

# Some Aspects of Governmental Indian Policy and Administration \*

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## RÉSUMÉ

Le but de cet article est de faire l'examen de la politique et de l'administration du gouvernement fédéral vis-à-vis des indiens du Canada. Il est démontré que la conjonction des deux facteurs de la propriété inaliénable des terrains détenus par les bandes et l'administration des indiens par des agents du gouvernement fédéral, contribuent à isoler les indiens des autres citoyens canadiens. De plus, un tel système contraint l'exercice de toute initiative de la part de ces indiens en même temps qu'il tend à développer chez-eux un état de dépendance totale.

Pour remédier à une telle situation, il ne suffit pas d'octroyer biens et services et de donner une direction sage. Il faudrait plutôt, et ceci à titre de suggestions, (1) annuler la position de surintendant d'agence gouvernementale et remettre aux gouvernements provinciaux tout ce qui est de leur juridiction; (2) assurer la soumission aux lois dans les régions en croissance; (3) encourager les instituteurs qualifiés à exercer leur profession dans les écoles indiennes et leur en faciliter l'accès; (4) enrayer les dangers actuels de l'acculturation dans les régions de croissance en amenant dans les centres urbains de classe moyenne des groupes de familles choisies.

The purpose of this paper is to examine the present Canadian Indian situation and its probable development, with special emphasis on the aims of government through both legislation and administration.

### 1. *Governmental policy toward Indian Status persons*

Historically the major basis for governmental disposition of the Indian population in Canada was the belief that the latter would disappear in the total population through eventual and

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complete assimilation.<sup>1</sup> Perhaps for a number of reasons, not least of which was the creation of allies, control over the Indian population was affected by the establishment of treaties to extinguish the aboriginal land title.<sup>2</sup> By setting up reserves of land the Indians could be concentrated for purposes of indoctrination into the modern world, while at the same time being protected from ruthless frontier exploitation. An Indian Affairs Branch working paper of 1957 summarizes the situation: "From the earliest days it has been found necessary to enact legislation from time to time applying specially to our Indian peoples. After Confederation due to the expansion of European settlement, an increasing amount of legislation immediately affecting Indians was required. This legislation was consolidated in 1876 and, although amended from time to time, it remained the basic Indian law until the coming into force in 1951 of a new Act. This Act was drawn up after a lengthy enquiry of a special committee of the Senate and the House of Commons, and after taking into account the views of the Indians themselves, expressed at a conference held for that purpose. The overriding consideration which shaped the present Act was the desire to promote the integration of Indians into Canadian society".

The ultimate consequences of reserve policy were questioned as early as the 1870's by the Superintendent General of Indian Affairs. He challenged the soundness of the principle of the "aborigines" being kept "in a condition of tutelage and treated as wards or children of the State" (Sessional Papers 1875, p. xiv). Soon the need was recognized for change from protective wardship to legal integration through enfranchisement. In the Superintendent General's 1917 report he says, "Many of the Indian bands are approaching a point of development and progress which renders it undesirable that they should remain in their present status as wards of the government. I would, therefore, strongly

<sup>1</sup> See DRUCKER, *The Native Brotherhoods*, Bureau of American Ethnology, Bulletin 168, Washington, 1958, p. 78.

<sup>2</sup> In Canada's northwest the numbered treaties were negotiated in the 1870's (A. MORRIS, *The Treaties of Canada with the Indians of Manitoba and the Northwest Territories*, Toronto, 1880, p. 25). In the Crown Colony of British Columbia Governor Douglas wanted the lands to be acquired by purchase "...through which native title was extinguished" (DRUCKER, p. 79).

recommend that the Government should at an early date consider the advisability of enacting the necessary legislation for the application of enfranchisement at the sole discretion of the Government to individual Indians or to bands" (Annual Report, Department of Indian Affairs, 1917, p. 20, Ottawa, 1918).

The foregoing suggests that the administration recognized both the fact that consignment to reserves was deleterious to the Indians at least with regard to integration, and secondly, that if given the option some Indians at least would refuse enfranchisement. The latter expresses the most important single difficulty in the contemporary scene.

In the 1940's the climate of opinion was the need for assistance and development toward full citizenship both legally and actually. In the Fourth Report (1948) in Minutes of Proceeding and evidence number 5 of the Special Joint Committee of the Senate and House of Commons this aspect appears: "All proposed revisions are designed to make possible the gradual transition of Indians from wardship to citizenship and to help them to advance themselves" (and recommendation h) "that it be the duty and responsibility of all officials dealing with Indians to assist them to attain the full rights and to assume the responsibilities of Canadians citizenship" (p. 187). In its second and final report in 1961, the Joint Committee of the Senate and House of Commons on Indian Affairs (minutes and proceedings number 16) goes further: "The time is now fast approaching when the Indian people can assume the responsibility and accept the benefits of full participation as Canadian citizens" (p. 605).

Along with the emergence of this Indian state or problem, the Indian Affairs Branch found it advisable to emphasize the fact that Indians were not wards but free agents: "Contrary to widely held opinion, Indians in Canada are *not wards of the Government*. Indians are free agents under law to enter into contractual agreements; sue and be sued. Indians are subject to all laws of general application from time to time in force in any province, *except where such laws are inconsistent with the Indian Act*" (I.A.B. working paper, N. D. 1957; italics mine). There is therefore an awareness that legally and financially the Indians are protected and assisted, but in actuality a stoppage

in the process of integration has occurred. If this were merely a refusal of Indians to be interested in the modern world there would ultimately be no difficulty. However, many Indians have shown a desire for greater economic rewards through wage labour, and perhaps all Indians have accepted the concept of increased use of consumer goods. Present concern therefore stems from a growing awareness on the part of government and the non-Indian citizenry that increased goods and services and assistance do not appear to be effective in the economic development, let alone the integration of the Indians.

In general it can be said that government and administration of the Indians was organized around a protective body of legislation which established a register of Indian Status persons and secured them on selected reserve lands which were communally owned and inalienable. If the *raison d'être* of this legislative organization was the integration of the Indians into Canadian society, the *modus operandi* was their protection from exploitation during the interim period. Following is a brief examination of governmental policy with respect to Indians inferred from the powers of government and Indian superintendent (agent) as defined in the Indian Act. From the standpoint of the Indians themselves the administration hinges upon the superintendent and the agency system.

The Indian Act (1951) defines the powers of the administration from which the superintendent draws his power, as follows: there are three levels of executive power recognized: 1) the Governor in Council, 2) the Minister or his deputy minister or branch director, 3) the Minister with the consent of the band.

*The Governor in Council*, whose powers are as follows:

1. Following an Act of Parliament or provincial legislature Her Majesty in right of a province, a municipal or local authority or a corporation is empowered to take or to use lands or any interest therein without the consent of the owner, with the consent of the G. in C. (Section 35).

2. The G. in C. may determine whether any purpose for which Indian moneys are used or are to be used is for the use and benefit of the band. (61).

3. The G. in C. may by order permit a band to control, manage and expend in whole or in part its revenue moneys and may amend or revoke any such order. (68).
4. The G. in C. may make regulations from protection of animals through weed control to providing medical treatment and health services. (72).
5. The G. in C. may declare by order that the council of the band shall be selected by elections to be held in accordance with this Act. (73).
6. The G. in C. may make orders and regulations with respect to band elections. (75).
7. The G. in C. may set aside the election of a chief or a councillor on the report of the Minister. (78).

*The Minister.* Following is a list of the powers of the Minister or his deputy without the consent of the Band council:

1. The Minister may a) authorize surveys of reserves; b) divide the whole or any portion of a reserve into lots; c) determine the location and direct the construction of roads in a reserve. (19).
2. The Minister may by permit authorize any person for a period not exceeding one year to occupy or use a reserve or to reside or otherwise exercise rights on a reserve. (28/2).
3. Under instructions issued by the superintendent a band shall maintain roads, bridges, ditches and fences within the reserve (34/1) — The minister may cause the instructions to be carried out at the expense of the band.
4. With regard to surrender to Her Majesty of lands (reserve) by a band, the Minister may call a meeting which shall be held in the presence of the superintendent. (39/2 & 5).
5. With respect to deceased Indians, all jurisdiction and authority in relation to matters and causes testamentary, is vested exclusively in the Minister. (42).
6. The Minister may declare the will of an Indian to be void (46) subject to appeal if over \$500.

7. All jurisdiction and authority in relation to the property of mentally incompetent Indians is vested exclusively in the Minister. (51).

8. The Minister may administer or provide for the administration of any property to which infant children of Indians are entitled. (52).

9. The Minister may pay from capital moneys a) compensation to an Indian in respect of land compulsorily taken from him for band purpose b) expenses incurred to prevent or suppress grass or forest fires or to protect the property of Indians in cases of emergency. (65).

10. The Minister may make expenditures out of the revenue moneys to assist sick, disabled, aged or destitute Indians of the band to provide for the burial of deceased indigent members of the band. (66/2).

11. The Minister may order that payments of any annuity or interest money shall be applied to the support of the wife or family in cases of desertion, unjustifiable conduct or imprisonment. (67).

12. Superintendent or peace officer may seize all goods and chattels in relation to which he reasonably believes the offence was committed. (101).

13. Compulsory enfranchisement (108) repealed in 1960.

14. The Minister may appoint persons to be called truant officers. (118).

The foregoing sections of the Indian Act constitute a national system of precise legal control over Indian Status persons. In actuality, however, so rigid a system which is applicable without respect to geographical region, economic development or social differentiation, must allow for a considerable flexibility, as Drucker (1958, p. 58) has pointed out. Moreover with a largely semi-literate population which is both geographically and socially rural and/or isolated, this very flexibility of administration tends to enhance rather than constrain the functions of the local superintendent.

In addition to government policy by means of the Indian Act, there have been a number of developments in recent years. These are reflected in the greatly expanded parliamentary budget of ordinary expenditures for the Indian Affairs Branch:

I.A.B. Budget of ordinary expenditures  
(Taken from I.A.B. Annual Reports)

	<i>Indian education</i>	<i>Total</i>
1949/50	\$ 6,221,792.74	\$12,367,691.00
1954/5	10,464,532.98	18,024,563.00
1957/8	17,158,776.00	27,564,104.00
1960/1	27,746,860.16	46,427,383.85

In addition to this budget there are expenditures on construction, as well as a substantial expenditure on the Indian Health Service of the Department of National Health and Welfare. House construction on reserves is just one aspect of the welfare programme, which is financed jointly from Band Revenue Funds and parliamentary appropriation.

	<i>Houses completed</i>	<i>Houses repaired</i>
1957/8	880	
1958/9	1,344	2,215
1959/60	1,465	2,550

By the end of 1960 approximately 25% of the school population was integrated, that is, were attending schools along with non-Indian students. In the difficult area of federal--provincial co-operation in matters of social welfare, certain efforts have been made. A small number of placement officers in urban centres are working to get selected recruits from the reserves adjusted into positions in the cities. This programme began in 1957 and has eight urban placement appointments operative as well as two appointments to be made for the Mackenzie District and the Yukon in the 1960/1 estimates.

With respect to the reserve people, therefore, there is a bureaucratic structure which places the minister's field representative, the superintendent, in a permanent supervisory position. Having described the legal basis of political and administrative control, founded on the Indian Act, we must turn now to a consideration of the effect of this organization on the local community.

## 2. *Administration*

With respect to the implementation of governmental policy, in so far at least as the Indian status persons are concerned, the administrative decisions which are made, are made by the local superintendent. Occasionally the superintendent may interpret his decisions as ones made by his senior colleagues. Nonetheless in the eyes of the governed people these decisions appear to be those of the local agent alone. For purposes of this paper, therefore, administrative decisions will be taken to be the responsibility of the person in the field with whom the people come in contact.

A second point is the variable nature of the administrative operation. This is more than regional or ecological variation, as it involves the difference in degree of contact or acculturation. Some bands are at present only English- (or French-) speaking and live on reserves close to (in some cases within the precincts of) urban areas, while others are situated in remote areas and see little of the outside world. The analysis does not rest on evidence from any particular degree or area of contact experience, but deals with the subject of administration in general, employing data within the writer's experience from several areas.

There are few formal qualifications required by the government for their superintendents. In 1958 a letter to the writer from a regional supervisor, whose position carries weight in the final selection of his superintendents, stated the requirements to be a familiarity with I.A.B. field office procedure as well as knowledge of the filing system. In addition, experience of living conditions in the area selected as well as technical knowledge of road and bridge building was most desirable. In consequence of this vacancies were not always advertised, as normally persons within the Branch or allied departments would be informed. Educational requirements were stated to be ideally high school matriculation, but in two cases the writer has known of persons without secondary school education being selected, one having Standard 4 in the U. K. system.

The agency superintendent, as local person in charge of administering the Indian Act has certain supervisory powers which require both direction and decision.



1. With regard to band membership this official has the responsibility of discovering the merits of the case of illegitimates and their inclusion to band membership (section 11/E). In the 1959-1960 fiscal year, the inclusion of 148 children was protested by band members. Forty of these were nevertheless allowed, 32 decisions were reversed and 76 are pending (letter from the director, I.A.B. Sept. 21, 1961). In the 1960-1961 year 115 inclusions were protested. A former chief in Southern Ontario referred to the problem of illegitimacy in his band and the new ruling under Section 11/E; "We just about had the problem licked", and the new regulation was "race suicide". A former assistant agent of a Northern Alberta band informed the writer of his decision concerning an illegitimacy case. The band had been given certain powers of autonomy in the administration of relief money from band revenue funds. Their decision was against granting relief and mother's allowances to an unmarried woman who persisted in living in a common-law relationship with a non-Indian. The agent countermanded the band council's ruling by offering relief money to the woman. The agent has the further responsibility of ascertaining the suitability of applicants for enfranchisement. In the 1959-1960 year, 1,123 enfranchisements were approved, there being 63 applications (representing 148 persons) rejected.

2. Concerning both elections and nominations for election to band councils the agent sometimes feels he must veto the nomination of a member whose name has been proposed in the normal democratic process. The writer has observed this in Northern Ontario, the reason of alleged failure to co-operate being given. Information came to the agent in this case from non-Indian residents of the community. This particular rejected person was known to have substantial debt outstanding with the trader.

3. The agent sometimes exercises his powers of supervision over permanent non-Indian status resident son the reserve. The writer has witnessed cases involving reprimands to the trader for unethical use of government welfare funds, and the RCMP constable for lack of discipline. Moreover the agent has on occasion decided to reprimand the band council or chief for lack of co-operation. Implicit in this cautioning was the power to displace the office

holder. Transient persons, casual visitors or persons intent on selling products must in some cases secure the permission of the agent before travelling on or visiting the reserve.

4. The agent has ultimate responsibility for acting in cases of breaches of the Indian Act. At the present time this includes alcohol consumption and truancy on the reserve. In the former case the agent has sometimes felt it necessary for purposes of example to arrest and seek a conviction on the basis of verbal or written evidence from a third party, a non-Indian resident. This power in a small community may be seen as very large and arbitrary.

5. The agent has supervisory control over the distribution of relief and welfare moneys both from parliamentary appropriations and revenue from Band funds. This may involve the choice of personnel when relief moneys are used as wages for road building.

6. The agent exercises considerable power in the administration of education on reserves. Teachers or children may be moved between schools on the reserve. Moreover the agent may recommend the removal of teachers. Teachers rightfully disapprove of the dual supervision by visiting education inspectors as well as the local agent. In addition, other governmental personnel come under the general supervision of the agent, including the RCMP. On one occasion in the writer's experience, however, the local constable felt obliged to discipline his agency superintendent (who was his superior) for continual public drinking on the reserve. He subsequently confined the agent in the jail and required bail before releasing him.

I have dealt with the negative aspects of the agent's administrative position because it is just these negative cases which illustrate the nature of the position as seen by the administered person.

In general the administrative powers of the agent are great. This power is increased by recommendations to the Minister and sometimes ultimately to the Governor in Council over a wide range of areas. The position provides for initiatory, discretionary and veto powers. In terms of future economic development, therefore, the responsibilities in the hands of the agent are con-

siderable. It is through his position alone that government sponsored or encouraged development can take place. He would therefore require above all a perceptive approach towards the possibility of developmental change. Without the latter concept in mind he is like a teacher in charge of a permanent group of students. Unfortunately, sometimes the approach taken by agents is more in the capacity of wardens than that of creative administrators. One Northern Ontario agency superintendent recounted to the writer his conversation with an Ottawa civil servant who asked when he might expect his Indian charges to become a part of the labour force of Canada. The agent's comment to the writer was spontaneous, an uncomprehending laugh.

### *3. Indian Reaction and Interaction*

The I.A.B. representative with his powers by authority of the Indian Act and carrying out procedures based on Civil Service practice presents the Indian status person with a highly organized and foreign administration. Moreover, the I.A.B. personnel administering far from the Branch or even regional supervisor's office adds both prestige and de facto power to the position vis à vis Indian status persons. Furthermore, in some cases, extreme personality or character expressions of individual governmental representatives increases the social distance between office holder and administered persons. Certain isolated actions such as the recent Hazelton case of dental extractions apparently without adequate communication with parents increases the appearance of arbitrariness or authoritarianism of government officials. Elsewhere<sup>3</sup> I have commented on persistently authoritarian behaviour by the marginal type of man who is sometimes found in rural and isolated reserves.

With this concentration of power which is geographically distant from supervisory controls, characteristic reactions of the governed persons appear to be conformity or withdrawal. A few persons initiate and maintain individual client-patron relations with the person or persons in power. Often Indian persons suspect

<sup>3</sup> "Ethnic Relations and the Marginal Man in Canada", *Human Organization*, Volume 18, no. 3, pp. 117-122.

either the integrity of the agent or the usefulness of his suggestions, with the consequence that communication becomes blurred and tends to be limited to accepting orders, while misunderstanding or minimizing exhortative suggestions. In one Southwestern Ontario community persons who have had experience in magistrates' courts advise others to act in a repentant manner and as the magistrate "treats us like children" he will let them off with a mild warning. In the same community however one of the persons was seen to argue with an RCMP constable who had advised him about a forthcoming court case against him for drinking on the reserve. The Indian person was derogatory almost to the point of abusiveness toward the constable, telling him that he would have to get evidence and such as he had already "won't wash" in court. These persons have apparently correctly assessed their positions as dependant persons and further have learned successfully to manipulate to their own advantage the people in power.

With regard to band government the Joint Committee in 1961 was surprised to hear from the director of the Indian Affairs Branch that only 5 bands in Canada had been given autonomy under Section 68 of the Indian Act, while one application was pending. When viewed, however, in the light of their characteristic reaction to government it is not surprising. Theirs is an objective reaction to the reality of the situation. By accepting autonomy in band government the members would be held responsible by I.A.B. for a considerable range of administrative decisions, except of course that many of the latter might be subject to administrative veto, e.g., direction of road and bridge building.<sup>4</sup> By remaining dependent upon the supervision of the agent the people might expect to receive as much or perhaps more in the form of welfare grants and would not be held responsible for any decisions. Moreover, they would be free as individuals to seek what perquisites they could from a properly dependent

<sup>4</sup> F.E. LAVIOLETTE, *The Struggle for Survival*, Toronto, 1961, comments on the "absolute unwillingness of Indian Lorette to become a municipality" as "difficult to comprehend", and "the further one goes with examples the more incomprehensible the whole system becomes" (p. 163).

if not subservient manner toward governmental authority. There appears to be the further advantage to the governed people of being able to rationalize their failure by claiming the government of the agent as responsible. This appears clearly in the matter of government supported higher education and technical training in the cities. Branch officials assured the writer that no one who could benefit from extra training would be refused an opportunity to qualify himself. Persons on reserves sometimes had a different story. In one case in Southern Manitoba the parents of a boy claimed that he had been successful in his senior matriculation examinations and that the boy wanted to be a teacher but government would do nothing for him. Upon investigation it turned out that the student had failed five subjects and the government had enrolled him in a junior accountancy course in Winnipeg. Another case in Southwestern Ontario had a less fortunate ending. One boy in a large family was the best student and both parents were working and trying to get money together to help him go to the university. They did not approach the agent because his claim was that they would have to help with their son's tuition. An obvious breakdown in communication ended in the boy's failing to go to the university. Two of the best students at a large Northern Ontario grade school were sent off to a boarding high school. They returned within a month and apparently nothing was done to investigate the cause of failure.

Doubtless some persons do obtain sufficient education in order to remove to the cities and become economically integrated (but not necessarily assimilated) into the national scene. Mrs. Monkman, chief of the Chilliwack Band claimed that when these persons failed to return to the reserve they left the uneducated on their own. It might seem from this that the small percentage which leaves, does not contribute to the development of natal reserve communities.

A significant aspect of Indian reaction, however, appears to be in terms of individual client-patron relations with the external officials. It is not uncommon to hear an agent speak whimsically or nostalgically about some of his charges as "now he is a character" or "he is an old devil, but interesting". Some of the

Indian status persons speak of an agent as a good person because "you can go and see him in his office".<sup>5</sup>

In general this stoical withdrawal sometimes combined with a strongly conceived sense of independence of some reserve Indian persons has similarities with the present remnant population in the Scottish Highlands. If we assume economic participation rather than increased subsidies to be a legitimate aim,<sup>6</sup> then this kind of behaviour syndrome militates against realistic acceptance of the situation.

#### 4. *The Present Situation*

1. The foundation for or at least perhaps the rationale for Indian policy might be the 19th century colonial policy of the British Government's Indian Civil Service. This appears to have been the raising of the socio-economic level through education and both expert and disinterested supervision by a highly select administrative corps. Without considering the modern world situation, two differences appear relevant however. First, the I.C.S. personnel were selected from the highest calibre of an ambitious upper-middle class group whose individual careers might lead to provincial governorships or higher, and often to knighthoods. Secondly, these men governed dependent territories in which the bulk of the population was uneducated and illiterate in the western world, but whose development reflected the development of the whole country. In Canada, however, due to the paucity of Indian population and its location in remote or rural areas, the lack

<sup>5</sup> An older man who constantly sought out officials on their occasional visits told the surely apocryphal story about one regional supervisor who visited and asked to take back two bushel baskets of cow manure for his garden. The resident jokingly complained to the supervisor that every time he visited all he wanted was "b-----".

<sup>6</sup> This position is surely neutral and less ethnocentric than that of Dr. Oscar Lewis as quoted in Redfield's *The Primitive World and its Transformations*, 1953; "Dr. Lewis suggests that the Tepozteicans would be better off with less magic and more applied science" (p. 158). The point to be made in this paper is not that "our system" is better and therefore the Indian people should have it, but rather that the people have shown a willingness to accept and a desire for modern consumer goods as well as engaging in wage labour occupations to attain these ends. The aim should be then in accord with the direction which the people themselves have already chosen.

of economic development is not very noticeable. The national economy proceeds without reference to Indian economic improvement. In Canada, therefore, a less selective administrative corps would normally be satisfied with a lesser achievement, and particularly when judged against a numerically small dependent group which is both isolated and inarticulate (with some exceptions), the results expected or demanded might be considerably less than would be true for the former Indian Civil Service.

2. In the present situation with which we are concerned, a most important factor is that of population increase. Although approximately one-half of one per cent per annum of the population is becoming enfranchised, the total net increase in population remains at about three per cent per annum. If the present increase is maintained, the population would become doubled in approximately 24 years. Until recent years the population of many interior bush reserve communities numbered upwards of one or two hundred. Today several communities number more than one thousand.<sup>7</sup> These groupings are existing on little more than the traditional subsistence type economy, perhaps supplemented by minor wage labour in extraction industries.

These bush communities are developing under an apparent policy of governmental sponsored education and welfare benefits. The latter in the form of housing, medical services and monetary welfare and relief grants create an atmosphere of permanence.<sup>8</sup> There is a tendency to stay on at traditional summer fishing camps. A typical remark heard was, "It's a nice place, and maybe someday they'll find gold or oil here".

Moreover, in the present situation the perhaps not conscious idea of mediocrity plays a role in the operation of some agencies.

<sup>7</sup> Some larger community Populations

	1917	1960 (from Manitoba Government Department of Welfare)
Cross Lake	549	1,100
Fort Alexander	557	1,600
Island Lake	524	1,800
Norway House	729	1,900 (including local Metis)

<sup>8</sup> Drucker (1958, p. 158) makes this point, especially as an incentive to reject enfranchisement.

In the bush or rural areas where an almost complete lack of industry above that of hunting and gathering obtains, an agent of limited foresight and ability may perhaps unwittingly achieve a degree of concord with his Indian status charges. A perceptive person might understand only too well the economic difficulties of the people whose expressed needs are simply stated as alternative industries for a declining per capita income. Instead, a mediocre agent can busy himself with book work and hence fail to be receptive to queries and requests. There is perhaps also the possibility of his being swayed by a few calculating persons who have mastered the concept of client-patron relations at a grass roots level. It would appear in this situation that some of the more perceptive persons, seeing the difficulties of communicating with the governmental representative resignedly succumb to a passive role. To the extent that this is true, mediocrity among administrators contributes to the permanence of the interaction system, e.g., governed people and administration.

These factors, along with the provincial and federal franchise and the foreseeable adoption of full liquor rights for Indian status persons<sup>9</sup> militates against enfranchisement and the ultimate movement to larger centres where permanent labour possibilities exist and educational achievement can be rewarded.

From these remarks it would appear that the policy and administration of Indian status persons, no matter how sympathetic and benevolent is nonetheless *laissez-faire*. By this is meant that although there has been a considerable increase of goods and services which have been of great humanitarian value, the net effect appears to be protective and hence static.

It would seem further that the present reserve situation, rather than becoming alleviated in time will, on the contrary, grow to larger proportions. This would mean that an increasing (though still small) number of Canadian citizens enjoying both the federal and provincial franchise in addition to certain guaranteed (Indian status) rights, will continue to be governed by the local represen-

<sup>9</sup> On July 1, 1962, the B.C. attorney-general opened liquor sales outlets to members of all bands which had conducted federally-sponsored plebiscites on the question.



tative of a federal government agency. Any who would change the system for local government must cut across the conformity/withdrawal and client/patron patterns of behaviour. This is difficult to achieve as these patterns are in accord with the "agency system". It seems clear that at least in some reserves a change to local autonomy and responsibility would be voted down in favour of the present guaranteed dependency status.

If governmental policy aims at eventual integration of the Indian status persons, then the present policy relying as it does largely upon increased or full educational coverage, health and welfare services and placement officers, will probably fail to "integrate" even in sufficient numbers to take care of population increase. If, however, the aim is to treat the people as well as possible in the humanitarian ethic of the post war II era and let what will happen, then the results might be predicted — a cumulative rise in reserve population, without a concordant increase of the industrial economy. In either case one might predict that a fairly rapidly increasing population whose members showed no interest in integrating would do nothing to resolve the present outgrowth of 19th century protectionism or wardship. In the context of increasing numbers this might prove to be a greater anomaly than at present.

In a sense, therefore, it is perhaps not *The Indian Problem*, a subject of concern at the moment, which should be the focus, but rather that of an interdependent system of Indian status persons and governmental administration. And so long as government takes the view that the provision of personnel and services is as much as can be done, the administration is consequently dealing with only one part of the system. To achieve any significant change in the Indian position, therefore, it would seem necessary to effect change in the total system.

##### 5. *Some suggestions for change*

In consequence of this analysis of the present situation a few suggestions for change might be in order. The following is not intended to be a comprehensive and systematic programme involving fundamental change. It is on the contrary a speculative

sketch of some areas in which change might be considered. The working out of any scheme for important changes of policy would require detailed and explicit planning. In any attempt to present policy changes two factors should be kept in mind. Nowhere is the concept of compulsion of Indian status persons deemed legitimate.<sup>10</sup> Secondly, the idea of economic integration at least, is axiomatic if for no other reasons than the universal acceptance of consumer goods by Indian status persons, and that population increase will eventually necessitate some depopulation of the subsistence-level bush communities and rural-marginal reserves.

1. What has been said here is not new.<sup>11</sup> The emphasis, however, which has not to the writer's knowledge been made explicit before is that the combination of wardship through reserve lands and the supervision by a federal agent together preclude any fundamental change through welfare development programmes. It is the view here that only by removal of the position of agent will it be possible to create a milieu for substantial development. Otherwise increased help in all forms would only contribute to the overall power position of that administrator, while inhibiting initiative on the part of governed persons. It is recognized that in recent years the Indian Affairs Branch has worked for greater provincial responsibility in Indian administration. This appears to be a necessary step in narrowing the gap between citizen and Indian status person. In the writer's opinion provincial responsibility could and would be aided by removal of the office of agency superintendent, placing all possible matters under the jurisdiction of the former,<sup>12</sup> while such federal matters as treaty payments and other economic affairs could be dealt with from Ottawa by correspondence directly with those entitled to the privilege.<sup>13</sup> The concept of provincial citizenship would be meaningful only if the key position of agent were removed. One

<sup>10</sup> Compulsion of here refers to enforcement of behaviour other than is required of normal Canadian citizens.

<sup>11</sup> See *The Indians of British Columbia*, HAWTHORN, BELSAHW and JAMIESON, Toronto, 1958.

<sup>12</sup> I refer here to all matters which for normal citizens come under provincial jurisdiction.

<sup>13</sup> Rights to band owned lands might be dealt with through the courts as would be the case for any citizen with legal rights to property or shares in corporations.

action without the other would not change the present system of separate and different government for Indian status persons. The presence of any local federal government supervisory personnel permits the possibility of a caste-like structure, especially with the incidence of marginal type persons who volunteer to remain in the frontier country.

2. With regard to reserve populations in rural areas, there has been a great deal of exposure to the national society including selective acceptance of aspects of the latter — often at the lowest socio-economic level. For purposes of development this type of grouping would appear to be the most difficult. Indeed it may be possible that no adequate solution of a non-compulsive nature can be found. The change to be advocated here is a minimal one, that of establishing and maintaining law and order. Parenthetically this is the only change suggested which is of a compulsory nature. However, a moment's reflection on the 19th century history of Canadian and American pioneer or frontier towns will reveal that no peaceful and ordered economic growth could be affected until law and order had been created. From experience on several rural reserves in recent years the writer judges that law and order may be somewhat spasmodic. At one place the RCMP would come in answer to a telephoned call for help when a person could or was willing to report an emergency to the authorities. At another place the resident police corporal regularly left the reserve for 48 hours every weekend. Without at least some kind of law and order, it would appear difficult to maintain a reasonable degree of family and community life from which a child is socialized into an acceptance of national standards above the level of lower-class "slum" type behaviour.

3. With regard to education it is to be noted that the federal government has spared nothing in recent years to provide schools, equipment and personnel for every Indian community. A most important aspect of the educational system, and one which is amendable to improvement is the quality of some teaching, particularly on the remote reserves. The suggestion here is to create a system in co-operation with provincial departments of education and urban school boards for the voluntary release of a few of

their best teachers for limited periods (perhaps one year) without loss of seniority or salary to teach on reserves. This would be an opportunity for the better teachers to see at first hand the Indian population and to contribute to the reserves the benefit of first class teaching. Moreover, the Indian status persons would be exposed to educated, satisfied, urban people, e.g., a successful middle-class type of person. It is thought that some Indian students if exposed to good teachers who were neither escaping from their own society, nor dedicating their lives to the backward peoples (in some ways *reverse* discrimination can be even more enervating to the subjects), would gain sufficiently to desire to move ahead educationally.<sup>14</sup>

4. It is true that economic and socio-economic integration of Indian status persons has been going on for a long time. The interest here is not in encouraging this process of movement into, or as LaViolette says "...dropping or drifting into the lowest stratum of the Canadian community" (p. 12). It would seem desirable to eliminate the normal current process of frontier town adjustment through wage labour in extractive industries and miscegenation into an unsatisfactory "poor-white" type of life. The present suggestion aims to bypass the process by means of an experimental pilot project of voluntary and selective integration into the urban middle-class. The latter situation would present least discrimination against the Indian person and a maximum value placed on family living. A very few carefully selected nuclear family groups who are related and whose economic situation creates an incentive toward economic improvement, might be placed in a reasonably good urban neighbourhood. This district might consist of house owners rather than renters, people who were self-conscious about gardening and keeping up their properties. The new comers could be helped to obtain jobs and perceptively helped to find their own way in the new setting. If some of them succeeded and their children succeeded in the

<sup>14</sup> On May 19, 1962, the Vancouver School Board approved the granting of leave of absence to teachers who wanted to teach in Indian schools. This kind of proposal was also made in a paper (mimeo) read by the writer at the Fifth Indian-Metis Conference of the Winnipeg Welfare Council of Greater Winnipeg, February, 1959.

community and school, the effect of this would be multiple among their home band members.<sup>15</sup>

The details would require study. In general, any change in policy directed toward help in the reserve situation, e.g., co-operatives and community development etc., can affect only minor changes at best. Additional personnel on location raises the unsolved problems of the quality of candidates, without which no important development can be achieved. What is required is some policy which can offer a fundamental change in the present wardship and dependence milieu as a basis for development.

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<sup>15</sup> Present selective procedures with placement officers require much time spent in magistrate's courts pleading for lessened sentences and paroles. One of the difficulties with the placement programme at present may be the emphasis placed on the selection of single men who are willing to remove to the city. Lacking a social network of contacts it is easier for a person of this type to drift into the "Main Street" milieu in search of social contacts. The selective process suggested here involves drawing people from less acculturated reserves, senior men with families who have a record for responsible work and who would like to increase permanently their incomes, as well as enjoy the experience of living without supervisory controls.

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