While this book may draw criticism concerning its standards of sampling and interviewing, the editors should have emphasized in their introduction that the various approaches taken by the authors are appropriate and indeed necessary for investigating these diversified and dispersed collectivities, so that varying social experience and empirical richness are not summarily dismissed. Additionally, a concluding chapter should have been written to summarize and synthesize the themes developed by the 13 authors By so doing, they would have facilitated a keener awareness, appreciation and utilization of Canadian society's multicultural make-up and the difficulties and organizational problems of Indochinese communities would be better understood by practitioners, associations and agencies interested in furthering their welfare. Such a concluding chapter would help other scholars to further explore the theoretical and ethnographic contexts of ethnic-community organization.

In sum, this book is very useful and important, the best yet on the varying experiences and community development of Indochinese refugees in Canada.

The Annotated 1990 Indian Act
Donna Lea Hawley
Agincourt, Ontario: Carswell Legal Publications, 1990. N.p. (paper)

Reviewer: James Youngblood Henderson
University College of Cape Breton

The new edition of the Annotated Indian Act is a disappointment. Its major purpose is to be a practical handbook on the federal government's version of band government. It attempts to provide an easy access to the legislative scheme regulating Indians through the eyes of the courts. It contains chapters on Indian Treaties, Governmental Control, the Indian Act, Band Governments, Health and Estates, and Reserve Regulations, clearly the fragmented stuff of "European power freaks" and the "modern brown clones."

The work, however, fails as a handbook for band government. First of all, it ignores the aboriginal form of tribal government, called customary bands in the *Indian Act* and now protected by section 35 of the *Constitution Act, 1982*. It concentrates on the imposed forms, even *The Sechelt Indian Band Self-Government Act, 1986*. The new annotation continues to present an old (19th-century) world view and structure of Indian affairs, which is a lingering legacy of colonialism, systemic racism and thought control, i.e., all the human perspectives which the United Nations, the International Labour Organization and the Marshall Commission in Nova Scotia have attempted to remedy.

The work unreflectively demonstrates the antiquated code, "the Canadian apartheid act," which still forces certain people to organize their lives, government (and now even their dogs) around a foreign vision.

The annotation lacks any perspective which can guide the "brown bureaucrats." It ignores the legislative fact that most services to Indians on reserves are delivered through the *Indian Act* and the provinces, but are not part of the *Indian Act* itself. Moreover, it does not appear that the annotation of judicial decisions has been up-

dated in any comprehensive way. This fragmentation of legislative authority limits the use of the work for modern scholars and renders it unacceptable.

But there are deeper problems with the new annotation. There is a misleading and dated section on treaties. Astonishingly, there is no discussion (or even mention) of the Supreme Court of Canada's decision in *Simon v. the Queen* (1985) 2 S.C.R. 389, which held that the 1752 Treaty with the Mi'kmaq was a valid agreement that protected their hunting rights from the province. Instead, the "1990 Annotation" continues to stress the denial of treaty rights to hunt because the Mi'kmaq were classified as savages by an acting Nova Scotian County Court Judge who concluded, in 1929, that savages cannot make treaties with the Crown. The fact is depressing, since the *Simon* case expressly overruled the *Syliboy* decision by pointing out that the Syliboy case reflected the biases and prejudices of another era in legal history, which were no longer acceptable in Canadian law.

Similarly, in the chapter on governmental control, there is an absence of any discussion of the new constitutional limitations designed to limit governmental authority. It ends with the *Constitution Act, 1867*. There is no discussion of the existing aboriginal and treaty clause (s. 35) or the supremacy clause (s. 52) of the new *Constitution Act, 1982*, or its relations to the federal *Indian Act*. These omissions give the impression there is an unrestrained colonial control over Indians that is still vested in the bureaucrats, rather than in indigenous or tribal values.

More importantly, there is no direct discussion of the relationship between implementing treaty promises and the *Indian Act*. Additionally, there is no discussion of the federal ratification of the *Human Right Covenants* of the U.N., the *Convention on the Elimination of All Forms of Racial Discrimination 1965*, and the *Indigenous and Tribal Peoples Convention, 1981*, of the ILO and the *Indian Act*. While these international human rights covenants and the Racial Discrimination Convention have been ratified by the federal government, there has been no attempt to apply them to Indians or lands reserved to Indians or the Indian-Act structure. These standards should be implemented on Indian reserves which are under the exclusive jurisdiction of the federal government.

These omissions are not harmless. If brown bureaucrats, federal bureaucrats, lawyers or legislatures rely on the annotation, they will implicitly and expressly accept the notion that federal law is required to control aboriginal peoples. The narrow focus of the new annotation renews the colonial mentality and affords support to the old legal climate, a culture of oppression which limits discourse and takes away the voice of aboriginal people. It enables the dominant class, the immigrants, to maintain and justify their legal ascendancy over the aboriginal people, thus reinforcing new tensions which are expressed in racial hatred and discrimination.

The new work has some value to modern scholars. It documents colonialism and racism in the federal legislation and in the courts. While racism and prejudices usually do not have a physical reality, the annotation is a fascinating, although evil, analysis of racism and white superiority in the history of ideas and legal history of Canada. It is a legal legacy which should be studied and be resisted, but not used, by anyone as a guide to future actions.