, nor are the situations in which Indians find themselves identical throughout the country, it is difficult to generalize, and most of the statements that follow are generally, though not entirely, true.

The roots of Indian attitudes reach back many years, but change has been slow in the Indian community and the imprint of the past remains clear and fresh. Indian concepts of the meaning of treaties have been passed by word of mouth through two or three generations on the Prairies, but they remain strong and meaningful to many people. In the minds of many Indians still alive there are memories of lands surrendered from reserves as a result of coercion or deception by government agents. Many living Indians also remember when their treatment at the hands of Indian agents conformed to the colonial pattern of master and slave. Many Indians now of early middle age were educated in boarding schools

run by the religious orders, where they were subject to the bewilderment of new dogmas and cruelly punished for daring to use their native tongue.

All these conditions are changed now and the only point in mentioning them here is to recall that it is the memory of them which supports the mistrust we still find so prevalent and puzzling.

Mid-1968 is a good point at which to begin a more detailed review of the background to the announcement of the Indian policy proposals. In 1968 the Department was involved in two significant activities - meetings with Indian representatives for discussions centred around the possibility of amending the Indian Act and an in-depth review, stimulated by a study of the Hawthorn Report, of Departmental programs and services extended to Indians.

The consultations on the Indian Act were most significant, not so much for the conclusions that can be drawn from them, although they were indeed important, but because of the expectations aroused by the consultation process. Eighteen meetings were held in various regions of the country between July 1968 and January 1969. Each was attended by Indian representatives, usually chiefs, and a Departmental consultation team. Either our Minister or the Honourable Robert Andras attended each of the meetings. Earlier in 1968 the Department had prepared a booklet entitled "Choosing a Path" (copy attached). The purpose of the booklet was to stimulate discussion about Indian affairs generally, but it focussed attention upon provisions of the Indian Act that might be changed. It was expected that after the booklet had been widely studied and discussed, the Indians would be able to attend the consultation meetings well prepared to state their views on the Indian Act.

The consultation meetings were certainly a major event in Indian affairs. Never before had so many Indian people been provided an opportunity to speak their mind. Indian expectations were raised by remarks of the Ministers in their keynote addresses. On July 29th in Moncton Mr. Chrétien said: "I am here to listen to you because we want to involve you, the Indian people of Canada, in the process of making changes needed to permit you to be involved in your own destiny. You want the things to change for all the Indians of Canada and we agree. We want you to make a way of life that will be suitable to your goals, your culture and your desires. I want to consult with you, I want you to express your views. I do not think that I will be in a position to agree with you all the time but I want to have your feelings on the various issues involved." On August 12th in Toronto Mr. Andras said "... let me assure you with the deepest of personal conviction, notwithstanding the purpose or apparent rigidities of past years, I am here on behalf of our new Government, on behalf of the Prime Minister, and my colleague, Mr. Chrétien, to actively listen, to learn, and to join you in defining objectives, and to search for ways and means to

realize these objectives." Similar statements were made by Ministers at the other consultation meetings.\*

Indian rights was the most frequent subject of discussion. Depending upon where they came from, the Indians demanded that either their treaty or aboriginal rights be recognized and honoured. They wanted their rights written into the Indian Act or the constitution; whatever the method, the demand was for effective protection of rights by the Federal Government.

Other views were stated too. Many Indians said that they should receive from the provinces all the benefits and services available to the other citizens of the provinces. There were many complaints about the adequacy of services; pleas for increased support of economic development, expressions of concern about culture and interminable arguments about the regulations governing band membership. There were some expressions of dissatisfaction with the paternalism of the Government, particularly as it showed up in the management and administration of Indian lands. But such views were at least partly balanced by those of other Indians, who stressed the necessity of continued protection for their lands. Except in regard to Indian rights, no obvious national consensus could be discerned.

The nineteenth, and final, consultation meeting, attended by representatives of those who had been present at the earlier meetings, was held in Ottawa from April 28 to May 2, 1969. At that meeting the Indian representatives emphasized even more the necessity for recognition of treaty obligations and aboriginal rights and for the provision of a claims commission as a prerequisite to consultations on amendments to the Indian Act. They established a National Committee to co-ordinate investigation and research by Indians into Indian rights and to draft a revised Indian Act.

We are coming close to the date the policy statement was announced, and indeed its main elements were foreshadowed in the Minister's address to the final consultation meeting. But first I must mention the process of policy development that was going on in the Department during the latter part of 1968. A great deal of attention was being given to "A Survey of the Contemporary Indians of Canada", which had been commissioned by the Minister of Citizenship and Immigration in 1964. Professor Hawthorn of the University of British Columbia had been asked to undertake a study of the social, economic and educational situation of Canadian Indians and to offer recommendations to the Department. The report was submitted in two volumes, one in October 1966, and the second in October 1967. The report was thorough and scholarly. It attracted wide attention and was generally acclaimed to reflect sound research and set forth practical recommendations. The Indian people themselves exhibited a great interest in it.

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\*Proceedings of each of the consultation meetings have been published.

Among the more significant recommendations were:

"Integration or assimilation are not objectives which anyone else can properly hold for the Indian. The effort of the Indian Affairs (Department) should be concentrated on a series of specific middle range objectives, such as increasing the educational attainments of the Indian people, increasing their real income, and adding to their life expectancy."

"Indians should be regarded as 'citizens plus'; in addition to the normal rights and duties of citizenship, Indians possess certain additional rights as charter members of the Canadian community."

"The general policy of extending provincial services to Indians should be strongly encouraged, although due attention must be given to merits of the case in each functional area."

"Special facilities will be needed to ease the process of social adjustment as the tempo of off-reserve movement increases. Where possible these should be provided by agencies other than the Indian Affairs (Department). However, if other agencies prove inadequate, either due to incapacity or unwillingness, the Indian Affairs (Department) must step in itself regardless of whether the situations requiring special attention are on or off the reserve."

"The Indian Affairs (Department) should act as a national conscience to see that social and economic equality is achieved between Indians and Whites. This role includes the persistent advocacy of Indian needs, the persistent exposure of shortcomings in the governmental treatment that Indians receive, and persistent removal of ethnic tensions between Indians and Whites."

"Indians should be assisted in identifying and diligently seeking redress, by all the political weapons of a free society, from the disabilities under which they presently suffer. They should make their own vigorous requests to provincial governments for provincial services they are not now receiving."

There were many more useful and interesting recommendations, most of which the Department has adopted.

In the latter months of 1968 Departmental officers worked on a submission to Cabinet which reflected most of the recommendations of the Hawthorn Report and sought approval by Government of a program which emphasized development in all its aspects and

would have required an increase in expenditure from \$275 million in 1969-70 to \$377 million in 1973-74, expenditures at the upper level to be continued until stated objectives had been achieved. The proposal, had it been submitted and adopted, would have resulted in an intensification of effort, along lines already drawn, with added emphasis on communication and consultation, education, and the physical development of communities. While this planning exercise was, of course, confidential, it was in harmony with the mood of most Departmental officials at the time, and that mood was surely communicated to the Indian leaders.

Very early in 1969 the Department's approach changed. It was proposed to the Government that a new policy should be announced, a policy that would be based upon the elimination of separate status and discriminatory treatment; would give due recognition to the need to increase the resources and services required for the achievement of socio-economic equality; and would bring to an end the trustee role of the Federal Government in regard to Indian people and their assets. The proposed policy drew heavily on many of the concepts endorsed by the Hawthorn Report and on some of the views expressed in the regional consultation meetings. Indeed, in the form in which it finally appeared on June 25, 1969 it embodied many elements which were already accepted as policies of the Department. The novelty of its content lay partly in the fact that it attempted to say in one breath everything that the Government wanted to say about Indian affairs and, most significantly, in that it stated an intention to end special status in all its manifestations.

Politicians, press and public responded favourably to the policy announcement. The proposed policy gave due regard to both nurture and culture and seemed the embodiment of logic and justice.

The Indian leaders, on the other hand, were momentarily speechless. Their adverse reaction, which set in within a few days, can, I believe, be attributed mainly to three factors.

The first is that the June 25th statement seemed to the Indians to interrupt the process of consultation which had been going on during the previous year. Once the statement was made the Indians realized clearly that its drafting must have been begun some months before, while they were still headed in a different direction. They were infuriated that it had been done, as they termed it, in isolation.

The second factor is that the statement focussed on the concept of legal equality and highlighted an intention to end special status. This struck hard at the value placed by the Indians on the protection of their special rights, a point they had emphasized again and again at the consultation meetings.

Finally, the statement strongly suggested that most of the policy would be implemented within five years. This suggestion was reinforced by a circular letter from the Deputy Minister to all staff, dated June 25, 1969 (copy attached) in which he said, in part, "I do not expect that the staff involved in Indian services can be allowed to reduce at a rate more rapid than that resulting from the normal pace of retirements for at least two years. Many jobs will remain vital for four or five years.... I will be taking special steps to deal with the problems of career development that will inevitably arise. As soon as we can predict the dates upon which various jobs will become surplus...." This letter was rapidly circulated to Indian leaders and, as I have said, underlined what seemed to be the Department's intentions to implement the policy as rapidly as possible.

Lest I seem to be trying to appear too wise at this point, I must admit that I drafted that letter.

The policy statement itself is couched very largely in conditional terms. "The Government proposes..." and "The Government would be prepared" are key statements. "Could" and "would" appear where "will" might have been written. Further, it was recognized and stated that further consultation, largely through the medium of Indian associations, was essential to successful implementation of the new policy. Yet the intention to continue consultation did not come through. Very soon after June 25th, recognizing the growing strength of the Indian reaction, the Minister sought opportunities, notably in the House on July 11th, to stress that the statement of policy was in fact a statement of proposals for discussion. What had first been termed an Implementation Team was rechristened a Consultation and Negotiation Group. The Minister and senior officials have continued to look for every possible opportunity to state and demonstrate that meaningful consultation and negotiation were intended. The Minister's speech in Regina on October 2nd (copy attached) is a good example of that sort of statement. In a circular letter to all Chiefs and Councillors, dated September 26th (copy attached) the Minister said "... the proposals contained in the policy paper are subject to full consultation with the Indian people and (they) will be afforded every opportunity to participate in (its) further development and in bringing it into effect...."

In another memorandum to all staff, dated August 27th (copy attached), the Deputy Minister wrote "... the statement on Indian Policy which the Minister tabled in the House on June 25th, and of which you all have copies, sets forth not only certain principles, which are incontrovertible, but also a number of proposals for action which are subject to modification in substance in the light of alternatives that may be suggested by the Indian people, and in timing as various practical requirements may dictate."

During July and August the Minister and senior officials visited all but one of the provincial capitals and met with premiers and/or cabinet ministers for a personal discussion of the policy proposals.\* The reaction of provincial leaders was entirely favourable, and, in some cases, enthusiastic. Naturally, reservations were expressed: the provinces would require a transfer of funds sufficient to cover the added costs of extending services to Indians; the provinces would insist that the Federal Government "make its peace with the Indians". Prime Minister Robarts said "Of course, we don't want a bunch of unwilling customers."

Provincial attitudes remain much as they were last summer, although many provincial ministers and officials, having since had much more first-hand contact with Indians than ever before, are now more aware of the complex problems of Indian affairs. Thus they emphasize even more than they did at first that any extension of the provincial role is conditional upon Indian agreement.

The ferocity of Indian reaction seems to have diminished in the past month or so. Certainly fewer harsh statements are being made - perhaps partly because the university "teach-in" season is over! But I think the mere passage of time and the reassurances of the Minister and others have had some effect. A number of provincial associations have provided an opportunity to discuss the policy proposals, but such discussions have been general in nature, emotional in tone, and founded on a base of misinformation and misunderstanding. What has been most apparent from these meetings is that the "policy", the "white paper", or whatever they may term it, is, as an entity, an unwelcome, disturbing thing for the majority of Chiefs and leaders. Only a month ago, David Ahenakew said "I choke up every time I hear the word 'policy'", and it was easy to see that he meant it. On the other hand, there is a growing willingness to talk about those elements of the policy that seem to the Indians to have some potential benefits, but not all leaders have admitted or reached that point.

It is appropriate now to consider the obstacles to further progress. I would suggest that these fall under three inter-related heads: information, clarity of purpose, and staff morale.

We are not reaching the Indian people generally, and even many Indian leaders have failed or declined to understand the policy proposals. This is not surprising for several reasons: we consciously chose not to press our communications function during what we might call a cooling-off period. We chose

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\*A meeting in Alberta was delayed until October because Premier Strom did not want to appear to be consulting until then.



to be responsive rather than aggressive in our relationship with the Indians. The second factor is that, for reasons that I have already outlined, "the policy" functions to a significant extent as a communications block.

What should we do to minimize the difficulties resulting from misinformation and misunderstanding? I believe that we should now begin actively to seek out opportunities for consultation - not on the policy, or the white paper, but on policy, the future of Indian programs, the possibilities for Indian development, etc. I should mention here that the Minister has encouraged the submission of counter-proposals, perhaps having in mind documents that would be a point-by-point response to the Government's statement. Except possibly from Alberta, it is not at all certain that these will appear in that form. What we can expect, and should in fact encourage, are expressions of alternative views related to specific elements of the policy. If that happens there will be much less risk of head-on political confrontation.

Our second difficulty results from confusion about the Departmental purpose in relation to the policy. While the Minister and others have tried desperately to make it clear that we are dealing with policy proposals that will not be imposed upon the Indian people, some officials have been so caught up in the impetus toward implementation and disengagement that was set loose at the time of the policy announcement that they seem to have lost sight of the conditional nature of the exercise. Whether they have or they haven't lost that perspective, statements are made and documents prepared that support the belief that the Department still plans to phase out in five years - no matter what. Thus the Department seems to be speaking with two different voices, and fuel is added to the fire of Indian resentment.

This is not a difficulty which is easy to overcome. Obviously there is a good possibility that provincial services will be extended to a degree that will require a reduction in the Departmental establishment. And obviously a good manager must make plans that will enable an orderly disengagement, perhaps at several possible paces. The key to the situation probably lies in the terminology used - to be more precise; in our definition of objectives and goals, not only as they appear in formal documents, but also as stated or even implied in informal memoranda, draft planning papers, or casual conversation. We must stop talking about having the objective or goal of phasing out in five years or closing a number of federal schools according to some pre-determined schedule. We can still believe with just as much strength and sincerity that the policies we propose are the right ones, and we should inform and persuade the Indian people to that end with the greatest effect we can muster. If our concepts and proposals are indeed correct, they will be accepted by all but a few once they are understood. We can have contingency plans, clearly identified as such, but our

objectives and goals should be stated in substantive terms only when they are also the goals of the people concerned.

The morale of Indian Affairs staff is low, partly because many of our officers, like the Indians, are affected by the Department's seemingly uncertain purpose, and also because they see their career opportunities and security threatened by the prospect of disengagement. X

Here again we must supply information and move into contingency planning. One of the most useful things we could do would be to provide information about the opportunities that have been made available to and grasped by the employees who were affected by the recent transfer of administrative responsibilities to the Government of the Northwest Territories. There should be assurance of an adequate, effective counselling service available to all when they need it. But the most important thing is, less tangible: it is to develop a sense of personal worthiness and usefulness in each employee. This can be achieved mainly by a chain reaction generated from the top carrying the conviction that much work remains to be done, no matter under what auspices, and that a man's experience and dedication will always be gainfully employed.

The three obstacles to progress that I have mentioned can be considered as tactical or operational in nature. Do we need also to consider a change in course at the strategic level, involving policy content or the primary direction of our course?

Four of the six elements of the policy can be "sold" to the Indian people. The proposals in respect of economic development and the support of cultural identity present only routine difficulty. It will be less easy to secure agreement to the proposals relating to the extension of provincial services and the assumption by Indians of increasing degrees of control over the assets held in trust for them. But good progress can be made in these areas, provided we prove willing and able to take the time to inform and explain the nature and implications of the proposals. I am sure they will be accepted, but the pace of acceptance will vary in accordance with the degree of acculturation and sophistication of the groups of people concerned.

The policy in respect to Indian rights and the handling of claims arising from treaties or unsatisfied aboriginal interests is obviously a bone in the throat to many Indians. Nevertheless I believe it would be impossible for the Government to change its position on these matters now (except perhaps in regard to aboriginal rights, as we have discussed), and we must wait and see what evolves from the growing relationship between the Commissioner and the National Committee on Indian Rights and Treaties. We will need to continue to explain the roles of the Commissioner and the Committee, stressing our detachment from those roles and urging that representations be made to the proper quarters.

The final proposal, which is for the elimination of special status in legislation, must be relegated far into the future. It will be time enough to stress its importance when the many more urgent and material problems of Indians are significantly reduced. If pressed on the question we should respond to the effect that the Government considers the elimination of special status to be ultimately desirable, but it is not about to force the issue now.

Thus my conclusion is that we need not change the policy content, but we should put varying degrees of emphasis on its several components and we should try to discuss it in terms of its components rather than as a whole.

I have suggested that we should adopt somewhat different tactics in relation to policy, but that we should not depart from its essential content. The question that remains is whether there should be any major change in strategy apart from the definition of policy content, i.e., some change in direction or some new initiative that would be manifest at the political level.

Obviously the only sort of change that could be contemplated in the present climate of opinion is one that would be seen as a concession to the Indians.

What are the possibilities? As you know, I believe that a public recognition by the Government of the need to discuss aboriginal rights would be a highly desirable concession. The only other meaningful move would be an initiative (or response) involving a positive commitment to deploy substantially increased resources for an interim period to close the socio-economic gap. As I mentioned above, this was an important element in the Department's planning in late 1968. I would recommend that the needs and required resources be reconsidered. It would not be difficult to up-date the thinking of a year and a half ago. Whether such a commitment, if the Government would agree to make it, should be made in response to representations generated by the Indians through consultation, or perhaps by way of a counter-proposal, or announced by the Government on its own initiative is a moot point. While the Government should show perception and leadership, the mood of the times is for participation, and I suspect that such an announcement should be identifiable as a response.

This review, lengthy though it has been, deals only with the central thread of Indian policy development and has omitted reference to many significant issues. I hope to be able to provide you with other, more specific background papers from time to time.

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(Indian Consultation and Negotiation).