

**BEYOND EQUALITY:
British Columbia New Democrats
and Native Peoples,
1961-1979**

by

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B.A. (History) University of British Columbia, 1977

**Thesis Submitted in Partial Fulfillment of
the Requirements for the Degree of
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in the
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ABSTRACT

In recent decades, sustained efforts by aboriginal peoples for expanded rights and recognition have presented difficult political challenges to socialist movements and governments throughout the world. In British Columbia, the New Democratic Party responded to native concerns in the 'traditional' manner of the European-inspired left: historical grievances arising from cultural and/or racial experiences were viewed as secondary to the class-oriented socio-economic factors that dominate modern societies. In the 1960s and 1970s, the leadership of the British Columbia New Democratic Party did not readily accept native demands for recognition as "citizens plus" and for negotiation of land claims - the very heart of the native drive for self-determination. Native resistance to the NDP programme of legal equality, gradual integration, and expanded public services led to direct and deep conflicts with the province's first and only social democratic government. Only after two years of such conflict, the defeat of the first NDP government, and the defection of the NDP's only native legislator, did the party accept the agenda of native people themselves as the starting point for the development of a more stable political relationship. Specifically, the leaders of the NDP offered provincial government participation in the negotiation of land claims based upon aboriginal title. In this process native people have, at least to date, become an established part of the NDP's electoral support base, with both potentially positive and negative ramifications for the party's electoral future.

This thesis is based upon research from a wide range of sources that illuminate the attitude and actions of the NDP, native peoples, and governments. These sources include mass circulation, political and native newspapers; political correspondence, party pamphlets and government documents; interviews with key individuals; and position papers, convention records, and internal communications of both the NDP and major native organizations.

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Preface

My interest in the evolution of the political relationships between British Columbia New Democrats and the aboriginal peoples of the province was first aroused in 1974. At that time I was working as a researcher for the government caucus and I undertook preparation of background papers on aboriginal land claims for the consideration of caucus members. In the 1970s and 1980s, I continued to be involved in many of the issues under examination in this theses through my work as Executive Assistant to Skeena MP Jim Fulton and as Provincial Secretary of the NDP during the years of Bob Skelly's leadership.

Chapter One. Introduction

For socialists and social democrats throughout the world, relationships with indigenous peoples have presented difficult and often unique political and ideological challenges. The Sandinistas in post-1979 Nicaragua, India's Congress Party, Labour governments in Norway and Australia, and many others on the left have faced what they perceived to be a structural conflict between traditional socialist ideologies and the rights of self-determination asserted by aboriginal peoples. Whether Marxist or social democratic in orientation, the left has viewed the 'national' aspirations of indigenous peoples as threatening to two key pillars of its philosophy: the universal powers of the modern state and the traditions of class-based analysis. As Noel Dyck states in his examination of 'Fourth World' politics, these aspirations "challenge the nation state's authority by denying fundamental tenets about the equality of citizenship and rights within a society".¹

In the case of the British Columbia New Democratic Party (NDP) and, to a large extent, the entire national NDP, that ideological conflict was present for most, if not all, of the 1960s and 1970s. A good deal of that conflict resulted from the failure of the NDP to assign any consistent, long term priority to understanding native affairs and to communicating with native people.² The record of the NDP and its forerunner, the Co-operative Commonwealth Federation (CCF), as champions of those without power and wealth is one that is generally recognized by both the left and the right in Canadian politics. But despite this record of advocacy for the 'underdog', neither the CCF nor the NDP addressed native affairs to the degree that the obvious poverty, social dislocation, institutionalized political discrimination and deliberate economic marginalization would appear to warrant.³ This apparent gap is particularly striking if the reputation of the CCF/NDP as 'the conscience of the nation' is accepted.

Until the latter 1960s, official party policies concerning native peoples were either absent from the CCF/NDP perspective or were somewhat paternalistic in substance, reflecting both the low priority attached to the issues and the lack of dialogue with native people. None of the major national CCF/NDP manifestoes, from Regina in 1933 to the Waffle in 1969, even mentioned aboriginal peoples or their place in Canadian society.⁴

The low priority attached to native affairs by the national party was reflected in the legislative activities and public statements of the British Columbia NDP prior to the late 1960s. Formal convention policies concerning native affairs were minimal in number, were sometimes mere copies of federal policy and were based upon three interconnected themes. First, the party advocated the expansion of provincial authority in native affairs. But until that process was underway, Indian policy was seen as an almost exclusively federal matter. Secondly, the British Columbia NDP stressed the objective of legal and social equality between natives and non-natives through the elimination of discrimination and/or legal designations on the basis of race. This approach included the proviso of native agreement before elimination of 'protective/discriminatory' legislation, such as the Indian Act. But it ignored important ideas that British Columbia MP Frank Howard had advanced as federal NDP Indian Affairs critic. Howard felt that integration and equality in the strict sense of those terms would never be acceptable to native people and argued that a much more flexible approach was required. Such an approach would end the regulated paternalism, but also recognize the unique historical and legal status of native people and deal with major issues such as land claims.⁵ The third policy theme, very closely connected to the other major strands of policy, was the expansion of universal provincial services. Services to native people, such as health care and education, were to be increased in conjunction with expanded provincial authority to achieve egalitarian objectives and to allow free integration of native people within the dominant non-native society.

The deeper structural aspects of the native/non-native relationship were almost completely avoided. Included in this neglect were the century-old native land claims and the province's role in the 'British Columbia Indian Land Question'.⁶ Furthermore, British Columbia New Democrats simply did not raise major aboriginal issues in elections and in other high profile activities. When the activist lawyer Tom Berger was elected as an NDP MLA in 1966, there was a short-lived flurry of interest in native affairs, including the larger, structural questions such as land claims. In short, with some periodic exceptions, the marginal position of native peoples in Canadian society at large was reflected in the British Columbia NDP's political actions for the majority of the period under examination.

In the middle of this period, the federal government's White Paper of 1969 sparked a native political resurgence throughout Canada. Reflecting the ideological demands of Liberal Prime Minister Trudeau, the White Paper advanced a 'termination' policy that would eliminate the special legislative status of native people and then move them rapidly into the legal and political position of all other Canadian citizens.⁷ According to one scholarly analysis of this process, Trudeau objected to special status for Indians, Metis and Inuit in accordance with his philosophy of classical liberalism, but also feared it in the context of his definitions of 'national unity' and English-French relations.⁸

The resulting explosion of native political activity in reaction to the White Paper was unprecedented. Throughout Canada native people mobilized in a variety of ways in order to maintain and enhance the special and unique legal/political relationship that existed between themselves and the federal government. Native people did want change and did want an end to the controls and results of the Indian Act and other restrictive state mechanisms. But the native people of Canada did not accept compulsory legal equality and assimilation as advocated by the White Paper. Since 1969, the historic grievances of native peoples have entered the political mainstream.⁹ Following the initial mobilization against

the federal plan, native people have since forced various arms of the state apparatus and many other elements of non-native society, including the British Columbia NDP, to respond to their agenda.

Native affairs could no longer be simply ignored or given a consistently low priority by the NDP leadership. As well, the traditional focus of the party upon federal jurisdiction, equality, and the provision of provincial services to native people was almost entirely rejected by British Columbia native peoples. Native actions and native decisions brought the native agenda of land claims, self-government, and exclusively aboriginal rights to the centre of the native-NDP relationship in British Columbia. This thesis will analyse the process of change within the British Columbia NDP up to 1979 and will attempt to answer the two critical questions concerning it: "what happened?" and "why?".

Native affairs remained a minor factor in the perspective of the British Columbia NDP for most of the period under examination. This reflected the CCF's analysis of major economic and social development questions in class, not ethnic, terms. Egalitarian, integrationist policies in native affairs were the logical outcome. The fierce rejection of the 1969 White Paper seriously challenged this approach and demonstrated a continuing native attachment to culturally-based and usually race-specific policies that included a unique and 'unequal' legal status.

Native peoples in British Columbia have consistently pushed for resolution of the 'Indian Land Question', but the NDP avoided the issue until native action forced the party to face the question in a serious manner. In halting steps during the years 1975-79, first in government and then in Opposition, the NDP leadership gradually accepted the responsibility of provincial participation in land claims negotiations.¹⁰ During the 1980s, the new approach was expanded to include the recognition of broader concepts such as

aboriginal title, the rights of self-government, and the right to participate directly in the process of constitutional change.¹¹

The NDP did not initiate the critical changes in its relationship with native people, particularly the acceptance of land claims negotiations. Nor did the NDP always lead non-native opinion in the area of native affairs. Changes in the NDP approach to native affairs were adopted primarily because Indians initiated actions that required new, post-White Paper responses from various segments of the non-native society, including the NDP. Thus, the British Columbia NDP eventually became a willing partner in a process of change that it did not initiate, attempted to avoid, and then accepted out of the fear that the alternatives would be worse for all concerned.

Traditional social democratic and liberal interpretations of Canadian society embraced by the NDP often ignored factors such as race. Gradually, in the 1970s, these interpretations gave way to both external and internal political forces. Most important was the external realpolitik of pro-native court judgements, native roadblocks, church, community, and media criticism and the pressure of increasingly pro-native mass opinion. Internally, and of less obvious impact upon the power structures of the NDP, were new approaches in leftwing thought. These approaches stressed decentralization of state power, direct citizen and community participation in government decision-making, greater social diversity within the left's political 'constellation' and more specialized advocacy measures that challenged the broad-brush, class-oriented priorities. The emergence of broad-based, sustained native political action hastened and reinforced many of these changes within the British Columbia NDP. Having been bruised by this evolutionary process in its first and only term of government (1972-75), by 1979 the province's major 'alternate' party was well on its way to recognizing the historic grievances of native people as a major issue in its own right and to accepting the core of the native agenda as the basis for negotiated solutions.

Largely abandoned in the process was the traditional philosophic attachment to legal equality and gradual social and economic integration.

Due to the resurgence of native political activity, the last twenty years have seen an explosion of historical, legal, political, social, and administrative analysis in all areas of the relationships between governments and native peoples in Canada. This body of scholarly material includes much of relevance to British Columbia, including the works by Fisher, Cail, Raunet, Sanders, Berger and Lysyk on the formation and the execution of state land policies, and on the implications of the Calder judgement on some of those policies.¹²

Of particular value to this study are the articles by Lysyk and Sanders that examine the Calder decision. Both authors point out the political as well as the legal implications of what was, in effect, a 'non-decision' - a 3-3-1 judgement that was lost on a technical, rather than a substantive point. Kenneth Lysyk stresses in his 1976 article that, "failing a negotiated settlement or legislative determination of some kind, authoritative answers to a number of fundamental questions relating to Indian title must await future consideration by the court."¹³ In words that could have served well as commentary upon the traditional CCF/NDP approach, Lysyk argues that the Calder judgement "has gone far towards rescuing the concept of Indian title from the obscurity to which it appeared to have been consigned by lawyers and laymen alike in recent years."¹⁴ The Barrett administration, and the Social Credit governments that both preceded and followed it, may well have been guilty of using that "obscurity" for political purposes. However, Lysyk also notes that the Calder decision did not assist in determining the contentious dispute regarding federal and/or provincial responsibility for any outstanding native claims to British Columbia lands and resources.¹⁵

Douglas Sanders' 1973 article "The Nishga Case" differs from the Lysyk article in that it emphasizes the history of court decisions regarding aboriginal title questions in Canada and places the Calder case in the context of the contemporary political situation. Echoing Lysyk's comment on the "obscurity" of native claims, Sanders states that "it may seem improbable that a legal question as basic to colonial settlement as Indian aboriginal land rights should survive unresolved through Canadian history from the first colonization to the present".¹⁶ Noting the lack of support for native rights both in Canadian courtrooms and in the Judicial Committee of the British Privy Council, Sanders argues that the Calder generation of legal efforts was a direct result of the White and Bob case in which Tom Berger had successfully defended the aboriginal right to hunt game of two Nanaimo area Indians. The Supreme Court ruled in favour of the defendants by accepting one of the Douglas era treaties as having full force and effect. In Sanders' view Berger's introduction of the Royal Proclamation of 1763 into the argument for aboriginal rights was critical to the case. The argument was accepted by some British Columbia judges, including Justice Norris of the Court of Appeal.¹⁷ From White and Bob grew Calder, which forced the federal government to reverse its 1969 policies that denied the validity of land claims such as those in British Columbia. Sanders does not comment upon the Calder judgement's legal bearing upon the question of federal/ provincial responsibilities in the land claims question. But he does criticize the federal government's political statements in that regard, a topic that has remained at the centre of the Indian land claims conflicts.¹⁸

In his Aboriginal Peoples and Politics, subtitled "The Indian Land Question in British Columbia, 1849-1989", Paul Tennant examines the political and organizational efforts made by native people in British Columbia for a settlement of the unresolved land question. Tennant details the early phases of native-European contact including the Governor Douglas era, the subsequent expansion of white settlement throughout the province, and the unsuccessful native efforts to gain political recognition through appeals to the Privy Council, Sir Wilfrid Laurier, and the Special Joint House of Commons-Senate Committee

of 1927. Of particular relevance to this study, however, is Tennant's analysis of political organization and expression in the 1960s, 1970s and 1980s. Before examining the "successes" of the years since the mid-1960s, Tennant argues convincingly that native peoples were relatively inactive in the years following the 1927 Committee hearings. This meant that the prime factor in the relationship of natives to non-native society was usually irrelevance, and that land claims languished as a focal point of native organizational work. The rise of new province-wide organizations in the 1960s, the subsequent emergence of several tribal-based federations, and then the re-emergence of provincial 'coordinating' bodies is documented. It is in this context of organizing work that native relations with the dominant political forces are examined most closely.

There are, however, limitations to Tennant's book. For example, the deep dissatisfaction felt by major native organizations towards the NDP government of 1972-1975 is not really probed, despite Tennant's assertion that "in 1973 the contemporary era of British Columbia Indian protest began".¹⁹ The relationship with the NDP government is dealt with in less than two pages and appears to rely largely upon the simplistic assertion made by native leader Bill Wilson: "they lied. The whole thing of dealing with land claims was [a] bald-faced, bloody lie."²⁰ Tennant generally passes over the more complex history of NDP-native relations, including the "unitary state" approach adopted by many native organizations and individuals seeking change from Ottawa while ignoring provincial politics. This gap in analysis also leads him to state that "NDP attitudes towards Indians were influenced by the long presence of Frank Calder in party ranks" and that the NDP "has little difficulty with notions of group rights and group benefits".²¹ While the latter claim may have been true in the context of native rights by the 1980s, Tennant does not deal with the quite open tensions within the NDP on the nature and legitimacy of the "group rights" of native peoples. Despite the shortcomings in specific areas such as these, Tennant's work is a vital contribution to the broader aspects of native political organization, the land claims debates, and the non-native approach to native issues in British Columbia.

Very little scholarly work has been done on the direct relationships between the left in Canada and native peoples. The most notable exception is the work done by Murray Dobbin examining the record and the approach of the CCF/NDP governments in northern Saskatchewan.²² In his work Dobbin stresses the inability and the unwillingness of the CCF and the early NDP to appreciate the profound differences in policy approaches required for the successful conduct of relations with the Indians and Metis of northern Saskatchewan. Accusing the Douglas and Lloyd governments of "paternalism" and "colonialism", Dobbin argues that these characteristics were inherent in the emphasis that the CCF governments placed upon egalitarianism - a laudable goal which assumed "a society universally engaged in a single enterprise".²³ His studies detail the policies and programmes initiated in northern native communities, their shortcomings, and the subsequent political rejection of the social democratic option by those who were the intended beneficiaries. While Dobbin's analysis may read too harshly for those who would defend the post-World War II egalitarian approach in native affairs, his arguments are well- documented indictments of the centralizing and universal aspects of social democratic thought and action.

This thesis will attempt to fill some of the gap in analysis of the relations between native peoples and social democrats. Specifically, it will examine how the British Columbia NDP viewed native participation in the new social democratic society it aspired to develop and how that limited vision was transformed through native initiatives that the NDP simply could not ignore.

Footnotes to Chapter One

1. Noel Dyck, "Indigenous Peoples and the Nation State: 'Fourth World' Politics in Canada, Australia, and Norway" in Bruce Alden Cox, ed., Native Peoples, Native Lands (Ottawa: Carleton University Press, 1988), p. 14.
2. Unless otherwise noted, or unless the context indicates, 'NDP' means the British Columbia section of the New Democratic Party of Canada. 'Native people' includes status Indians, non-status Indians and Metis unless otherwise indicated.
3. The physical and health results of these factors were again documented fully in the Department of Indian Affairs and Northern Development's Indian Conditions: a survey (Ottawa: DIAND, 1980.)
4. See Michael Cross, ed., The Decline and Fall of a Good Idea, CCF-NDP Manifestos, 1932-1969 (Toronto: New Hogtown Press, 1974), passim.
5. See for example, Canada, House of Commons. Debates, 16 June, 1960, p. 5033.
6. See Robin Fisher, Contact and Conflict: Indian-European Relations in British Columbia, 1774-1890 (Vancouver: University of British Columbia Press, 1977), especially Chapters 5 and 7; Robert Cail, Land, Man and the Law: The Disposal of Crown Lands in British Columbia, 1871-1913 (Vancouver: University of British Columbia Press, 1974), pp. 169-249; Paul Tennant, Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989 (Vancouver: University of British Columbia Press, 1990), pp. 17-113; Douglas Sanders, "The Nishga Case", BC Studies, No. 19, (Autumn, 1973), pp. 3-17 and "The Aboriginal Title Question in B.C.", Continuing Legal Education paper, Vancouver, 1986; Kenneth Lysyk, "The Indian Title Question in Canada: an Appraisal in Light of Calder", Canadian Bar Review, Vol. LI, No. 3, (September, 1973), pp. 450-480; and Daniel Raunet, Without Surrender, Without Consent: A History of the Nishga Land Claims (Vancouver: Douglas & McIntyre, 1984), passim.
7. Statement of the Government of Canada on Indian Policy (Ottawa: Department of Indian and Northern Affairs, 1969), passim.
8. See Sally Weaver, Making Canadian Indian Policy: The Hidden Agenda, 1968-1970. (Toronto: University of Toronto Press, 1981), pp. 53-56.
9. See Weaver, Making Canadian Indian Policy, pp. 171-189, 198-204; J. Rick Ponting, Roger Gibbins, Out of Irrelevance: a Socio-Political Introduction to Indian Affairs in Canada (Toronto: Butterworths, 1980), Chapter 11; Tennant, Aboriginal Peoples, Chapters 12-17; Michael Asch, Home and Native Land: Aboriginal Rights and the Canadian Constitution (Toronto: Methuen, 1984), Chapters 1, 5, and 7; Bradford Morse, "Government Obligations, Native Peoples" in David C. Hawkes, ed., Aboriginal Peoples and Government Responsibility: Exploring Federal and Provincial Roles (Ottawa: Carleton University Press, 1989), pp. 70-74.
10. Norman Levi speech to the Native Brotherhood, November 22, 1975 in "Minutes" of the 42nd Annual Convention of the Native Brotherhood, Simon Fraser University Archives (hereafter SFUA) p. 4-6; Vancouver Sun, November 21, 1975; Letter, Dave Barrett to James Gosnell, President of the Nishga Tribal Council, April 23, 1979, SFUA.

11. Letter, Dave Barrett to George Watts, Coordinator, Provincial Regional Forum, February 8th, 1983, SFUA; Statement by Bob Skelly, March 19, 1986, SFUA; Indian Affairs Policy Resolution, 1990 Provincial Convention of the British Columbia NDP, Vancouver, 1990 in "1990 Convention Papers", SFUA.

12. See Fisher, Contact and Conflict, especially Chapters 5 and 7; Cail, Land, Man and the Law, pp. 169-249; Tennant, Aboriginal Peoples and Politics, passim.; Douglas Sanders, "The Nishga Case"; Kenneth Lysyk, "The Indian Title Question in Canada: an Appraisal in Light of Calder"; and Raunet, Without Surrender, Without Consent, passim.

13. Lysyk, "The Indian Title Question", p. 480.

14. Ibid., p.451.

15. Ibid., p. 479.

16. Sanders, "The Nishga Case", p. 3.

17. Ibid., p.11.

18. Ibid., p. 19.

19. Paul Tennant, Aboriginal Peoples and Politics, p. 174.

20. Ibid., p. 175.

21. Ibid., p. 228.

22. Murray Dobbin, The One and A Half Men (Vancouver: New Star Books, 1981), Part IV, pp. 164-254; and "Prairie Colonialism: The CCF in Northern Saskatchewan, 1944-64", Studies in Political Economy, No. 16, (Spring, 1985), pp. 7-40.

23. Dobbin, "Prairie Colonialism", pp. 25, 34.

Chapter Two. The CCF and Native Peoples.

An understanding of the policies and actions of the British Columbia NDP in the 1960s and 1970s requires an examination of the CCF approach to native affairs before 1961. Given the continuity between the outlook of the CCF and the NDP in British Columbia and the close relationship between the provincial and federal wings of both parties, an analysis of the CCF record will unearth the roots of the NDP-native relationship.

The British Columbia section of the CCF/NDP has always been essential to both the dreams and the functions of the national party. This status has reflected the section's electoral strength since its formation in 1933 and also the promise and potential of British Columbia's highly unionized workforce and relatively 'developed' economy. While the British Columbia CCF/NDP has frequently included radicals and mavericks who have made life more difficult for the more 'conservative' national party 'establishment', the provincial section has generally accepted the federal party orthodoxy that broadly defined 'the project of Canada' in social democratic terms. This accepted orthodoxy included support for Canada's basic constitutional structures, an integrated national welfare state, economic growth predicated upon the further development of natural resources and 'frontier' lands (including the western and northern areas where most native people live or lived), and a general notion that individual and collective progress would best occur under fairly centralized state initiatives that promised equality of opportunity. The British Columbia activists often disagreed among themselves and with their colleagues throughout Canada about the pace and depth of change required. But they generally shared the national party consensus forged in the 1930s and 1940s and which remained in place until the 1980s, when the recession, constitutional crises and the 'globalization' of capital brought open ruptures.¹

This national CCF consensus generally did not include reference to native peoples as a specific segment of the Canadian population. Rather, the CCF analysis of society was

essentially based upon class conflict, often tempered substantially as the years passed by increasingly pragmatic professional functionaries and elected officials.² The structural position of native people within North American capitalism and within the constitutional fabric of Canadian society was not examined by the CCF as a unique question based upon the facts of original native occupancy and subsequent European colonization.

There were many reasons for this initial absence of specific attention to native affairs, ranging from the non-native backgrounds of the CCF intellectuals and leaders to the almost total political invisibility of native peoples in the 1930s. What is most significant is the fact that the CCF, with some exceptions, essentially reflected the broader Canadian reality: native people were a particularly marginalized and numerically small segment of the Canadian population of little or no consequence to Canadian society as a whole. In Paul Tennant's blunt analysis, "From the 1890s to the 1960s Indians were of little concern to the white public."³ With some exceptions, the CCF was part of "the white public" in this regard. An example of one of the exceptions was J.S. Woodsworth's argument during a 1936 debate on the potlatch restrictions that the unique legal and constitutional position of Canadian Indians required respect for their existing 'governments'.⁴

In the post-World War II years, increased CCF involvement included the recruitment and the election of Canada's first native legislator since Louis Riel, when Frank Calder, a Nishga, became MLA for Atlin. Calder was first elected in 1949 and served in the Legislature until 1979, with the exception of the years 1956-1960.⁵ As well, the CCF played an active role in the high-profile Special Joint Committee hearings on the Indian Act that took place from 1946 to 1948 and the subsequent amending process in 1951. The CCF approach in this period was articulated by national leader M.J. Coldwell in the 1951 amendment debates. He noted the nation's failure "to honour a debt" to native peoples within Canada and stressed that they must now be given "an opportunity of becoming a part of our national life in every sense of the word".⁶ A former provincial CCF MLA (1953-56)

and union leader from northern British Columbia, Frank Howard, was elected as MP for Skeena in 1957 and immediately made native people one of his highest priorities in the House of Commons. Howard was soon known to native organizations for his advocacy of such measures as the federal franchise for all native peoples, the elimination of many of the coercive powers of the Indian Act, and the settlement of outstanding land and treaty claims.

Many scholars have highlighted the native participation in World War II and the general 'liberal' climate that followed the war as critical factors that led to increased political attention to native peoples and their position in Canadian society.⁷ If that assessment is accepted, the gradually increasing interest of CCF politicians in this policy field should be interpreted as a reflection of a broader trend, not as a 'pioneering' approach which was substantially ahead of mass opinion. Public opinion in North America reacted to the experiences of wartime and the rhetoric of the war years that emphasized the struggles for human freedom. The public reaction in the post-war era came to include broad support for the civil rights movement which was organized to end racial segregation in the American south. In the 1950s and 1960s, liberal and left opinion on both sides of the Canada-United States border rallied to the civil rights cause and eventually linked it to native rights and other human rights issues. The CCF commitment "to honour a debt" to native peoples was formed in this post-war context.

All of these developments both reflected, and encouraged the greater inclusion of native peoples and native issues in mainstream political life. The CCF provided leadership and support on many specific occasions but this was generally done through individual decisions and actions, not through shifts in the party's or the caucus' overall priorities. National CCF spokespeople generally addressed the issue in terms of pro-native sympathies that urged reforms, rather than a complete restructuring of the native/non-native relationship. On occasion, individual representatives such as radical British Columbia MP Colin Cameron, indicated a broader analysis. Cameron referred to

native people as the "rightful owners of this land" and stated that "we completely shattered their very complex social structure".⁸ Closer to the more orthodox party view, most provincial CCF representatives supported the "rights and responsibilities of full citizenship" for native people and urged the expansion of provincial services such as education and health to British Columbia native communities.⁹ But these contributions, whether 'radical' or 'mainstream', were minor footnotes within the overall CCF effort to gain power and reshape British Columbia society. For all intents and purposes, native affairs were not part of that agenda.

It is important to note that Frank Calder did not become a major force within the British Columbia CCF and did not promote in a serious way the education of his caucus or party colleagues on native issues. He was a political loner, "a social isolate", a Nishga leader who also happened to be their CCF MLA. But there is little evidence to suggest that he gave or was encouraged to give the CCF any greater awareness on the outstanding concerns of native people, including unresolved land claims.¹⁰ According to Frank Howard, Calder was not able to operate more effectively as a public advocate because of the long-standing exclusion of native people from non-native political life. "He felt a stranger in caucus. . . [and] he wasn't able to look at the larger picture and become the spokesman for land claims with the general public".¹¹

Far more active as a public figure in native affairs was Frank Howard. As MP for Skeena, Howard represented several large and influential tribal groups within his constituency including the Nishga, Gitksan, Tsmshian, Haida, Haisla, Nuxalt and Heiltsuk. He fought for and helped to win, in 1960, the federal franchise for status Indians, and in the 1960s he became a leading advocate for both the negotiation of unresolved land claims and the development of native self-government. But again, the lack of awareness and involvement by the party limited the overall effectiveness of his efforts.

Howard stated that this policy field "wasn't anywhere" with the national CCF.¹² In Howard's opinion, the party - both federally and in British Columbia - failed to take native affairs more seriously in this period for a number of reasons. First, the transformation of the CCF into the NDP consumed much time and energy in the late 1950s until 1961. The failure was also linked to the denial of voting rights prior to 1960 - in Howard's words there were "no [native] voters out there" - a major disincentive for a minor party that was already losing support.¹³ As well, Howard faulted himself and others such as Frank Calder for not taking the issue to party bodies in a more systematic and consistent manner.¹⁴ Frank Howard alone could not fill this political vacuum. To the extent that he did do so, it likely reinforced the dominant view of the British Columbia NDP that native affairs was a federal issue not requiring serious provincial attention.

Given the lack of leadership and action at both the British Columbia and federal levels of the party, the only significant indicator of the CCF-native relationship other than Howard was the Saskatchewan CCF, in government from 1944 to 1964. While native peoples and native issues are almost unmentioned in the comprehensive studies of the 'Douglas era', Murray Dobbin's work illustrates policy approaches that may have influenced NDP thinking in British Columbia and in Ottawa.¹⁵ This conjecture is based on the prominence of Premier T.C. Douglas and his government throughout the CCF/NDP and on the related assumption that Saskatchewan policies were regarded as the social democratic 'standard' by other sections of the party.

Dobbin argues convincingly that the application of 'traditional' CCF approaches to the problems of 'under-development' facing the Indians and Metis of northern Saskatchewan was a failure, even in non-socialist terms. Conventional social democratic economic development initiatives, centralizing welfare state policies, and a political mind-set that placed the region and its aboriginal population in the standard CCF/NDP definitions of the

state, the economy and social development, simply did not fit the native reality. As a result, the CCF was rejected by native people in northern Saskatchewan.

In Dobbin's analysis this rejection came about because the social democratic state was still colonial in orientation, "The old feudal element of 'protection' was there as well, not only in concrete terms (health, education, welfare, competition with exploitive private interests), but also in the paternalism with which all these services were delivered to the people."¹⁶ The roots of this colonialism within the CCF/NDP approach are seen by Dobbin to lay in its very *raison d'être*: "The CCF's egalitarianism - an admirable trait when applied to a society universally engaged in a single enterprise (and plagued by ethno-centrism) - became a barrier to progress in dealing with a people who were not part of that enterprise."¹⁷

In the years leading into the 1961 formation of the NDP, the CCF had 'moved with the times' in that native peoples were no longer completely ignored as they had been prior to the Second World War. The national party and some provincial sections did address certain political, social and economic aspects of native life. Almost always, however, this was a minor part of CCF work and it invariably reflected the liberal-egalitarian perspectives that were dominant after World War II and not the advocacy of special or exclusively aboriginal rights.

This approach was followed throughout the CCF, including the British Columbia section of the party. Emphasis was placed by the British Columbia CCF upon natural resource development, health and education reforms, income redistribution measures, alleged Social Credit violations of public ethics, and many other 'mainstream', social democratic issues. When attention was devoted to the grievances of the native people, the CCF focus was upon legal equality, gradual integration, greater political participation,

general social and economic 'uplift' and ending the most obvious forms of state coercion. Native affairs remained a minor part of the CCF's efforts to reshape economic and social relations in British Columbia.

While the transformation of the CCF into the NDP did bring important changes to the Canadian social democratic movement, it had little impact upon the British Columbia party's approach to native affairs. The NDP's two main philosophical pillars - the moderate class-based analysis of the CCF and the dominant liberal-democratic philosophy of the country as a whole - both minimized race as a political factor. Speaking to Saskatchewan Metis leaders in 1946, Premier Douglas summed up what was also the outlook of British Columbia's social democrats, " 'The fact remains that we cannot divide people up, what affects one affects all.' " ¹⁸

During most of the 1960s, the occasional reference to the 'traditional heritage' of native people in land use or in hunting and fishing practices can be found in British Columbia NDP convention resolutions, but the continuing reluctance to "divide people up" is unmistakable. The 1961 convention supported the "freedom to integrate" and an end to all racial discrimination. It also called for provincial jurisdiction over native affairs "in order that their basic educational, land and other hereditary rights are restored and protected". ¹⁹ In 1963, in adopting an existing federal NDP resolution calling for federal government initiatives, the British Columbia NDP did support the initiatives of Frank Howard for the creation of a government-financed Court of Claims "for the hearing of disputes over Indian lands or trusts." ²⁰ But much greater emphasis was placed upon policy proposals that were quite contradictory to the apparent intent of the land claims resolution and which emphasized the CCF tradition of egalitarianism. The NDP proposals included provincial jurisdiction and delivery of services, equal rights, and "integration", including "the [ultimate] repeal of the Indian Act and the elimination of all government activities which place Indian people in a separate group". ²¹ But any settlement of land claims would reinforce, not

reduce the "separate group" status, an obvious 'fact' in the 1980s and 1990s, but apparently not in the early 1960s.

These 1961 and 1963 policy resolutions were the only ones passed by annual provincial conventions in the years 1961-66 and the only one of substance, that of 1963, was merely repeating federal party policy calling for federal government action. This 1963 policy to eliminate all "separate group" designations ran directly counter to the 1961 policy which supported "hereditary rights", which were based upon very closely defined "separate group" status. This kind of policy contradiction indicates both the lack of attention paid to such matters prior to the late 1960s and a general misunderstanding of how native people were governed by existing law.

Just as the British Columbia NDP conventions tended to either ignore native affairs or view them as a federal matter, so too did the party's elected officials in the broader public arena. There was no mention of native affairs by the NDP or its leader, Bob Strachan, in the 1963 or 1966 elections. Central party publicity included the 1963 convention resolution (on the last page of the platform booklet) without mentioning the fact that the resolution was from the federal party and intended for federal, not provincial, government action.²² The 1966 summary of the provincial caucus' legislative initiatives and policy statements makes no mention of native affairs or native people.²³

In those few specific instances that native rights were publicly dealt with by party representatives, the focus remained within well-established CCF/NDP traditions. For example, Frank Calder's 1966 election leaflet addressed to native voters, "Vote New Democrat, the Party That Stands for EQUAL RIGHTS", stresses the NDP record in the struggle for "equal opportunities . . . equal privileges . . . social justice . . . irrespective of colour, race, creed or religion".²⁴ By contrast, surprisingly little attention was devoted to

the question of land claims: the NDP will work with native leaders "in assisting the Federal Government and the B.C. Native Indians in solving the problems of poverty on reserves and in settling the British Columbia Indian Land Question".²⁵ Yet Calder was the President of the Nishga Tribal Council, the prime purpose of which was to pursue land claims. As early as 1962 he had challenged the Attorney-General of British Columbia to initiate a reference case to determine the legal validity of the Nishgas' claim to their traditional lands.²⁶

Despite these facts, as a provincial politician he consistently reflected the equality/improved services approach of the NDP rather than land claims and specific aboriginal rights.²⁷

The failure of the CCF and the early NDP in British Columbia to follow up Howard's electoral success within native communities is illustrated in an examination of election results, by comparing his vote with those of provincial candidates. For example, in the 1963 federal election, Howard received 215 of the 239 votes cast in Bella Bella (348 eligible voters).²⁸ In the provincial election of that same year his provincial counterpart, also an NDP incumbent, received 56 votes of only 108 votes cast.²⁹ In any terms, this was glaring failure to mobilize and consolidate support in a community with proven NDP potential. This pattern was repeated throughout Howard's federal riding and in many other native communities in the 1960s. There were obvious opportunities to win native votes in priority, non-incumbent seats such as Prince Rupert and Skeena which were both within Howard's federal constituency. Proven native support also existed in incumbent CCF/NDP seats such as Alberni and Calder's Atlin. But the consistently poor results from non-coastal native communities must have diminished any great party enthusiasm for native issues in terms of province-wide electoral appeal. For example, in 1963, Social Credit, Liberal and Conservative candidates handily beat the NDP candidates in native polls such as Kamloops Reserve, Fountain, Mount Currie and Alkali Lake.³⁰ The same trend was present in the 1966 general election.

Paul Tennant has offered a generalized political/ cultural analysis that argues that coastal natives demonstrated greater participation and sophistication within non-native politics earlier than the communities of the Interior.³¹ While there is no explicit party documentation on this point, provincial NDP election strategies towards regions and native communities tended to reflect this same analysis. Former NDP cabinet minister, MLA, and Provincial Executive member Norman Levi recalled that in NDP strategy discussions, participants would ask, "is there any advantage politically? In the 1960s, we'd say, 'where's the Indian vote?'"³² In a large number of non-incumbent constituencies, 'the Indian vote' was either at home - due to extremely low voter participation - or voting Social Credit. That answer must have had some impact upon the strategic priority assigned to native affairs and probably encouraged a self-fulfilling prophecy of low native support outside of a few coastal and incumbent constituencies. Rather than symbolizing an explicit denial of social justice for non-NDP natives, the NDP strategy was more likely an admission of its inability to reach for new objectives with limited resources and a limited political imagination.

Any judgement or conclusions about the approach taken by the NDP in the years prior to 1967 must also include an examination of native political action in the same period. What were the native demands upon and expectations of the provincial government, and by extension, the British Columbia NDP?

Following the 1951 repeal of the 1927 amendments to the Indian Act that prohibited the advancement of serious land claims initiatives, claims slowly surfaced again as a major demand. The formation of the Nishga Tribal Council (NTC) in 1955 was an early and significant development. The NTC made land claims a high priority throughout the 1960s, and while other organizational efforts were made, the lack of organizational unity and consistent strategy undermined these efforts.³³ Prior to the federal government's 1969

White Paper, activity on land claims was limited to either direct NTC efforts in its Calder court case or to sporadic and very isolated initiatives that usually involved a small number of 'high level' Indian leaders dealing directly with a handful of federal Liberal officials.³⁴ While the Liberals did introduce bills to create a Claims Commission in 1965 and in 1967, neither bill was acceptable to native organizations in British Columbia and elsewhere and neither bill was passed. Of particular concern in British Columbia was the omission of provisions for claims against the provinces.³⁵

Apart from some periodic speeches by Frank Calder in the Legislature and a 1961 brief to all MLAs from the NTC, there is little evidence from this period that native organizations and native leaders saw a role for provincial politicians in the settlement of land claims. The concept of land claims was a subject which was still relatively 'new' for many natives who had grown up and had become active during the years after 1927 when land claims 'agitation' was illegal. References to land claims in the major British Columbia native publication, The Native Voice, which Frank Calder edited for a number of years, were, almost without exception, to the role and responsibility of the federal government. The major briefs presented to the House of Commons Standing Committee in the years 1959-61 deal with land claims in a federal context, with little or no mention of provincial responsibility.³⁶ Again, a 1966 statement from the short-lived Confederation of Native Indians of British Columbia demanded direct negotiations with the federal government, instead of the proposed federal Claims Commission and it did not mention any provincial role.³⁷

Although generally ignored in the 'new' land claims efforts of the 1960s, the question of conflicting federal-provincial jurisdiction in the land claims dispute originated in the years following British Columbia's entry into Confederation in 1871 and continues to the present day.³⁸ In examining the activities of native organizations in the early 1960s in light of that historical conflict, what is striking is the almost total absence of any explicit references to

the province, which controlled and benefitted from the disputed lands. This approach was best summarized by the influential Hawthorne-Tremblay Report of 1966: "For historical reasons, Indians have been almost exclusively oriented to Ottawa. They have been living as if they were in a unitary state."³⁹ To some extent, it must remain a matter for speculation what direct impact this overwhelmingly federal orientation of native peoples had upon the British Columbia NDP. But there is no indication that, apart from Frank Calder and the NTC, native or NDP leaders articulated any provincial role in the land claims settlement process. Tennant notes that "while little attention was given to it at the time [by native organizations], there was still the matter of the province's part in any final settlement."⁴⁰

There certainly can be no doubt that in the years up to 1967, the British Columbia NDP, like the CCF before it, continued to regard native affairs as a low priority with little immediate political consequence. However, there is also no evidence to suggest that native people reacted in any significant way to that fact or attempted to change the party's orientation. NDP policy and actions remained focussed upon egalitarian goals and gradual, liberal reforms in the legal and constitutional structures that were the basis of native life. If the 'big' issues such as land claims existed at all for the provincial NDP, they were almost universally regarded as the responsibility of either the federal government or Frank Howard, and the subject of periodic and predictable speeches from Frank Calder that were of little political consequence. The low priority assigned to native affairs by the NDP did not meet with noticeable native or non-native resistance in these years. The established CCF/NDP approaches of the 1950s and early 1960s remained in place until pushed aside by emerging political forces both inside and outside of the party.

Footnotes to Chapter Two

1. In the early 1980s, these factors brought open ruptures along both regional and ideological lines, and called into question the established NDP approach to federalism, economic planning, and the trade unions' roles. See, for example, the discussions in John Richards and Don Kerr, (eds.), Canada, what's left? (Edmonton: NeWest Press, 1986), passim.
2. See Cross, Rise and Fall, pp. 11-17; and Leo Zakuta, A Protest Movement Becalmed (Toronto: University of Toronto Press, 1969), pp. 85-152.
3. Tennant, Aboriginal Politics, p. 74.
4. House of Commons, Debates, 20 March, 1936, p. 1289.
5. Calder was CCF/NDP MLA until November, 1975 when he joined the Social Credit caucus and party. He was re-elected in December, 1975 and held his seat until May, 1979 when he was defeated by New Democrat Al Passarelli by one vote. Calder's own vote, cast absentee, was never counted due to procedural errors.
6. House of Commons, Debates, 7 June, 1950, p. 3332.
7. See Tennant, Aboriginal Politics, pp. 121-122; E. Palmer Patterson, The Canadian Indian: a History Since 1500, (Don Mills, Ontario: Collier-Macmillan Canada, 1972), p. 174; J.R. Miller, Skyscrapers Hide the Heavens: a History of Indian-white Relations in Canada, (Toronto: University of Toronto Press, 1989), pp. 218-222.
8. House of Commons, Debates, 19 June, 1956, p. 5187.
9. See "Justice for the Indians", CCF pamphlet, Vancouver, 1945, Special Collections, University of British Columbia Library; and "Message From Harold Winch", Native Voice, December 1946.
10. Authors' interviews with Norman Levi, November 14, 1990; Bob Williams, December 12, 1990; Tom Berger, February 8, 1991; and Alex Macdonald, November 29, 1990. All interviews cited are located at the Simon Fraser University Archives.
11. Frank Howard, interview with the author, November 27, 1990.
12. Ibid.
13. Ibid.
14. Ibid.
15. See Murray Dobbin, One and a Half Men, Part IV and "Prairie Colonialism", passim. Typical of political histories that have generally passed over the CCF-native relationship in Saskatchewan include Thomas McLeod and Ian McLeod, Tommy Douglas: the road to Jerusalem (Edmonton: Hurtig, 1987); Seymour Martin Lipsett, Agrarian Socialism: the Co-operative Commonwealth Federation in Saskatchewan, a Study in Political Sociology (Berkeley, University of California Press, 1959) and Dale Lovick, ed., Tommy Douglas Speaks: Till Power is Brought to Pooling (Lantzville, B.C.: Oolichan Press, 1979).

16. Dobbin, *Prairie Colonialism*", p. 25.
17. *Ibid.*, p. 34.
18. *Ibid.*
19. 1961 NDP convention resolution, in Policies for People (Vancouver: NDP of British Columbia, 1979), p. 43.
20. *Ibid.*
21. *Ibid.*
22. "People First", British Columbia NDP, Vancouver, B.C., n.d. (circa 1963), Special Collections, University of British Columbia Library.
23. "New Democratic Policy Statements Presented to the Legislature by the Provincial Caucus, 1966", no author, n.d. (circa 1966), Special Collections, University of British Columbia Library.
24. "Vote New Democrat, the Party That Stands for EQUAL RIGHTS", no author, n.d., (Frank Calder leaflet, 1966 provincial election). Special Collections, University of British Columbia Library.
25. *Ibid.*
26. Native Voice, March 1962.
27. See, for example, newspaper reports of Calder's speeches in the Legislature such as those of February 27, 1962 and March 23, 1963.
28. Canada. Report of the Chief Electoral Officer, Ottawa, 1963.
29. British Columbia. Statement of Votes, Victoria, 1963.
30. *Ibid.*, 1963 and 1966.
31. Tennant, Aboriginal Politics, pp. 83-84.
32. Norman Levi, interview with the author.
33. See Tennant, Aboriginal Politics, chapters 9 and 10.
34. *Ibid.*; and Leslie Kopas, "Political Action of the Indians of British Columbia", MA thesis, University of British Columbia, 1972, pp. 141-170.
35. Weaver, Making Canadian Indian Policy, p. 38; Native Voice, December 1966.
36. British Columbia submissions to the Committee included those of the Nishga Tribal Council, the Aboriginal Native Rights Committee of the Interior Tribes of British Columbia (George Manuel) and the Squamish Band. See Canada, Parliament, Minutes, Special Joint Committee of the Senate and the House of Commons on Indian Affairs, May 26-27, 1960, pp. 592-621 and May 24-25, 1961, pp. 579-601.
37. Tennant, Aboriginal Politics, p. 134; Native Voice, December 1966.

38. See Fisher, Contact and Conflict, pp. 66-68 and Chapters 7 and 8; Cail, Land, Man and the Law, pp. 169-249; Raunet, Without Surrender, Without Consent, Chapters 6-14 and Conclusion; Tennant, Aboriginal Politics, passim.

39. Hawthorn, H.B., (ed.), A Survey of the Contemporary Indians of Canada, (Ottawa: Department of Indian and Northern Affairs, 1966), Vol. I, p.349.

40. Tennant, Aboriginal Politics, p. 134.

Chapter Three. 1967-1972: With Berger in Defeat and Without Berger in Victory.

Prior to 1966-67, the established British Columbia NDP perspective was one of 'good will' towards native peoples. But this perspective lacked consistency, often ignored native history and needs, and had a low priority on the party's agenda. Much of this started to change after the 1966 provincial election. In that election, the NDP was again defeated by W.A.C. Bennett and his Social Credit government. However, prominent labour and native rights lawyer and former MP (1962-1963) Tom Berger was elected as NDP MLA for Vancouver-Burrard. In 1967, he unsuccessfully challenged Strachan for the provincial leadership and then was elected as Leader in 1969. While he failed to lead the NDP to victory in the 1969 provincial election and to win re-election as an MLA, his three years in provincial politics resulted in a much higher priority for native affairs within the NDP and in the public arena. As well, the party's official policy came to reflect the major concerns of native peoples, including land claims, and went beyond the established CCF/NDP commitment to improved services, equality and gradual integration. Berger's subsequent political defeat led to a return to the earlier approaches, although new levels of native expectations brought about new levels of native/NDP contact and communication.

Berger's election as MLA and subsequently as Leader, symbolized an important shift in the direction and make-up of the British Columbia NDP. Apart from bringing new, younger, and more professional people into the party, it also personified philosophical changes and emerging trends within the party that remain controversial. In some ways, his influence was a delayed achievement of many of the objectives of the 1961 transition of the CCF into the NDP. Though he had the support of most politically active trade unions, Berger himself was a professional of Liberal, not CCF, heritage. He made direct appeals to the 'liberal middle class' and other white collar elements in society in terms that went beyond the traditional blue collar, 'us and them' images of the CCF and early NDP years.¹ 'New' issues such as human rights, environmental standards, and native affairs, and the new

people promoting them were given increased prominence. This new focus, in turn, sparked concerns that the party was losing its usefulness as an instrument of working class politics.²

Berger's interest and involvement in native affairs had arisen through his connections to Tom and Maissie Hurley, lawyers and Native Voice editor respectively. While both were non-native, the Hurleys were early champions of native rights and Berger came to share this commitment through legal efforts on native issues that they had introduced to him.

Within the party, Berger's keen attachment to native rights was soon felt in two critical areas: convention policy and in party publications. The 1967 convention - where Berger failed to unseat Strachan as Leader - called for a complete review of native affairs policy. In that resolution, the stress upon services and federal/provincial jurisdictional questions remained most prominent and land claims were unmentioned.³ The substantive policy shift came at the 1968 convention, following this review process.

The 1968 policy is significant in a number of ways. Most importantly, both levels of senior government were urged "to negotiate with the Indian people a just and equitable settlement of the Indian land question in B.C."⁴ This point clearly reflects Berger's influence. Shortly after being elected in 1966, Berger had stated, "The government of Canada and the government of B.C. ought to acknowledge the Indian title and negotiate a settlement with the Indian people".⁵ In 1968, then, for the first time, the British Columbia NDP went on record as recognizing the responsibility of the provincial government to participate in native land claims negotiations.

Secondly, and perhaps even more important in philosophical terms, the 1968 policy advocated "self-government for Indian communities, free of the discriminatory controls of the Indian Act and the Indian Affairs Branch".⁶ Again, this reflected Berger's own

approach and marked a radical departure from the previous stress upon integration and the reform and "provincialization" of the federal apparatus that regulated native life.⁷ In this context, the new policy still called for "equal opportunity in education" but now did so in terms of "the direct operation of their own [native] educational institutions".⁸ In a similar vein, housing and medical care for native peoples were to be upgraded, but not through integrated provincial services. Rather, it was to be "totally financed by the federal government as is their traditional and proper right".⁹ In short, the 1968 policy was "advanced" in that it reflected the twin thrusts of native self government and land claims negotiations that became the core of the British Columbia native agenda in the decade following the 1969 White Paper.

Berger's influence on native issues was also reflected in the pages of The Democrat, the central party newspaper. Prior to Berger's election, small stories had appeared periodically that featured Frank Calder and reflected his concerns regarding services and his commitment to bring native affairs under provincial jurisdiction.¹⁰ By contrast, the post-1966 Democrats moved native issues to the front pages. For example, just four months after being elected as an MLA, Berger received very extensive coverage of his 1966 speech to the Nishga Tribal Council in which he outlined his comprehensive view of native affairs. Interestingly, the The Democrat did not include the sections on tripartite land claims negotiations.¹¹ In February, 1967 the cover story featured Frank Calder's on-going efforts to dismantle the reserve system, views that Calder had been propagating for most of his years as an MLA without any coverage by the party's newspaper.¹²

The fact that coverage decreased rapidly after the unsuccessful 1967 Berger challenge to Strachan would suggest that the issue was utilized, at least to some extent, to "position" Berger for that challenge. By focussing party attention on a "new" issue that was clearly one of Berger's strong points, The Democrat was helping to polarize the leadership issue in terms favourable to Berger. Clive Lytle, Provincial Secretary and Democrat editor at that

time actively supported Berger. But the fact that the 1968 policy was adopted even after Berger lost the leadership election and after The Democrat's coverage of native issues returned to "normal" demonstrates the relative staying power of the issue beyond the internal political rivalries associated with the leadership contest.

The recollections of Berger's NDP contemporaries reflect the important role he played in bringing native rights to the attention of his party. Friend and foe alike state that he made the British Columbia NDP aware and gave the issue priority for the first time, and frequently contrast his impact with that of Frank Calder. Dave Barrett, who lost the leadership to Berger in 1969 by 35 votes, stated that the party and caucus gained "more awareness from Tom Berger", an awareness which elevated the issue substantially.¹³ Similarly, Frank Howard (who nominated Berger for leader in 1969) believes that Berger "added more to the thinking process of the party provincially than any other single person" in terms of native affairs.¹⁴ Barrett loyalist Norm Levi stated that native rights simply "didn't register in our party until Berger made it a priority issue".¹⁵

Berger was also taking native issues to the public in a much more forceful manner. He spoke out on a wide range of native issues inside and outside of the Legislature, he encouraged native participation in the NDP, and he made native issues part of the 1969 leadership race, which was a very high profile and public campaign.¹⁶

But, however much the actions of Berger went beyond the party's previous record and however much the internal factors were altered to reflect native priorities, the external political world still received a relatively muted version of the new policies. In the 1969 election, held a few months after Berger became leader, the NDP did include native issues in party publicity and the leader's announcements to an unprecedented degree. But the more innovative and perhaps controversial aspects of the 1968 policy were not mentioned.

For example, in the election issue of The Democrat which functioned as the party's major leaflet and platform document, the language is very vague. Phrases such as "rightful place in the life of our province", "consultation . . . to end a century of paternalism and neglect", and "safeguard the reserves and the traditional rights" replaced the precise and pioneering language that marked the 1968 policy resolution.¹⁷

While Berger did discuss native issues during the campaign, the focus was usually upon the thrust of the federal government's recent White Paper or upon purely local issues, not upon the specific British Columbia NDP policies, particularly the necessity for land claims negotiations, that were in direct opposition to the White Paper.¹⁸ Perhaps the most controversial proposal made in the 1969 election was the commitment to repeal the provincial cabinet regulation that allowed the seizure of up to 5% of reserve lands by the provincial government and to restore mineral rights to bands with compensation for benefits that had already accrued to governments.¹⁹ But the 'big' issues of native affairs were absent from this campaign and native policy as whole was a relatively minor issue. The major NDP advertisements did not mention native issues.²⁰

Given the fact that as a lawyer, Berger had received wide publicity as recently as April, 1969 when the Calder case was heard in the Supreme Court of British Columbia, it is surprising to note that land claims attracted no attention from the Social Credit government, the media or even native people themselves during this election. This lack of interest in the issue by all of the actors reflected a political reality of the period: the major issues of the day were elsewhere. None of the NDP politicians interviewed, including Berger, recall native issues having any prominence in the 1969 campaign and none thought that to be odd, even though all felt Berger had made the matter a "priority" for the party during his period as a provincial politician.²¹

This apparent contradiction is best explained by the total failure of the NDP to assign native issues any priority whatsoever prior to Berger's arrival. Secondly, there was a lack of native presence in political life until after the White Paper reactions were translated into concrete organizational strength that could capture the attention of non-native politicians and public opinion. While there had been limited efforts in the non-native population to support native struggles through national organizations such as the Indian and Eskimo Association, the Canadian Labour Congress and the Company of Young Canadians, the impact of this activity upon mass opinion and politics in British Columbia was negligible in this period.²² Prior to the 1969 White Paper and its denial of land claims such as those being advanced in British Columbia, the land issue was not being pressed in any way that would significantly attract mass attention. The only consistent land claims campaign was that of the Nishgas' and the public and political impact was very limited simply because it was a legal challenge, generally confined to the interest of lawyers and judges. Berger recalls viewing the court case as a means of attracting political attention after a successful judgement.²³ To a large extent, Berger and many native people were waiting upon the legal process to address the land question, rather than seeking direct political solutions.

In 1969, native affairs had received more NDP and media attention than any previous election campaign, the most accurate gauge of political intentions apart from the actual exercise of state power. But the realities of both mass politics and internal factors meant that the larger, structural issues such as land claims remained relatively obscure, even with a sympathizer and an expert such as Berger leading the NDP.²⁴ Party policies had been significantly altered because of Berger's commitment, but now he was defeated and absent from party circles. Always dependent in this area upon highly motivated individuals, the NDP was now without the influence of such a figure. Despite the actions of Berger, the new policies had not generated any obvious new support from native or non-native communities. In many ways these new policies remained untested in the court of public opinion, confirming the marginal nature of the issue. An analysis of native voting patterns

in 1969 indicates a growth of NDP support in some of the targeted seats such as Prince Rupert, Skeena, and Yale-Lillooet.²⁵ But this relative success was not enough to prevent severe electoral setbacks in every region of the province and certainly did not lead to any new assessments of the potency of "the Indian vote" within the NDP.

As well, the very nature of the White Paper and the native reaction to it refocused native and non-native political attention towards Ottawa, rather than provincial politics. Without Tom Berger or another native rights champion inside the provincial NDP to draw the growing native political activism towards simultaneous provincial involvement, the almost exclusive emphasis upon the federal jurisdiction returned in this most critical period of native political development. This emphasis is not surprising in light of the traditional native political orientation and in the context of the sweeping initiatives contained in the federal government's White Paper.

In British Columbia, the White Paper sparked province-wide reactions that resulted in the November, 1969 founding convention of the Union of British Columbia Indian Chiefs (UBCIC), structured to include every Indian Band in the province. The UBCIC soon became the largest and most high profile native organization, tackling almost every aspect of native affairs and claiming to speak for every status Indian in the province.²⁶ The Union's approach to critical issues such as land claims played a significant role in shaping the native-NDP relationship. The initial efforts to secure recognition and negotiation of land claims were focussed exclusively upon the federal government and reflected both the immediate reaction to the principles of the White Paper and the much more long-standing "unitary state" approach noted in the Hawthorne-Tremblay Report.

A major item of discussion at the Union's founding convention was land claims. It was resolved, "that this conference is of the opinion that the request of the Indians of British

Columbia for settlement of their claims based on Aboriginal Title should be accepted by the Federal Government."²⁷ While Tennant states that in both the 1969 and 1970 conferences of the UBCIC that there was a general "assumption" that the claims would be forwarded to both the federal and provincial governments by the Union's lawyer, Mr. E. Davie Fulton, the minutes of those conferences show no references to provincial responsibility by Fulton or others.²⁸ Even more explicit statements of this federal orientation followed. In the UBCIC's "Declaration of Indian Rights: The B.C. Indian Position Paper" of November 1970, a comprehensive response to the White Paper, the Union stated that "the primary responsibility for Indians and land reserved for Indians rests with the federal government and there it must remain. We expect this obligation to continue."²⁹ While the word "primary" suggests at least a secondary role for the province, there is no mention of provincial involvement in any land-related context and the demand made upon the provincial government is almost 'pre-White Paper': "to activate their unfulfilled responsibility for services to our people" in areas such as pensions, welfare, and municipal services.³⁰

In its major 1972 presentation to Prime Minister Trudeau and his cabinet committee, the Union re-iterated this position even more strongly: "It is the Federal Government which has the continuing constitutional responsibility for the welfare and interests of Indians, and to which this continuing claim for redress is therefore properly made . . . If the Government of Canada should feel, that, having accepted the Indian claim, it may have a claim for contribution or otherwise howsoever against the Government of the Province, that is a matter that must be sorted out between those two Governments, and not be allowed to prejudice and delay the dealing with the claim itself."³¹ In a background 'question and answer' briefing paper released on the day of the meeting with Trudeau, the UBCIC stated explicitly that the claim was not going to the Province because "the Federal Government has the constitutional responsibility for Indian affairs."³²

While the Union was attempting to gain federal acceptance of land claims, a retraction of the White Paper objectives, and provincial improvements in the area of public services, the British Columbia NDP was reverting to its earlier neglect of native affairs. That was roughly parallel to the Union's emphasis upon federal responsibilities for structural questions and provincial responsibility for equal services. The NDP had always been dependent upon a very small number of key individuals for development of the issue and in the critical years 1969-1972, none of them had the interest or the opportunity to consolidate and build upon the policy 'gains' made through Berger's efforts.

Frank Calder continued to play a very minor role in caucus and party activities and continued to pursue policies that reinforced the older traditions within the provincial party. On the one hand, he was demanding faster and broader economic development in northern areas (including the traditional Nishga territories), implementation of the principles of the White Paper (albeit with much less publicized demands for land claims negotiations), greater provincial involvement in service delivery (a government-sponsored plan for "Indian rehabilitation"), and municipal incorporation of reserves.³³ In the same period, he was leading the Nishga legal battle all the way to the Supreme Court of Canada, commenting that "we are fighting all the owners of natural resources in B.C. and the provincial government".³⁴ Even without such obvious contradictions in approach, Calder's ability to lead on these issues within the party and caucus was already minimal.

As in previous years, Frank Howard's activities were in the federal arena and his role in provincial party affairs appears to have been minor. While initially somewhat favourable to some of the ideas in the White Paper, Howard soon came to reflect the fierce native opposition to the paper and developed strong federal NDP policy in opposition to it.³⁵ But Howard's work was not reflected within the provincial party and even Berger was stressing 'consultation' as a key response to the White Paper.³⁶

The convention policies of the British Columbia NDP reflect both this lack of internal leadership and the lack of external native pressure even during this period of unprecedented native political action. For example, the conventions of 1970 and 1971 passed only one minor resolution concerning native affairs - in support of provincial funding for halfway houses!³⁷ There was no mention of the White Paper or of the massive native resistance to it. There was no policy supporting and updating the 1968 resolution on land claims and self-government, despite the unprecedented discussion in both native and non-native circles on these topics after the publication of the White Paper. The Provincial Council of the party (the supreme decision making authority between annual conventions) did pass policies concerning land claims and repeal of the Indian Act. But close examination of these resolutions reveal the same sort of contradictions and vagaries that were so common prior to 1968. For example, in May of 1972 the Provincial Council approved policy calling for recognition of the right of native people "to control their own destiny and develop their own way of life."³⁸ In this context, "an NDP [provincial] government will: work to ensure the repeal of the Indian Act in accordance with the needs and desires of the Indian people; press the federal government to ensure that Indians enjoy the full benefits of the Bill of Rights; [and] support the creation of a [federal] government-financed Court of Claims for the hearing of disputes over Indian lands and trusts".³⁹ While this resolution was initially written by a leading member of the British Columbia Association of Non-status Indians (BCANSI), Len Maracle, it appears to be weaker than the 1968 motion concerning claims and self-government. It did not refer to provincial responsibilities on the land question and did not reflect the fierce opposition to repealing the Indian Act expressed by almost all native organizations at that time.⁴⁰

In July of 1972, just prior to the provincial election, the Provincial Council approved a policy resolution that placed "special emphasis" upon a host of public services, economic developments and civil rights for native people, an obvious return to the equality/integration framework.⁴¹ Introduced by Len Maracle, the resolution was seen as a move to

cement native support in the coming election. Dave Barrett, by then NDP Leader, commented that the policies had always been advocated in the Legislature and it was now time to put them in writing.⁴² Prince Rupert candidate Graham Lea stated "We've always said we can count on the Indians as a safe block of votes. It's time we talked about doing something for them, too".⁴³

The formal policies of the 1970-1972 years added very little that was new, obscured rather than clarified the land and self-government policies of 1968, and ignored the key questions raised by the White Paper concerning the complex legal and political relationships between the Canadian nation state and native peoples. Provincial services, civil rights and overriding federal responsibilities were again predominant. Public statements on native affairs were limited in both range and in number, and were often reactive. For example, NDP MLAs did join in the massive public outcry following the death of Chilcotin Indian Fred Quilt while in police custody. But this type of action did not address the structural issues that were increasingly dominating the native agenda for change.⁴⁴ Those issues were still regarded by the provincial NDP as federal responsibilities. The official party platform issued in the 1972 provincial general election, "A New Deal For People", clearly reflects this continuing federal orientation and generally ignores the 1968 policy resolution, relying instead upon the 1972 resolutions passed by the Provincial Council. Almost every 'commitment' is linked to federal action, the role of an NDP government in British Columbia being to "support", "press", and "work" in relation to the federal government.⁴⁵

The policies and actions of the NDP before and during the election did not alter the well established party line that stressed both federal responsibility for major native issues and the willingness of the NDP to assist in the provision of basic services on the basis of 'equality'. Policy resolutions, the election platform, and public statements illustrated these trends and nothing in the successful NDP election campaign altered them. Native affairs

were again a minor issue in the campaign, with Dave Barrett's sole public commitment being to strengthen a Social Credit initiative to develop a native-owned fish processing co-operative in the community of Port Simpson.⁴⁶

The only reference to land claims and aboriginal rights reported in the major media arose in an all-party forum sponsored by the BCANSI. Frank Howard represented the NDP (although the invitation was to party leaders) and stated that "the NDP is committed to working out an agreement with Indians on land, hunting and fishing rights" and that "the NDP recognized aboriginal rights to land".⁴⁷ While it would appear from the nature of the meeting - intended for party leaders during the campaign - that Howard was speaking for the provincial NDP, news reports do not indicate if there was any such understanding or inquiry from the organizers or from the audience.

Finally, it is worth noting that party advertising did refer specifically to Indians. In the full page ad in the province's largest newspaper, the Vancouver Sun, the NDP stated "We'll never solve our problems by ignoring our pensioners, our farmers and our native Indians."⁴⁸ In the Native Voice, the party ad stated "For 20 years they've promised the Indian people more. And they've kept their promise. More Unemployment. More Discrimination. More Second-class Education. More Welfare Abuse. Dave Barrett and the NDP have just one promise: to make the 'good life' good. For everyone."⁴⁹ As in 1969, the election campaign was dominated by the now-traditional issues of British Columbia politics: the nature of W.A.C. Bennett's leadership, the levels of economic rents to be extracted from natural resources, the socialization of services such as auto insurance, the delivery of public services such as health care and education, environmental protection, and, of course, the 'threat' of socialism.

As the British Columbia NDP approached and successfully waged the 1972 election, native affairs remained a low priority. This reflected well established practice, the lack of internal party and external public stimuli, and the indirect reinforcement of this approach from major native organizations that focussed almost exclusively upon the federal government. The Nishgas' legal initiative, the UBCIC's push for federal recognition of a province-wide land claim, the emphasis of BCANSI upon services and civil rights, and the federal 'pull' of the White Paper debate all directed native energies in 'traditional' channels: towards federal agencies for redress of structural grievances and towards the province for improved, and often integrated, services and legal equality.⁵⁰

The NDP as a whole may have had a somewhat broader awareness of native issues than in 1969 because of the intense and public reaction by native peoples to the White Paper and the involvement of more people such as Len Maracle, Graham Lea and Bob Skelly with a direct interest in these issues. But the NDP-native relationship was virtually undeveloped when the province's first socialist government was sworn into office. The 'newer' and larger issues such as land claims and self-government had not received the intellectual or the political attention that would soon be required. Links with the major organizations were minimal. Few individuals who would come to occupy positions of power were sympathetic to or comfortable with, the more important issues on the native agenda. In short, the new NDP government viewed native affairs in the context of well-established 'norms'. These included the protection of human rights, expansion of provincial services on the basis of equality, native economic development within social democratic conventions and the reform of weak bureaucratic initiatives such as W.A.C. Bennett's First Citizens Fund. The NDP was not prepared for the massive campaigns that were about to be launched by native peoples for 'special rights', most particularly rights to traditional lands and resources. The NDP's election advertisement in the Native Voice had said it all.

Similarly, the major native organizations had directed their efforts on the 'big' issues towards federal politicians, rather than provincial actors. Very little attention was even paid to the provincial election, with native organizations remaining uninvolved, and the event itself ignored in the native media.⁵¹ While there was an informal and unstated convergence of views on a minimal, short-term agenda such as that envisioned by the NDP, developments in native politics, in the courts and in federal-provincial relations would soon make that convergence obsolete at many levels of the NDP-native relationship in British Columbia.

Footnotes to Chapter Three.

1. See Carolyn Swazey, Hard Choices, a Life of Tom Berger (Vancouver: Douglas and McIntyre, 1987), Chapter 5.
2. The Province, 6 May 1967.
3. 1967 Convention resolution, Policies for People, p.43.
4. 1968 Convention resolution, *ibid*.
5. Native Voice, November 1966 and The Democrat, November 1966.
6. 1968 Convention resolution, Policies for People, p. 43.
7. Tom Berger, "A Program for the Native Indian People of British Columbia" (1967 draft), Swazey Papers, Special Collections, University of British Columbia Library.
8. 1968 Convention resolution, Policies for People, p.43.
9. *Ibid*.
10. The Democrat, April 1963; February 1965; March 1965; March 1966.
11. The Democrat, November 1966.
12. The Democrat, February 1967.
13. Dave Barrett, interview with the author, November 28, 1990.
14. Frank Howard, interview with the author, November 27, 1990.
15. Norman Levi, interview with the author, November 14, 1990.
16. See, for example, Vancouver Sun, 21 November 1966; Victoria Times, 8 February 1967; Vancouver Sun, 26 March 1969; Vancouver Sun, 1 April 1969; in interviews, both Barrett and Berger referred to Berger's work in involving the Sechelt Band directly in the formal structures of the party, unique at that time.
17. The Democrat, July-August 1969.
18. Vancouver Sun, 26 June 1969; The Province, 8 and 9 July 1969; Vancouver Sun, 4 August 1969; Vancouver Sun and The Province, 23 August 1969.
19. Vancouver Sun, 26 June 1969 and 4 August 1969. Provincial order-in-council 1036 allows the provincial Crown to make these land seizures. At the time of writing, mid-1991, its legal validity is being tested in court.
20. See, for example, Vancouver Sun, 23 August 23 1969.
21. Author's interviews with Berger, Williams, Levi, Howard.

22. See Alan Borovoy, "Indian Poverty in Canada", Canadian Labour, Vol. 11, No. 12 (December, 1966), pp. 13-15; James Harding, "Canada's Indians: A Powerless Minority" in John Harp and John Hefley (eds.), Poverty in Canada, (Toronto: Prentice-Hall, 1971), pp. 239-252, originally published by the Student Union for Peace Action (SUPA) in 1965.
23. Tom Berger, interview with the author.
24. Ibid.
25. British Columbia. Statement of Votes, Victoria, 1969.
26. See Tennant, Aboriginal Politics, Chapters 12 and 13.
27. "Minutes", 1969 Founding Convention, Union of British Columbia Indian Chiefs (UBCIC), UBCIC Archives, Vancouver.
28. "Minutes", 1969 and 1970 Conventions, UBCIC, UBCIC Archives; Tennant, Aboriginal Politics, pp. 154, 157.
29. "Declaration of Indian Rights: The B.C. Indian Position Paper", unpublished paper, UBCIC, 1970, UBCIC Archives.
30. Ibid.
31. "Claims Based on Native Title", UBCIC brief, December 1971, University of British Columbia Law Library.
32. "Question and Answer Summary", UBCIC, July 1972, UBCIC Archives.
33. British Columbia. Debates of the Legislative Assembly, 27 January, 1970, p. 41; 10 February, 1970, p. 291; 27 January, 1972, p. 100.
34. Native Voice, November 1971.
35. House of Commons. Debates, 25 June, 1969, pp. 10584-10585 and July 11, 1969, pp. 11096, 11123-11126, 11147; 1969 federal NDP resolution, New Democratic Policies (Ottawa: NDP, 1969), pp. 24-25.
36. See Vancouver Sun, 9 July, 1969.
37. See Policies for People, p. 43.
38. Ibid., p. 44.
39. Ibid.
40. Original in Maracle Papers, Special Collections, University of British Columbia Library.
41. Policies for People, p. 44.
42. Vancouver Sun, 10 July 1972.
43. Ibid.
44. The Colonist, 28 January 1972; Vancouver Sun, 18 February 1972.

45. The Democrat, July-August 1972.
46. The Province, 4 August 1972.
47. Vancouver Sun, 22 August 1972 and The Province, 22 August 1972.
48. Vancouver Sun, 29 August 1972 and The Province, 29 August 1972.
49. Native Voice, August 1972.
50. For BCANSI's approach in the early 1970s, see Tennant, Aboriginal Politics, pp. 160-162 and the 1973 BCANSI submission to cabinet, "Justice Must Be Won With Pride and Dignity", passim..
51. See Nesika, (UBCIC newspaper), and Native Voice for lack of coverage; the Chief's Council of the UBCIC did not meet from April to August in 1972 and for the August 6th meeting, the "Minutes" do not record any discussion of the provincial election which was then underway.

Chapter Four. "People, People, People": the Barrett Government and Native Affairs.

Given the nature of native-NDP relations in the 1970-72 years, it is not surprising that the relationship between the new NDP government and native peoples did not develop smoothly. Despite the good will of individual ministers, including the Premier, and despite the legacy of formal policy from the Berger era, what was already a rather undeveloped relationship nearly disappeared altogether. The NDP administration was either unwilling or unable to take seriously the emerging policy priorities of British Columbia native people, particularly land claims. As a result, the enthusiastic but inexperienced government did not initiate policies that went beyond the equality perspective until its last months. By the time such initiatives were undertaken, the NDP-native relationship had been damaged in many ways. The government's 'failures', widespread native militancy, and significant new decisions by both the courts and the federal government worked together to bring conflict and then to eventually force changes in the NDP outlook. These changes culminated in the post-1975 decisions to support tripartite land claims negotiations and expanded political and constitutional roles for native people.

From 1972-75 native people pressed the NDP government to consider three interrelated aspects of native affairs policy: social and economic equality between native and non-native societies; structural issues such as land claims and other exclusively native rights; and thirdly, the mix of federal and provincial responsibilities in both of these policy areas. Equality - the provision of better public services, the improvement of mainstream economic and social opportunities, the enhancement and protection of civil rights - was the native affairs priority of the NDP government. This trend in CCF/NDP philosophy persisted for several reasons. In examining the record of the first NDP government, the political personalities of key individuals must be considered as well as the historic philosophy. Premier Barrett was raised in a socialist-communist household, was employed as a social worker and probation officer, and practiced a highly populist style as NDP Leader. All of these factors were influential in his outlook on native people. Barrett saw

them as one more group victimized by modern capitalism, "When I viewed the problems of indigenous peoples or of the sick or people who were unemployed, I saw it as people, people, people . . . So I had no problem in terms of race, I didn't see anything other than injustice in terms of race . . . economics, etc."¹ As an activist in both the social service system (John Howard Society and prisons) and the NDP, Barrett saw the day to day, immediate needs of native people in jail, in poverty, in unemployment lines and in illness. Within the NDP Berger, Howard, and Calder grappled with the larger structural issues in state-native relations, with mixed results. But, by his own account, Barrett was "not a participant in that evolution . . . My focus was essentially on the social services".²

Norman Levi, Barrett's Minister of Human Resources and minister responsible for native affairs from 1973 to 1975, had a similar personal background. Another social worker and lifelong socialist of the European tradition, Levi also referred to his experiences in the justice system in the 1960s as an important factor in his outlook.³ Levi argued that the focus of the Barrett government upon equality, native participation in economic development and improved social services arose from the Premier's desire to meet the immediate needs of native people: "the things we can do for them, here and now, is to improve the reserve services, improve the economic development . . . fishing . . . that's all viable, short term stuff. That's also not bad politics."⁴ Other ministers with portfolios closely linked to native affairs, such as Lands and Forests Minister Bob Williams and Attorney-General Alex Macdonald, to some extent, shared this pragmatic ideological outlook.

Both of these powerful ministers went beyond support for this 'equality' option to argue forcefully against participation in land claims negotiations and recognition of exclusive aboriginal rights. In Macdonald's words, "for us to dip back for a particular ethnic group and say 'you were here first' or 'you came by foot and the rest of us were boat people' or 'you have a different race', that kind of thing still appalls an old socialist."⁵ Bob Williams stated "the idea that a tiny minority might end up with a huge land base and turn tables on

society, in effect, in those days I found offensive and I argued against that inside cabinet and I guess that became the majority view if there was such a thing."⁶ Even Frank Calder as the initial minister responsible for native affairs was cautious in this area. When his own Nishga Tribal Council was trying to get an independent school district and board, he warned them that "in dealing with the government they should keep clear of the word 'separate'. Rather, he said they should stress 'equality of education for all citizens of the province'."⁷

Before the 'separate-equal' debate was fully engaged within the cabinet or within the party, the Barrett government was moving forward to implement egalitarian policies. Important to the Indian perception of this direction, if not its implementation, was the appointment of long-time MLA and Nishga leader Frank Calder to the cabinet as Minister Without Portfolio to be responsible for native affairs. Due to Indian organizational rivalries, lack of communication by the government and, to some extent, generational differences, his appointment was attacked vigorously by the UBCIC and many tribal leaders.⁸ But the concern went beyond Calder to question the very nature of his mandate and the thinking behind it. There was a great deal of anxiety that a provincial Indian Affairs bureaucracy would be developed to control further native people and their limited resources. On the other hand, the NDP took great pride in the appointment, noting that Calder was the first native cabinet minister in Canadian history and that no other provincial government had established native affairs as a cabinet-level responsibility.⁹ Both Calder and the government also went to some length to assure native leaders that there was no plan for a bureaucratic apparatus, that Calder's role was to study the problems, recommend solutions and to guide policies through existing channels.¹⁰

Status Indians had led the attack on Calder's appointment. But non-status Indians and Metis in the BCANSI were equally concerned about the government's choice of native representation on the First Citizens' Fund, a source of significant organizational and

cultural grants. BCANSI secretary-treasurer Len Maracle, despite close personal ties to the NDP, criticized the new government for appointing directors without consultation with native organizations and for not including non-status representation.¹¹ All of the NDP appointees were cultural or professional experts, working in urban or academic environments quite independently of the Band, tribal and provincial organizations that were the base of native politics. Responding to the criticism, deputy Provincial Secretary Laurie Wallace, a long-time official under W.A.C. Bennett, stated that the appointees were chosen "because they represent all Indian people rather than any specific group".¹² While these were minor episodes, both appointment incidents contained some basic elements that would plague the new government's approach to native affairs: a degree of arrogance that bordered on paternalism, a lack of communication with major native organizations, and an unwillingness to accept native views as politically significant.

Neither Frank Calder nor the First Citizens' Fund were to play significant roles in the subsequent implementation of programmes and legislation. Calder was forced from office after less than a year because of a minor personal scandal that he did not admit to the Premier. As was the case throughout the government's entire term of office, individual ministers had the initiative within their own specific ministries. But a thorough review of the broader philosophical and ideological questions involved was not held. Several cabinet ministers recalled that there were no discussions of native affairs strategy, that cabinet did not grapple with the issues - ministers just went and undertook actions as they saw fit.¹³ This pattern was not unique to native affairs, according to analysis of the cabinet's processes. One study concluded that "the major policy innovations which did occur under the NDP were the product of separate and individual action by the more forceful ministers."¹⁴ Between 1972 and 1975 a wide range of reforms, specific programmes, legislation and regulations were implemented to improve native life and opportunities. But apart from the vaguely-defined social democratic notion of 'equality', and some individual ministers' opposition to 'special status' and land claim settlements, there was no concrete strategy on native affairs.

New efforts were made to attack aspects of native poverty, family dislocation, unemployment and racism.¹⁵ The Human Rights Code was completely re-written to strengthen it and a full-time native officer was hired by the Human Rights Commission to be an advocate for native people. The adoption of native children by non-natives was largely curtailed because of native concerns and the Native Courtworkers' programme was expanded significantly to assist native people in legal matters. Housing programmes were reorganized and expanded to allow native people greater access to both federal and provincial funds for on- and off-reserve construction. The Provincial Home Acquisition Act was amended to allow grants to native people on reserve for the first time. A special training programme was established to encourage native teachers in the public school system and the Nishga School District was created. Highway maintenance and construction policies were altered to meet more reserve needs. Some limited progress was made in addressing native concerns regarding the application of provincial fish and game laws. As well, grants were increased through the First Citizens' Fund and the new Community Recreational Facilities Fund to native organizations for cultural, recreational, sporting, and other community purposes.

Economic development was the other half of the government's policy effort to achieve equality. In the coastal fishing industry, multi-million dollar loans and grants were made to the Pacific North Coast Native Co-operative in Port Simpson, as promised by Barrett during the 1972 campaign. In Williams' forestry bailiwick, new efforts were undertaken to involve native people in the industry, including the granting of harvesting rights to Bands, and the inclusion of direct native participation in the new public/private Babine Forest Products Corporation. This project featured an 8% equity holding by the native people in the Burns Lake area, special training and hiring programmes targeted to local native people, and the option to expand equity participation in spin-off developments, such as chip sales. In agriculture, tourism and small business, grants and loans of various sorts were

extended to Bands and other native bodies to expand economic opportunities for native people.

In all of these efforts, the government's guiding principle was very straightforward: "it is the position of the NDP government of British Columbia that Indians are citizens of the Province and as such, at all times will be treated in the same manner as other citizens."¹⁶ Within this philosophy, however, most of the above actions and policies did contain some recognition of the 'special' problems of native people, the need for 'special' efforts and, at least for some cabinet members, the seed of 'special' political risks. While never formalized, this recognition of 'special' status was a reality, but in the eyes of many native political leaders a very limited one. The reactions of native leaders to the reforms and initiatives of the NDP government were often quite mixed. For example, in the Babine Forest Products deal, BCANSI leader Fred House termed the 8% equity proposal "a drop in the bucket."¹⁷ But local BCANSI leader George Brown was very eager to proceed and the Chief of the Burns Lake Band, Ted Lowley, stated "my first responsibility is the development of my people. . . I cannot allow the world to pass my people by as they wait for a land claims settlement."¹⁸

Within cabinet there were also differing reactions to the actions and policies then underway. Bob Williams, who handled the Burns Lake project, felt that bold initiatives were being undertaken in the face of a white backlash and native pressures to do more. He argued that the government could not go further or faster, that "there wasn't even a climate for what we were doing, [non-native] people hated what we were doing".¹⁹ Responding to native critics such as House, Williams asked, "what about the poor whites in the area? To what degree to they [BCANSI] want to see discrimination in reverse?"²⁰ Norm Levi said that there were deep concerns about non-native backlash and when it came to "a lot of sensitive areas" in hunting, fishing and grazing rights the "attitude [in cabinet] generally was 'Christ, don't stir that up' ".²¹ When discussing this sense of backlash, Dave Barrett

recalled, "that stuff made me do more".²² But it was "more" of the "meaningful, day to day items" such as social services or housing or specific job creation projects, not "the big ticket items" such as land claims.²³

While there is no evidence that the existence or perception of a non-native backlash prevented the implementation of those policies linked to the NDP's egalitarian goals, the priority assigned to that goal and even the goal itself was generating sharp conflict with native organizations. The NDP was assisting greater native involvement in conventional social democratic initiatives that were intended to increase social and economic justice. But many of those initiatives were to occur within traditional native lands and were in direct conflict with native land claims and the other exclusively aboriginal rights under dispute. Despite the local popularity of many of the NDP undertakings such as the Port Simpson cannery and the Burns Lake forestry projects, province-wide, comprehensive land claims became the central issue in the NDP-native relationship. Unwilling to be passive agents in the social democratic agenda for a more egalitarian society, native people began to openly attack that agenda and the thinking behind it, demanding provincial support for land claims negotiations.

In 1973 the native strategy of directing land claims agitation towards Ottawa changed, following the Supreme Court of Canada's split decision in the Calder case and the announcement of new federal policies in response. The judgement did not grant any immediate legal gain to the Nishga plaintiffs. But the acknowledgement by all of the judges of the existence of certain aboriginal rights at some point in Canadian and colonial history - three judges ruled such rights had never been extinguished - compelled a political response from Ottawa.

Having previously judged claims such as those in British Columbia "so general and undefined that it is not realistic to think of them as specific claims capable of remedy", the federal government was now preparing to formulate a process for dealing with those same claims.²⁴ On August 8, 1973 Indian and Northern Affairs Minister Jean Chretien announced a new policy that was driven by the Calder decision, by the Liberals' minority status in the House of Commons, and by the increasing conflicts involving new and sensitive energy projects such as the James Bay hydro-electric scheme and the Mackenzie Valley gas pipeline proposal. The statement by Chretien made specific commitments to negotiate comprehensive settlements in northern Quebec, in British Columbia and in the northern territories. As well as committing the federal government, Chretien's new position demanded substantive provincial involvement: "settlements with Indian and Inuit groups in those Provinces can only be satisfactorily reached if the Provinces concerned participate along with the Government of Canada in the negotiation and settlement."²⁵ This part of the Liberals' shift in approach to land claims was made evident even before the Chretien statement during hearings of the House of Commons Standing Committee on Indian Affairs and Northern Development. Len Marchand, an Indian Liberal MP from Kamloops, British Columbia and parliamentary secretary to Chretien repeatedly attempted to push expert testimony in the direction of provincial government responsibility, without much success.²⁶ This federal demand for shared responsibility reintroduced the historical controversy of federal/ provincial jurisdiction during a period of intense partisan rivalry between New Democrats and Liberals at both the federal and provincial levels within British Columbia.

In British Columbia, the provincial government did not react immediately to these new proposals, just as it had largely ignored the Calder decision. A few weeks after that judgement, cabinet minister Frank Calder had stated "what they [the federal government] do, that's their business. If they want to approach any other government, that their business ... I'm not involved actually".²⁷ Native leaders at the national and provincial level

immediately reacted to the potential delays that could result from the likely federal-provincial wrangling. George Manuel of British Columbia, as President of the National Indian Brotherhood, stated that "my concern is that the federal government is sloughing it off on the provinces again and that the Indian people are being used as a political football."²⁸ The UBCIC, through land claims director Philip Paul, demanded assurances that Indians would not become "the meat in the sandwich" between the two levels of government.²⁹ These concerns soon became reality as such assurances were never forthcoming.

In November, 1973 the annual conference of the Union of B.C. Indian Chiefs voted to seek provincial involvement in province-wide land claims negotiations, in line with the new federal approach. This was a departure from past UBCIC policy which had demanded that the federal government accept responsibility for land claims settlement, with the federal and provincial governments to then sort out subsequent cost-sharing and other inter-government disputes.³⁰ The leading UBCIC figures in this development, Philip Paul and Douglas Sanders, stated quite openly to the conference that their suggestion of seeking direct provincial involvement had arisen from the federal government's new policy paper, and that it was something that the UBCIC should consider. Despite the ultimate political significance of this new approach, there was virtually no debate, as the suggestion was made and accepted in simple tactical terms without reference to the law, to constitutional responsibilities, or to the existing UBCIC policy.³¹ In contrast, by 1974 and 1975, in the heat of conflict with a very recalcitrant provincial government, legal and constitutional justifications for this position were central to the Union's argument.³²

But that was not the case in 1973 when the decision was taken. Indeed, writing just a few months before that decision Sanders referred to a 1910 Privy Council judgement that reiterated federal responsibility in native land matters and charged that in the 1973 policy statement, "the federal government was resurrecting a [jurisdictional] argument it had lost

sixty-three years earlier."³³ In his report to the November, 1973 UBCIC conference, Sanders was quite explicit: "Although the federal government wants the province to be involved, it is clear that the legal responsibility for settling the land claim lies with the government of Canada - not with the government of British Columbia."³⁴ Philip Paul, the UBCIC land claims director, told the conference that, to date, "we haven't approached them [the province] directly regarding the land claims."³⁵ A previous UBCIC statement in October noted that it "had been led to expect" provincial co-operation - it did not say by whom - but the "responsibility for the settlement of the claim resides entirely with the federal government".³⁶ The tactical, political discussion that followed was prompted by Sanders who recalled almost twenty years later his decision to "play the aggressive, outsider number" in order to spark debate.³⁷ All of this suggests that a lawyer's instinctive political reaction to, and acceptance of, the federal Liberals' manoeuvring, rather than the law, was setting the new UBCIC policy directions. These new directions were to have serious consequences on relations between the NDP government of the day and native people and upon the very existence of the UBCIC as a province-wide organization.

Conflict soon followed as the new UBCIC policy was pursued with a provincial government unwilling and unable to even seriously contemplate participation in what was still an undefined process seeking undefined settlements. This attitude of non-involvement was almost unchallenged within the government, despite the fact that the British Columbia NDP had adopted explicit party policy calling for tripartite land claims negotiations in 1968 and in its 1972 platform had given what could be interpreted as indirect support for a similar proposal.³⁸ Only one NDP MLA, Bob Skelly of Alberni, had publicly urged immediate provincial involvement in tripartite negotiations following the Calder judgement.³⁹

In the prevailing context of growing attention to land claims, Barrett's focus upon "meaningful, day to day items" instead of "the big ticket items" became increasingly

unacceptable to a growing number of native people and their organizations. At the same time, the government was also pursuing its broad economic development strategies. Just as social democratic prescriptions for 'equality' came to be rejected by more and more native leaders, social democratic economic plans were seen as new invasions of national homelands. By the end of 1973, any hopes for a co-operative relationship between the province's first NDP government and British Columbia native peoples rested upon the government's willingness and ability to address the 'Indian Land Question' to the satisfaction of native organizations. But there was little or no evidence that such willingness or ability existed.

Footnotes to Chapter Four.

1. Dave Barrett, interview with the author.
2. Ibid.
3. Norman Levi, interview with the author.
4. Ibid.
5. Alex Macdonald, interview with the author.
6. Bob Williams, interview with the author.
7. Nesika, December 1972.
8. Vancouver Sun, 21 September 1972.
9. Bob Skelly, interview with the author, March 8, 1991.
10. See speeches by Norman Levi and Frank Calder in "Minutes" of the Annual Conference of the UBCIC, 1972, UBCIC Archives.
11. The Province, 25 November 1972.
12. Ibid.
13. Levi, Macdonald, Skelly, Barrett, Williams interviews with the author.
14. Tennant, Paul, "The NDP Government of British Columbia: Unaided Politicians in an Unaided Cabinet", Canadian Public Policy, Vol. III, No. 4 (Autumn, 1977), pp. 489-503.
15. See The Democrat, November-December 1975 (election issue); "Indian Matters", Norman Levi's written report to the 1974 NDP convention, SFUA; and Norman Levi's written speech delivered to the UBCIC demonstration, Victoria, June 25th, 1974, SFUA.
16. Ibid.
17. Vancouver Sun, 5 April 1974.
18. Nesika, September 1974.
19. Bob Williams, interview with the author.
20. Vancouver Sun, 9 April 1974.
21. Norman Levi, interview with the author.
22. Dave Barrett, interview with the author.
23. Ibid.

24. Statement of the Government of Canada on Indian Policy, 1969, (Ottawa: Department of Indian Affairs and Northern Development, 1969), p. 11.
25. Federal Government's Policy Statement on Aboriginal Claims, (Ottawa: Department of Indian Affairs and Northern Development, August 8th, 1973), p. A-2-2.
26. Minutes, House of Commons Standing Committee on Indian Affairs and Northern Development, 5 July, 1973, pp. 23:18-23:20.
27. British Columbia. Debates of the Legislative Assembly, 4 April, 1973, p. 2187.
28. Nesika, August 1973.
29. Ibid.
30. UBCIC, "Claims Based on Native Title" (1971).
31. "Minutes", Annual General Meeting, UBCIC, 1973. pp. 34-38, UBCIC Archives.
32. See "Papers Connected to the Indian Land Question, 1973-1975", UBCIC, Vancouver, 1975, SFUA.
33. Sanders, "The Nishga Case", p. 19.
34. Douglas Sanders, "What is the role of the Government of British Columbia in the B.C. Land Claim?" in "Minutes", UBCIC 1973 Annual Conference, UBCIC Archives.
35. "Minutes", UBCIC 1973 Conference, p. 28, UBCIC Archives.
36. Nesika, October 1973.
37. Douglas Sanders, interview with the author, October 30, 1990.
38. See 1968 convention resolution in Policies for People, p. 43 and "New Deal For People", (1972 election platform), in The Democrat, July-August 1972.

Chapter Five. The Barrett Government and Land Claims, 1974-1975: "highly improper to participate".

Throughout 1973 new legal and political approaches had characterized native affairs and native politics in British Columbia, primarily as a result of the Calder decision and in response to the initiation of specific NDP programmes. By contrast, the years 1974 and 1975 were dominated by native protest, rather than the development or implementation of new policies by native organizations or by either level of government. Almost all of this protest arose from the stepped-up priority assigned to land claims by most native organizations and demands for direct provincial participation in land claims negotiations.

Throughout the province, open conflicts became frequent, directed at both the provincial and federal governments. Occupations of Indian Affairs offices, illegal 'fish-ins', blockades on forestry roads and highways, demands for development moratoriums, and demonstrations became almost everyday occurrences.¹ In the face of Nishga protest, Bob Williams, with substantial federal involvement, was promoting major new resource and transportation developments in the north-west of the province that were linked to the recent provincial acquisition of the failing Columbia Cellulose forestry holdings and the formation of Babine Forest Products.² In the Cariboo, a planned extension of cutting rights and access roads sparked sustained protests from the Nazko-Kluskus bands.³ Proposals for major energy projects such as the Hat Creek coal deposit in the interior and the Kemano II Project in the Kitimat area were attacked by local native organizations.⁴ As well, dozens of older, long-standing grievances previously 'tolerated' by Indian Bands became the subjects of new and militant actions. These grievances included the McKenna-McBride deletions of land from established reserves (the cut-off lands), the rights-of-way gained for roads and power lines, and the lack of adequate, basic services in both status and non-status communities.

In all of these situations the three major forces involved - the federal government, the provincial government and the larger native organizations - were frequently scrambling just to keep up with actions initiated by others and then to regain some political control. For example, the federal government representatives continually pointed out that their willingness to negotiate claims was undercut by the province's refusal to join in and by so doing attempted to keep native energies directed against Victoria, not itself. On the northwest development controversy with the Nishga, Chretien stated, "I can deal with the Indian people, but I cannot deliver the lands myself."⁵ For its part, the province attempted to avoid the issue altogether, with Premier Barrett refusing to become directly involved, preferring to allow individual ministers to handle each crisis as best they could, always demanding that the federal government accept responsibility for the larger issues such as land claims. Attorney-General Macdonald concentrated upon non-confrontational policing and law enforcement methods. Bob Williams fought back with tough rhetoric to defend the progress to date and the government's approach, asking "do minority groups have the right to harass the majority to the extent these people [UBCIC] suggest? I think not."⁶ Williams, Macdonald and others continued to launch new initiatives to deal with individual bands in economic and social development terms, in line with the overall government strategy of avoiding the "big ticket items" and concentrating upon 'equal services'.

Even the UBCIC was often forced on the defensive by individual Bands and tribal councils who were increasingly frustrated by the lack of results from the province-wide, all-inclusive claim that was to be the core of the UBCIC strategy and action. Band and tribal activities and protest were increasingly independent of UBCIC leadership and direction. The primary co-ordination and leadership role assigned to itself by the UBCIC was called into question as early as 1973 when the Nishga Tribal Council stopped participating in it. This was followed by criticism from other newly formed tribal federations in 1974 and 1975. Lack of concrete directions on the land claims struggle,

internal bureaucratic conflicts, and the questioning and then rejection of government funding were all factors in almost total collapse of the UBCIC by the fall of 1975.⁷

In retrospect, it appears that all three major players were failing to achieve their self-defined objectives in 1974 and 1975. For its part, the federal government had defined the land claims settlement process in quite narrow terms that were not attractive to many native organizations. As early as September, 1973 leaks from government revealed that extinguishment rather than recognition of title, that cost reductions rather than enhancement of entitlements were the main objectives, and that the province's role was to support and financially assist in this federally-defined exercise.⁸ This approach was successfully pursued in the James Bay settlement, and this added to the growing concerns of native organizations in the northern territories and in British Columbia.⁹ Progress was slow in other negotiations at the time and native criticism increased as the federal government's approach was examined and found wanting.¹⁰

By early 1974, the provincial strategy was under sustained attack by the most powerful Indian organizations. In February of 1974, the NTC under the leadership of Frank Calder, met with a cabinet committee to press for provincial involvement in negotiations with the federal government. Delay was the province's response as Norman Levi was grilled by his caucus colleague Calder: "We are willing to listen and nobody else has been willing to listen in the past. . . We are listening now. We have people advising us - however, this [an immediate tripartite meeting] is not likely to happen . . . Cabinet needs sufficient time to deal with this."¹¹ In June, 1974 the UBCIC filled the lawns of the Legislature with native people demanding that the province commit to land claims negotiations. Again, that commitment was avoided as Levi told the demonstrators that "it is the position of the Government of British Columbia that any resolution sought by the Indian people to the land question must be found with the Federal Government . . . it would be highly improper for British Columbia to participate in these discussions."¹²

The massive economic developments proposed for the northwest region came under increasing attack from the Nishga Tribal Council following the unsatisfactory February meeting, the June convention of the NTC and the June UBCIC demonstration. NDP MLA Frank Calder stated that "the minister [Levi] is completely out of line, and so is the whole government, including the attorney-general . . . the Bob Williams empire [the northwest proposals] is located in the major portion of unsettled claim land . . . where are they now? [NDP supporters of native rights] They have all turned their faces away."¹³

While Calder and other native leaders expressed intense frustration, the sustained native protest was having an major impact upon non-native forces in British Columbia, even if no concrete results were forthcoming from the province's government.

The provincial conventions of the British Columbia NDP, editorial writers in the metropolitan press, the mainstream Christian churches, and other public interest organizations were expressing support for the negotiation of native land claims and were increasingly critical of the provincial government for refusing to play a constructive role. This new factor, a mix of public opinions both inside and outside of the 'NDP universe', grew throughout 1974 and 1975. This growth of non-native support for native goals occurred even as the larger native organizations such as UBCIC and BCANSI lost credibility and as the previously welcomed federal initiative of 1973 came under increasing criticism. The annual conventions of the NDP became very critical of the government's record. As early as the fall of 1973, the delegates urged provincial government participation in both cut-off and comprehensive land claims negotiations and a virtual moratorium upon provincial activities "which would in any way change the traditional hunting and fishing rights of the Indian people without complete consultation."¹⁴ Similar resolutions were adopted in the 1974 and 1975 conventions, with the 1975 convention overruling the chair in order to allow Nuu'chah'nulth leader and NDP member George

Watts attack the government for its failure to meet the needs of native people.¹⁵ In 1975, the policy resolution demanded that the NDP government "without delay seek to develop through negotiations with the federal government, a progressive and just settlement of Indian land claims."¹⁶ Concurrently, local NDP clubs, particularly in the Northwest and in conjunction with labour, church and environmental organizations, began to react strongly to the environmental, land claims and planning issues raised by large economic development projects such as those proposed by Forests Minister Williams.¹⁷

Major newspapers in 1974 and 1975 carried strongly worded editorials urging provincial participation in land claims negotiations. For example, the Victoria Times (the only major paper to endorse the NDP in the 1975 election) stated, "It's time the provincial government swallowed its misplaced pride and dismantled this blockade on the path to Indian equality."¹⁸ By 1975, the major churches were adding their provincial and national influence to the campaign for full provincial participation, focussing in particular upon the Northwest development plans that were opposed by the Nishga.¹⁹ In this process, the linkage of native, environmental and economic/social justice concerns became quite explicit for many non-native organizations. The UBCIC, the NTC, and other native organizations were quite aware of the opportunity to build and utilize mass, non-native public opinion and included this factor in their organizations' strategic planning.²⁰

Throughout 1974 and 1975, then, the approach being pursued by the provincial government was under steady attack- by the federal government who wanted provincial "assistance" in what would be a complicated and expensive settlement process; by native people who were unsatisfied with the provincial goal of equal services and wanted action on claims that were well over one hundred years old; and finally, by growing segments of the coalition of voters who had put the NDP in power in August, 1972.

Inside the Legislature the growing public discontent was expressed as Calder, Liberal MLAs Gordon Gibson and David Anderson, and even some Social Credit MLAs questioned Barrett and Levi about both specific and comprehensive claims. Time after time in question period and in ministerial budget estimates, demands for provincial involvement were stonewalled, usually with references to Ottawa's role.²¹ On one occasion, Levi did hint at some of the politics of the government's position, noting that "it [the claims] is between the Indian people, the government and the rest of the people in the province because they have an involvement in this question, too, and they have to know what it's all about."²² Questioned as to whether the strong resolutions adopted at the provincial NDP convention in 1975 reflected government policy, Levi replied "No, it's NDP policy", exposing the growing divergence between the government and significant components of its political constituency.²³

Eventually, however, these combined pressures upon the provincial government did start to show some limited results. For example, the persistent UBCIC and Band-level pressure for settlement of the cut-off lands dispute did result in a June, 1975 agreement between the Union and the province for a process of settlement. To symbolize the agreement, the province returned 100 acres of cut-off reserves to various bands affected.²⁴ A joint committee was structured to formulate a negotiation and settlement process, with any federal involvement to be on a bilateral basis with the provincial government.²⁵ For Norm Levi, at least, this cut-off agreement was the start of a larger process directly linked to the comprehensive claims. While that broad strategy was never developed with Barrett and cabinet, Levi saw the cut-off question as a chance for the government to educate itself about the land question, for the government to learn to work with native people, and for the public to be brought into the claims process.²⁶ Some native leaders accepted this thinking, but according to others, the cut-off claims were just too far removed from the larger concerns to erase the political frustrations. It was too little, too late.²⁷

Even prior to serious discussion about the cut-off lands in the spring of 1975, the province initiated very cautious shifts in the discussions of comprehensive claims. Advised closely by former Skeena MP Frank Howard who been defeated in the July, 1974 federal election, Levi and Barrett started to put increasing pressure upon the federal government to define the settlement process and the nature of proposed provincial involvement. In November 1974 Barrett wrote to Prime Minister Trudeau demanding to know exactly what was expected from any British Columbia participation in tripartite negotiations.²⁸ In that same month, Barrett spoke to Haida leaders, outlining this demand upon the federal government: "all we want from the federal government is a letter saying: 'we the federal government are responsible for settling the land claim questions. We would like you to come to the table to discuss this, this and this.' We'll be there tomorrow."²⁹ Many native leaders continued to regard Barrett's demands upon Ottawa as just more political football as there was still no overt recognition of a distinct provincial responsibility. But this challenge to Ottawa brought the issue into closer scrutiny, adding to public pressures for some resolution. Indirectly it also strengthened the position of those, such as Levi, who were arguing for a more developed provincial strategy and eventual participation.

Trudeau's response was equally vague and brought much the same results - increased criticism for unnecessary delay and politicking.³⁰ All of this toing and froing between Ottawa and Victoria only increased frustrations within native organizations. The federal government became as much of a target of those frustrations as the provincial government. Ottawa's approach was seen to be increasingly less open in the majority government situation than in the 1972-74 minority situation. As well, the James Bay agreement became more understood and was generally rejected as a pattern for other settlements by British Columbia native leaders and organizations. None of the native representatives interviewed believed that the federal government was ever acting in good faith in this period and they felt it was at least as guilty of political buck-passing as the province.³¹ But a critical difference was frequently one of expectations: the NDP had been seen as pro-native when it

was sworn into office whereas the 1969 White Paper was still a powerful and negative reminder of Liberal intentions to force assimilation. By 1974, however, Liberal politicians had gone to the negotiating table, but the NDP cabinet ministers had not. The Liberals had eventually abandoned the White Paper, but the NDP Attorney-General was still stating that "these [improved public services] are the real problems of the native people, more important really than the land claims".³²

At this point in the life of the Barrett administration, native affairs was just one more controversial and difficult item on a long and growing list of problems, and lower in priority than most. Every NDP politician interviewed stated that native affairs just did not rank as a priority, a situation that reflected the tradition of the CCF/NDP. In Barrett's words, "it didn't have the muscle to get going."³³ The controversies over rising unemployment, falling resource prices, mining taxation, public auto insurance, agricultural land preservation, welfare reform, and many more issues within the more traditional sphere of social democratic activities overshadowed the emerging native controversies, demands and protests. Despite this, the increasing public awareness and concern, coupled with direct native actions that meant road closures, economic dislocations and major media stories did result in changes to the NDP approach. The federal-provincial exchanges of correspondence, the increasingly public debate between federal and provincial officials concerning land claims, and the June, 1975 agreement regarding cut-off lands were concrete indications that the provincial government could not wish away "the big-ticket items" and had been forced to at least acknowledge the existence of those issues.

In the midst of general political and economic controversy, Dave Barrett called a provincial election for December 11, 1975. As in every other election campaign in British Columbia, native issues were not paramount. Federal wage and price controls, the provincial legislation ending several prolonged strikes and lockouts, and the overall record of the government were the major issues. Native political strategy was confused and

without any unified direction. Some organizations such as the Vancouver Indian Friendship Centre endorsed the NDP, some such as UBCIC took no position, others urged votes for native candidates of all parties and still others urged defeat for all NDP candidates. The most dramatic development in native political response to the election call was the switch of Frank Calder to Social Credit, leaving the social democratic party that he had represented since 1949. According to press reports, this was not so much Calder's choice as that of his organization, the Nishga Tribal Council, which informed him that he would not have their support if he ran as a New Democrat.³⁴ A few days later, for the first time ever, Social Credit committed itself to participation in land claims negotiations, Leader Bill Bennett stating that "we can't continue to have this constant confrontation. We will meet this situation head-on."³⁵

For its part, the NDP started the campaign with a straight-forward defence of the record of the government as its native affairs strategy. The publicity materials from the party and the caucus stressed the service improvements, the economic and social development initiatives, the progressive moves in human and civil rights, the cut-off lands agreement, and the continuing refusal of the federal government to accept its constitutional responsibilities for the comprehensive land claims.³⁶ Approximately one week after Bill Bennett made his statement regarding negotiations, Dave Barrett was campaigning in Terrace, the heart of the northwest development controversy and an important political centre for the Nishga Tribal Council. Obviously feeling the pressure of Calder's defection, the Social Credit appeals to native voters, the political presence of the NTC, and the controversy of the northwest development proposals, Barrett stated that "we won't go on their [the Nishgas'] land without their approval, that has to be part and parcel of the whole [Northwest] agreement."³⁷ At the same time he released a September letter from federal Indian Affairs Minister Judd Buchanan that stated the federal government's desire to avoid tripartite negotiations until the federal and British Columbia governments "reach agreement on the overall dimensions of a settlement that they [the two governments] would regard as appropriate."³⁸ Barrett attacked the federal government for its handling of the claims issue

and stated that his government "is ready to sit down at the negotiation table as soon as Indian Affairs Minister Judd Buchanan sets a time, place and agenda."³⁹ This challenge was followed up by a face to face encounter between Levi and Buchanan at the Native Brotherhood convention in Comox a few days later.⁴⁰ According to Barrett, this really was not so much a change in the provincial position as an end to his patience in dealing with Trudeau, Chretien and Buchanan. In Barrett's words, "I was more and more angry about the way we had been manipulated by the federal government."⁴¹ On the other hand, Bob Williams, explained the apparent policy change in more basic political terms: "by then Dave could certainly smell the political winds".⁴² This view is strengthened by the fact that Barrett and Levi did not immediately respond to the September letter from Buchanan, but used it two months later in the middle of an election campaign that they were clearly losing. At any rate, previously critical leaders such as Bill Wilson of the UBCIC welcomed the new stance, noting that "compared to what happened with Social Credit, it is a good start. We had 20 years of oppression under Social Credit."⁴³

Barrett's and Levi's challenges were accepted by Buchanan before election day, December 11, 1975 and a meeting date was set for January 12, 1976 with the Nishga Tribal Council.⁴⁴ The New Democrats had finally agreed to provincial participation in tripartite talks, but by the time that first meeting was convened, the provincial delegation was a Social Credit one.

It is impossible to analyse the political impact of the Barrett government's record and commitments in terms of the native vote results, simply because much of that vote cannot be isolated.⁴⁵ But in many native communities, the NDP vote in the losing 1975 campaign was substantially higher than in their 1972 victory. For example, in Massett, where Barrett was attacked for his 1974 land claims statements, the NDP and Social Credit vote totals in 1975 were 92 and 29 respectively. In 1972, the NDP had received 66 votes and Social Credit 55 votes. Similar results were recorded in the other Haida community, Skidegate, in

both elections. In Port Simpson, the 1972 Social Credit victory of 185 votes to 15 was transformed in 1975 to an NDP sweep of 172-49. In other communities, the reverse was true. Bearing in mind the impossibility of isolating native vote totals, it appears that the coastal/interior split was re-established to a large degree, with interior communities such as Lower Nicola and the Kamloops Reserve returning to a Social Credit majority after moving to the NDP in 1972. The Nishga communities of the Nass River valley are an important, but unique, exception to this tentative generalization, as Calder swept every Nishga poll in his first campaign as a Social Credit candidate.

After the votes were counted in native and non-native communities across British Columbia, the province's first NDP government was soundly defeated. While the total percentage of votes won by the NDP was identical to 1972, the mobilization of almost all of the opposition to the right of the NDP under the Social Credit banner was of decisive importance. The question of native affairs was not a critical element in the election campaign or its outcome, despite greater prominence than ever before in media coverage of the election. Coordinated native political action by the time of the election was almost non-existent as organizations such as BCANSI and UBCIC had already lost their credibility and internal cohesiveness.

But the native activities of the 1973-75 period made a permanent impression upon the outlook of New Democrats in British Columbia. Rank and file party activists were convinced in those years to vote in convention against the policies of their own government on the critical question of land claims negotiations. Those same activists, including some from the trade union movement, formed working political relationships with Christian and environmental forces who shared these concerns. At many levels of the native-NDP relationship, the prevailing NDP outlook was challenged by direct native actions, ranging from sophisticated lobbying efforts to armed confrontations to mass civil disobedience to participation in local NDP clubs. At the constituency level, tribal bodies in communities

such as the Alberni valley, the Queen Charlotte Islands, Prince Rupert, the Skeena-Bulkley watersheds, and certainly in the Nass River valley established themselves as substantial political forces that had to be considered in concrete electoral terms by any future NDP campaigns. By that critical measure they were well on their way to being considered part of the NDP's political 'universe', both by New Democrats and by Social Credit governments, as Frank Calder was soon to learn.

Despite the recently demonstrated political strengths of native people, many NDP leaders, such as Alex Macdonald and Bob Williams, maintained the well-established social democratic perspective that stressed legal equality and gradual integration. Others, including Norman Levi and, to a lesser extent Dave Barrett, eventually shifted under native and non-native pressures to support "special" solutions and policies, most particularly provincial participation in comprehensive land claims negotiations. Once again in Opposition at the end of 1975, the NDP was in a position to re-evaluate its approach to native peoples and native affairs. The party had expended the vast majority of its limited credibility with native people in pursuit of its traditional goals in native affairs - expanded services and greater equality. By and large, that approach had been rejected by native people and a significant part of the non-native NDP support base, despite the impressive electoral support extended to the party in many native communities in 1975. They had demanded NDP support for their priority issue and eventually got that support, albeit almost as a deathbed repentance just days before the party was denied re-election. Native people saw the land claims issue as an assertion of their own political agenda and as a rejection of the NDP's agenda of equality and improvement within the traditional social democratic framework. There is every reason to believe that George Watts spoke for the mass of British Columbia native people when he told the 1975 NDP convention (and government) in a blistering attack that "we don't want anything from the government. What we want is the right to determine our own destinies."⁴⁶ Like many other politically active native people, George Watts found himself campaigning hard for that same party six

months later - an indication of the increasing durability of what was a very tenuous relationship throughout most of the existence of the CCF and the NDP in British Columbia.

Footnotes to Chapter Five

1. The British Columbia Newspaper Index has 81 references for the years 1971 and 1972 in the four major daily newspapers under the headings "Indians - British Columbia" and "Indians - Land Tenure". In contrast, the references totalled 175 for the years 1974 and 1975.
2. Vancouver Sun, 20 March 1974.
3. "Minutes", Fifth Annual Conference, UBCIC, November, 1973, UBCIC Archives; Vancouver Sun, 24 March 1974.
4. Vancouver Sun, 24 December 1974; Vancouver Sun, 21 March 1974.
5. Vancouver Sun, 21 March 1974.
6. Vancouver Sun, 2 May 1974. (Quoting 30 April 1974 interview on CHTK-TV in Terrace).
7. Tennant, Aboriginal Politics, pp. 172, 175-180.
8. Vancouver Sun, 14 September 1973.
9. From speech by George Manuel in "Minutes", Fifth Annual Conference, UBCIC, 1973, p.33, UBCIC Archives; see also Ha-Shilth-Sa (newspaper of West Coast Tribal Council), March, 1975.
10. See "Minutes", UBCIC Conventions, 1973-75; Nesika, 1973-75; and Richard Daniel, A History of Native Claims Processes in Canada, 1867-1979 (Ottawa: DIAND, 1980), Chapter 12; Douglas Sanders, "The Politicians and the Land Claim", speech notes, December 6, 1975, Skidegate, British Columbia, pp. 1-6, SFUA.
11. From "Notes of the Meeting between the Nishga Tribal Council, Members of the Nishga Tribe, Counsel for the Nishga, and Representatives of the British Columbia Government regarding the Nishga Land Claims, Victoria, February 14, 1974" pp. 3-4, quoted in Edwin May, "The Nishga Land Claim, 1873-1973", MA Thesis, Simon Fraser University, 1979, pp. 157.
12. Speech by Norman Levi, June 25, 1974, p. 6, SFUA.
13. Native Voice, June 1974.
14. 1973 convention resolution in Policies for People, p. 44.
15. The Province, 20 May 1975.
16. 1975 convention resolution in Policies for People, p. 45.
17. Vancouver Sun, 16 March 1974.
18. Victoria Times, 2 November 1974.
19. Victoria Times, 6 May 1975; Vancouver Sun, 30 August 1975; see also "What's a nice church like you doing in a fight like this?" in Project North Newsletter, March 1979, pp. 24

and Chapter Eight, "Land Claims and the Church" in Target Canada, Native Land Claims in British Columbia: an Introduction (Vancouver: Legal Services Society of British Columbia and United Native Nations, 1982).

20. See George Manuel's speech to the UBCIC in "Minutes", Fifth Annual Convention, UBCIC, 1973, p. 33, UBCIC Archives; see also report memo to UBCIC Executive Director Philip Paul from public relations consultant K. W. Lines, March 24, 1975, UBCIC Archives.

21. British Columbia. Debates of the Legislative Assembly, 7 March, 1974, pp. 912, 1112; 19 June, 1974, p. 4246; 7 April, 1975, p. 1056; 17 April, 1975, p. 1454.

22. Ibid., 17 April, 1975. p. 1453.

23. Ibid., 21 May, 1975. p. 2490.

24. Ibid., 24 June, 1975, pp. 3898-3899.

25. Ibid.

26. Dave Barrett, Norman Levi, Frank Howard interviews with the author.

27. Author's interviews with George Watts, December 13, 1990; Bill Wilson, January 10, 1991; and Bob Skelly.

28. Letter, Dave Barrett to Pierre Trudeau, 14 November 1974, SFUA.

29. From speech notes, Dave Barrett, Massett, October 15, 1974, SFUA.

30. Letter, Trudeau to Barrett, 18 February 1975, SFUA.

31. Douglas Sanders, Bill Wilson, and George Watts interviews with the author.

32. Daily Colonist, 9 January 1975.

33. Dave Barrett, interview with the author.

34. Vancouver Sun, 6 November 1975.

35. Vancouver Sun, 13 November 1975.

36. The Democrat, November-December 1975 (1975 election issue); "Twenty-Five Highlights", NDP Caucus Research, July, 1975, Special Collections, University of British Columbia Library.

37. Vancouver Sun, 21 November 1975.

38. Letter, Judd Buchanan to Dave Barrett, 23 September 1975, SFUA.

39. Vancouver Sun, 21 November 1975.

40. "Minutes", 42nd Annual Convention, Native Brotherhood of British Columbia, 1975, p. 4-6, SFUA.

41. Dave Barrett, interview with the author.

42. Bob Williams, interview with the author.
43. Globe and Mail, 2 December 1975.
44. Letter, Buchanan to Barrett, 8 December 1975, SFUA.
45. See British Columbia, Statement of Votes, 1972 and 1975.
46. The Province, 20 May 1975.

Chapter Six. Beyond Equality

Following their defeat in December 1975, New Democrats in British Columbia were prepared to learn from their brief and intense period as government. Accordingly, between 1976 and 1979, the NDP gave native affairs greater attention than in any other period except perhaps 1966-69. Even with this increased attention, however, the subject had a low priority in relation to other issues that dominated this new period of Social Credit - NDP conflict. Highly politicized campaigns emerged in response to Social Credit actions in policy areas such as automobile insurance, agricultural land zoning, welfare reform and the privatization of publicly-owned resource corporations.¹ The Social Credit reversal of its 1975 commitment to join in land claims negotiations did not pass unnoticed, but the public and NDP responses to that did not compare in any way to those reactions noted above. Indian matters attracted sympathy but were still of marginal importance to the majority of citizens and, indeed, to most political figures.

Despite this apparent lack of public concern about native land claims and about native issues generally, the NDP-native relationship reflected new realities that had come about in the years 1973-75. This new relationship was quite different from that which had existed earlier and it reflected the evolution of both native and NDP leadership towards mutual understanding and co-operation. The evolution was prompted by several factors, some of which were already coming into play prior to the 1975 election. First, there was the growing acceptance by the NDP, both in caucus and in the party itself, of the need for provincial participation in land claims negotiations. The convention resolutions of 1973, 1974, and 1975, the June 1975 agreement on the cut-off lands dispute, and the challenges to the federal government on comprehensive claims from Dave Barrett and Norm Levi during the 1975 election were signals of this new approach. As well, the support for land claims negotiations in environmental, church, labour and public advocacy organizations continued to grow in the years following 1975. Public opinion came to reflect a relatively high degree of support for native concerns, including land claims. This generally passive support was

being built and maintained within the non-native community by activists who were part of, or had influence within, the NDP coalition.

All of this activity in and around the NDP was given substantial impetus by the 1977 decision of the Bennett government to abandon its 1975 commitment to negotiate comprehensive land claims.² Native and NDP reactions were very similar: a commitment had been betrayed, negotiations were long overdue, and the province could not and should not continue to ignore this outstanding grievance.³ While W.A.C. Bennett had never even been confronted with this issue in any serious way prior to his defeat in 1972, the political realities of the late 1970s had been altered substantially by almost a decade of intense political action by native people. These new realities were reflected both in the Social Credit perception of the need for an increasingly hard line in the face of an increasingly serious demand and in the new NDP willingness to adopt this issue as an ongoing part of the party's programme.

By the time of the next general election in 1979, the native-NDP relationship had taken on a positive and permanent character. The party had largely accepted the native agenda as the basis for future governmental consideration and action, the reluctance to accept "special status" based upon aboriginal cultures had generally been abandoned, the past refusal to accept any provincial responsibility for 'structural' aspects of the state-native relationship had been set aside, and the traditional socialist attachment to 'equality' and integration had been reduced substantially. Open admissions of past 'errors' were not forthcoming from Dave Barrett or other party leaders. But by 1979 there was an explicit recognition that native assertiveness was not a temporary phenomenon, that native people were now a permanent and increasingly important political force, that legal judgements and public opinion were frequently in support of native goals. In short, the NDP of the late 1970s had adopted in a substantive way the approach that had been initiated by Tom Berger in the late 1960s and advocated by native peoples themselves, particularly after the White Paper. This

fundamental shift in NDP perspective came after decades of support for the 'equality' option favoured for almost all of the CCF/NDP's existence. This process of change was not generally led by New Democrats themselves, although key individuals such as Frank Howard, Tom Berger and Bob Skelly contributed substantially. Rather, native people forced change upon the party, both directly through their own actions and indirectly through sympathetic segments of the non-native majority. The experiences of government and the 1975 defeat made the NDP more amenable to those pressures than in the 1972-75 period and the earlier periods of Opposition.

Following that election defeat, the reorganization of the Opposition caucus included two changes that eventually were to have notable impacts upon the NDP approach. First, Bob Williams' 1976 decision to give up his secure seat in the Legislature to the defeated Dave Barrett meant that a very powerful MLA and the most vociferous opponent of claims negotiations was no longer in the caucus. While it is not possible to analyse precisely the impact of this change, it is safe to assume that those MLAs more sympathetic to land claims talks had a good deal more political space to advocate this perspective, both in public and within party bodies. Secondly, newer MLAs with substantial experience with and reliance upon powerful native organizations, such as Bob Skelly of Alberni and Graham Lea of Prince Rupert, took on native issues and native politics as important aspects of their duties as NDP MLAs. According to Skelly, this was not a formal assignment as critic, but rather his own informal adoption of this role.⁴ This absence of an official critic designation would appear to indicate that Barrett personally still did not attach a great deal of significance to native affairs. But it also indicated his and the caucus' willingness to give pro-native advocates such as Skelly the power to act upon the emerging priorities within native affairs.

At the same time, the reorganization of native people along tribal and regional lines was proceeding rapidly.⁵ These largely new organizations were much closer to working NDP politicians, NDP activists, local labour bodies, and community-based organizations

than the province-wide groups such as UBCIC and BCANSI had been. In many coastal districts at least, the heavy pro-NDP native vote was used by tribal leaders to cement these closer relationships with NDP MLAs and the local NDP-labour-'progressive' elements. This process certainly occurred in constituencies such as Prince Rupert, Alberni, Cowichan-Malahat, Skeena (where Frank Howard was preparing to run again provincially), and Mackenzie. The communication failures which plagued the NDP-UBCIC and NDP-BCANSI relationships in the early 1970s do not appear to have been present in the latter 1970s, as regional bodies took on the political responsibilities much more effectively.

Despite this closer relationship in many localities, native affairs still remained a relatively low priority for the provincial NDP as a whole. Legislative debate on native issues was quite limited, Barrett himself did not raise native issues, and party policy development and publicity efforts did not consistently include native affairs.⁶ Bob Skelly was a reasonably vocal native affairs critic and certainly earned the respect of native leaders.⁷ But he was a junior MLA with a demanding role as NDP environment critic, and this issue simply did not command priority in the midst of the 'normal' turbulence of British Columbia politics.

Land claims and the provincial role in negotiations remained the central native affairs issue in this period, with Social Credit initially engaging in the tripartite process that started in January, 1976 and then abandoning it. By 1977 and 1978, the Social Credit government was denying that any commitments to that process had been made in 1975 and claimed that "the responsibility for the extinguishment [of aboriginal rights to land] rests with the federal government."⁸ In turn, Skelly denied Socred charges that the Barrett government had adopted a similar position and stated "it is the aboriginal [land] claim which is the basic inequity and the outstanding grievance that must first be solved before you can successfully proceed with negotiations based around those other issues [economic development, services, etc.]."⁹ While Skelly had made a similar speech as a government backbencher in

1973, the 1978 version had the blessings of his Leader and caucus - one indication of the distance travelled by the NDP in subsequent years towards acceptance of the native agenda.

As well as the ongoing NDP-native-Social Credit debates, an increasingly broad public debate had been developing throughout the 1970s which had an major impact upon public opinion. This, in turn, affected NDP approaches directly and indirectly. The most comprehensive polling of public opinion regarding native affairs in this period was undertaken by academics Gibbins and Ponting in 1976 and 1979.¹⁰ There are no indications that political parties, the government or the mass media polled on this issue in this same period, although that had become commonplace by the mid and late 1980s. In 1976, Gibbins and Ponting concluded that, "on balance, the Canadian public is not hostile to many, and perhaps most, Indian interests, and public opinion can potentially be exploited by Indian organizations in order to bring public pressure to bear upon the government."¹¹ British Columbia was the second most sympathetic province, following Quebec, in both the 1979 and 1976 polls. As well, the analysts argued that there were "overall low levels of backlash against Indian protest", a key fact for many non-native politicians.¹² The 1979 poll showed slowly growing awareness of native issue among non-natives; continuing sympathy ("seen as a morality play"); continuing majority support for land claims negotiations; and evidence of important differences in support levels within the population as a whole.¹³

For the British Columbia New Democrats in the late 1970s, these differences had immediate political significance, whether or not they were aware of the polls. For example, women, federal Liberals, church members and federal New Democrats were key groups expressing much higher than average levels of support for native concerns. The three former groups were also vital target constituencies in the polarized post-1975 political contest facing the provincial NDP and the latter made up much of the provincial NDP's 'base' vote. There is no available party documentation that makes an explicit link between these target groups' support for native concerns and the NDP strategy towards native

people. There is every reason to believe that the broad public support and the specific segments of support for native concerns would be understood by NDP leaders in the late 1970s, that "Dave knew which way the wind was blowing", and that this understanding would reinforce the changes already underway in the NDP's approach by late 1975.

Specific motivational sources of these changes are impossible to document precisely, but when the 1979 election was called Barrett acted to solidify native support. Native issues did not have a high overall profile in the 1979 campaign, probably lower than in 1975. In part, that may have been because Social Credit had already written Indians off with the reversal on land claims negotiations and clearly was not contesting the native vote in the same way that it did in 1975. As well, the focus of native political organization was regional and tribal, not province-wide as had been the case in 1975. For its part, the NDP did not make land claims a central campaign issue but worked in a more targeted fashion to motivate key native organizations and leaders. All of these factors meant less overt competition for native support and fewer stories in the media.

Central to the NDP's strategy was a meeting called shortly after the surprise election announcement that involved Dave Barrett, Frank Howard (now the Skeena provincial NDP candidate), and representatives of the Nishga Tribal Council. In 1979, the NTC was still regarded by most native people, the media, and the public at large as the 'leader' in land claims, having sat at the negotiating table with the federal government since 1975 and having engaged in 'discussions' with the provincial government since the Barrett-arranged meeting of January 12th, 1976.

A simple written statement from Dave Barrett emerged from that meeting, a letter to NTC President James Gosnell. In it, Barrett stated, " We will [thus] commit ourselves to being full-time negotiating partners, in conjunction with the Federal Government and the

Nishga Tribal Council, to resolve your outstanding claim."¹⁵ This was a significant shift in that Barrett made an unequivocal commitment to negotiate land claims with direct provincial involvement. There were no pre-conditions regarding federal responsibility and the commitment was made public, in writing. Even Tom Berger had not taken this step in the 1969 election, seeing the legal process then underway as a necessary pre-condition to more overt political actions. While Barrett felt that the letter to the NTC was merely restating his 1975 election pledge, both the NTC and Howard saw it as a formal and important step that had not been made before.¹⁶ Howard stated that Barrett went into the meeting "consciously determined to get something moving on it, to do something about it."¹⁷ The province's leading native organization had turned its back on its former President, Social Credit MLA Frank Calder. In Barrett's words, "a political deal was struck".¹⁸ According to Howard, the Nishga called it "forgiveness" on their part.¹⁹ However the process was defined, the Nishga were returning to the NDP fold with the required assurances in hand. That return was a very important signal to most other native organizations in British Columbia and one that the NDP successfully capitalized on in both the provincial and federal elections of May, 1979.

The 1979 election results demonstrated the increasingly permanent attachment of native people to the NDP's electoral support base. In the Nishga communities the unknown, non-native NDP candidate, Al Passarell, did extremely well and in the Atlin constituency defeated the incumbent of almost thirty years by one vote.²⁰ Calder's own vote was never counted due to a procedural error. Throughout coastal native communities the NDP either equalled the high levels of support attained in 1975 or surpassed them.²¹ Frank Howard captured the traditionally Social Credit provincial constituency of Skeena with high levels of native support that were strengthened by the negotiating commitment made to the NTC. In the interior, a region of low native support for the NDP traditionally and in 1975, the NDP made gains as polls such as Kamloops Reserve, Alkali Lake, Mount Currie, Lower Nicola and Burns Lake voted NDP in larger numbers than ever.²² The NDP-native relationship, at least in quantifiable electoral terms, was strengthened in the

1979 campaign. Most of the 1979 results were reproduced or improved in the 1983 and 1986 elections.²³

By 1979, then, a definitive stage in that relationship had been reached. Native people were no longer ignored by New Democratic leaders or policy makers and were no longer seen as just one more group on the social democratic list of unfortunate casualties of modern capitalism. The "meaningful, day to day" issues such as equal public services had been replaced on the NDP's agenda by the "big ticket items", specifically land claims, that were the priorities of native peoples themselves. Aboriginal people were now regarded by the NDP as part of the coalition of support it required to form a provincial government in the two-party, polarized world of British Columbia politics.

Footnotes to Chapter Six

1. See Stan Persky, Son of Socred: has Bill Bennett's government gotten B.C. moving again?, (Vancouver: New Star Books, 1979), passim.
2. British Columbia Ministry of Native Affairs, "Indian Land Claims in British Columbia", June, 1989, p. 5.; British Columbia, Debates of the Legislative Assembly, 3 August, 1977, p. 4238.
3. Province, 13 December 1977; Native Voice, December 1977; British Columbia, Debates of the Legislative Assembly, 23 May, 1978, p. 1587.
4. Bob Skelly, interview with the author.
5. Tennant, Aboriginal Politics, Chapter 14.
6. The Democrat did include more coverage of native affairs than in earlier years, but still minimal. A major pre-election leaflet used extensively in 1978 "You Be The Judge" does not mention native affairs. Legislative debates were minimal.
7. George Watts and Bill Wilson, interviews with the author.
8. British Columbia, Debates of the Legislative Assembly, 23 May, 1978, p. 1590.
9. Ibid., p. 1588.
10. See Ponting and Gibbins, Out of Irrelevance, Chapter 3; and Ponting, "Conflict and Change in Indian/non-Indian relations in Canada: comparison of 1976 and 1979 national attitude surveys", Canadian Journal of Sociology, Vol. 9, No. 2. (Spring, 1984), pp. 137-158.
11. Ponting and Gibbins, Out of Irrelevance, p. 93.
12. Ibid. and Ponting and Gibbins, "English and French Reactions to Native Indian Protest", in Canadian Review of Sociology and Anthropology, Vol. 18, No. 2, (May, 1981), p. 231.
13. See Ponting, "Conflict and Change", pp. 140-153.
14. Ibid.
15. Letter, Barrett letter to Gosnell, 23 April 1979, SFUA.
16. Dave Barrett and Frank Howard, interviews with the author.
17. Frank Howard, interview with the author.
18. Dave Barrett, interview with the author.
19. Frank Howard, interview with the author.
20. British Columbia, Statement of Votes, 1979.
21. Ibid.

22. Ibid.

23. Ibid., 1983 and 1986.

Chapter Seven. Conclusion

The evolution of the post-1979 relationship between the British Columbia New Democratic Party and aboriginal peoples was a gradual and uneven process. Several factors determined the nature and pace of this evolution. Among them was the liberal and socialist insistence upon the "symetry of the state", upon the need to avoid special status for particular cultures within the population at large. Certain pragmatic political realities were also critical, including the NDP's recognition that, at least until the era of anti-White Paper protest, native political development was not a significant force and could not play a major role in provincial political events. In turn, this perception helped to perpetuate the lack of communication and understanding between the NDP and native organization, so that prior to 1974-1975, in depth, face to face discussions between leaders were rare. For both native peoples and New Democrats, the 1970s was the 'learning decade' in which a new level of understanding, communication and political co-operation was developed.

In assessing why this result was not reached sooner, it is instructive to again examine some of the precepts of CCF/NDP thinking and other left-wing parallels to that thinking. Historian Allen Mills notes that "in his discussion of the Canadian national identity", the CCF's founding leader J.S. Woodsworth "emphasized social coherence and totality."¹

Mills argues that Woodsworth had "profound misgivings about intermediate, regional and local identities" and "that as a progressive he was unsympathetic towards traditional ones [identities]".² The legacy of this outlook was not lost on the NDP of the following decades as conventional "progressive" analysis drove NDP policy and action in native affairs, in British Columbia, Saskatchewan and in Manitoba.

Former Manitoba NDP Premier Ed Schreyer recalled cabinet debates that centered upon Tommy Douglas' notions regarding "dividing people up", noting that "public resources are for the public, period. And the public includes everybody without fear or favour,

without racial discrimination and without racial preference."³ George Watts complained of the NDP's "dogmatic approach, that Indians had to fit into socialism, and socialism didn't have to fit into Indians", noting that "you could have taken Bob Williams' face and put it on Tomas Borge [Sandinista Minister of the Interior, 1979-1989] and you could have gotten the same speech."⁴ Watts played a significant role in successfully mediating serious FSLN-aboriginal disputes in Nicaragua that concerned land, language, and autonomy. In Norway, Labour governments made similar assumptions in implementing economic and social policy that impacted upon the indigenous Sami population, "the goal was economic equality for all . . . economic progress was gradually conceived of as identical with Norwegianization."⁵

Of course, this mindset is not unique to the traditions of European socialism or its Canadian variant. European imperial and capitalist expansion into Austral-Asia, Africa, and the Americas contained within it the "struggle between two basically incompatible cultural systems - tribes and states."⁶ Part of that struggle included the European application of the "wardship principle", which dictated that "the state is under a strong moral obligation to make all tribal peoples share in the benefits of civilization, that is, in health, happiness, and prosperity as defined primarily in terms of consumption", the hallmark of European and industrial cultures.⁷ In this same vein, J. E. Chamberlin refers to the obliteration of traditional aboriginal life in North America "by one of the most misunderstood of the engines of progress - the modern governmental state, with its righteous conviction and inordinate power to do anything at all, to anybody, if it is convinced or convinces itself that this is for the common good."⁸ There was and still is plenty of space for that "righteous conviction" in socialist and social democratic philosophy, which relies heavily upon the application of state power to pursue that "common good".

In the case of the British Columbia NDP, the "common good" for most of the 1960s and 1970s meant native acceptance of social democratic priorities, not state action or party

programmes based upon native priorities. In "Marxism and the Fact of Conquest", Adrian Foster-Carter argues that "his [Marx'] theoretical system provides no guide for treating colonialism - or, more generally, what is now called underdevelopment - as social formations sui generis, not to be equated with mere backwardness or lack of development."⁹ While certainly not a Marxist party, the NDP still contained this same inability to analyse and act upon the social and political reality of aboriginal distinctiveness within the context of socialist philosophy. In Tom Berger's view this inability related to the fear of both liberals and socialists that "special status" would "detract[s] from the symmetry of the state".¹⁰ Another former NDP Leader, Bob Skelly, stated that "in typical, socialist, statist style they [the NDP] believed that these rights [for aboriginals] should be gauged and measured and meted out by the central government."¹¹ In short, Canadian socialism was developed within a racially structured settler-state and the CCF/NDP inherited many of the legacies of the colonial stages of 'national development.'

But apart from the underlying philosophical barriers there were also some fundamental political realities that prevented an earlier emergence of an NDP perspective that was based upon the recognition of native self-determination. For the electorally-minded and usually poverty-sticken NDP, the numbers of votes and constituencies to be won with the support of native issues and native peoples appeared quite insignificant for many years, and would have required political and organizational resources that simply did not exist. The native responses to the White Paper and the Calder decision swelled those numbers in two ways. First, credible native organizations soon appeared that demonstrated concrete political strength - strength that could be and was used both for the NDP and against the NDP. Secondly, these same native organizations were able to mobilize non-native public opinion in key segments of the existing and potential NDP coalition. This took time to achieve and time to convince the NDP of its potency. Certainly the economic and political impacts of road and rail blockades were not lost on the NDP government but during the 1972-75 years, the NDP leadership still continued to believe that it could bypass the 'new' native agenda and hold the course with the 'equality' option. Fear of non-native public

opinion - 'a white backlash' - was clearly a factor in that belief, as well as the philosophic concerns outlined above. But as the native agenda held firm and non-native opinion demonstrated at least passive support rather than 'backlash', the NDP recognized the power of the native position.

Mention must also be made again of the combination of the government's very overloaded political agenda and the lack of political and administrative tools to cope with that overload. Morley et. al. in their study of the Barrett government noted the "improvisational enthusiasm", the "collegial apparatus, [within which] management was casual", and concluded that "as the complexity of the enterprise grew, the style of creative enthusiasm was not enough".¹² As shown in Paul Tennant's earlier analysis of the cabinet apparatus, the NDP government's "overall policy process was marked by absence of planning and absence of coordination and control".¹³ The government simply was not prepared politically or analytically for the complexities of native affairs that emerged - after decades of legal and political dormancy - in its first and only term of office.

Complicating the immensely difficult legal and constitutional questions that surround British Columbia native land claims were increasingly important questions of federal-provincial responsibilities in native affairs. Deep partisan divisions between federal Liberals and British Columbia New Democrats coloured this to a great degree, but that factor alone does not explain all the difficulties and apprehensions in native affairs. Bradford Morse has described the emergence of new relations between and among the two levels of government and native peoples, stressing the new tensions that arose in the 1970s as the federal government tried to propel provinces into new areas of responsibility and as the provinces asserted themselves in traditional areas, such as resource utilization, with new vigor.¹⁴ Morse also notes that native anger was directed increasingly towards the federal government by the latter 1970s, the period in which NDP-native relations became more positive.¹⁵

Just as the NDP had difficulty adjusting to some of the new realities in native affairs and native politics, so too did native organizations such as the UBCIC. For example, the Union's failure to analyse the nature of potential provincial involvement in land claims prior to the Calder decision brought about a very sudden change of 'line' in November of 1973 which both the UBCIC and the provincial government were clearly unprepared for. How can the almost total absence of political attention to the 1972 provincial election be explained? The "unitary state" analysis of the Hawthorne Report may be very important in this regard. Prior to the Calder decision, available documentation indicates a very close convergence between NDP and native thinking: Victoria was to deliver improved services to native people - "the day to day, meaningful items" - and Ottawa was to address the structural questions such as land claims - "the big ticket items". There were exceptions to this approach in native analysis and the NDP certainly could have utilized the expertise of people such as Tom Berger to educate itself about the obvious need for provincial involvement in land claims negotiations years before the UBCIC convention of November, 1973 or before the Chretien-Trudeau initiative of August, 1973. But the lack of native pressures in this regard must have also confirmed existing NDP views, views that were to be the basis of government policy after August 30, 1972.

The 1970s can best be described as the 'learning decade' for the NDP, with much of that learning really a practical, real world immersion in what had been adopted as formal party policy in 1968 and then left on the policy pages. As well, British Columbia native peoples learned how to effectively wield their power within the polarized provincial political system. By 1979, the native-NDP relationship had been quite clearly defined in terms that meant expanded electoral support for the party in return for formal commitments to participate in land claims negotiations. This commitment came to include explicit recognition of aboriginal title, and support for expanded self-government and increased constitutional roles for native peoples following the 1980 constitutional initiative of the Trudeau government.¹⁶

In this regard it must be emphasized that the 'new' NDP commitments are not without internal party opposition and not without opposition within segments of the broad coalition of NDP support. The increasingly complex conflicts involving resource extraction industries and their workforces, environmental and wilderness demands of non-native British Columbians, and general public fears of property loss and the public expense involved in the settlement of aboriginal title questions present formidable challenges for the NDP, whether in Opposition or in government. As well, there are, and have been, open conflicts between the NDP and native organizations. For example, Frank Howard faced an independent native candidate in the 1986 election because of a conflict between Howard and the Gitksan-Wet'suwet'en Tribal Council over the Council's land claims strategy. Unlike the early 1970s when the NDP first gained power, however, there is now a definitive commitment from the party to address the structural questions at the root of native alienation and discontent. This has enhanced greatly the political relationship between aboriginal peoples and the NDP in British Columbia.

At the same time, the scope and nature of those growing commitments entails major political risks and uncertainties for the NDP within the non-native population. Not the least of these uncertainties is the ideological challenge identified in the introduction. Can the "righteous conviction" of the modern nation state for "the common good", upheld by generations of Canadian democratic socialists, be successfully merged and mingled with traditional forms of aboriginal self-government and control of land and resources? Can social democrats accommodate the further legal separation of Canadian society on the basis of race and culture, in a period of perceived racial, cultural and constitutional instability? Will a social democratic government be able to satisfy the economic and political concerns of its non-native, working class 'base', which already feels threatened by national and global economic and social forces beyond their control? In short, can everyone 'win' in the state's accommodation to the native agenda, as is claimed by the New Democrats? Or was this just another unavoidable political/legal choice that was accepted as unavoidable and that will

produce 'losers' as well as 'winners' - 'losers' that the state or the NDP may be unwilling or unable to accommodate?

During the 1960s and 1970s, many of these questions were not posed, as the nature of native proposals remained either somewhat vague or unpublicized within the mainstream of British Columbia political discourse. Between 1972 and 1979, when the NDP was forced by native action and growing non-native support for that action to make decisions in these areas, the pragmatic political response was foremost. Philosophical and longer term ideological questions were not examined in any serious manner by collective decision making bodies within the party, so questions such as those posed above generally were dealt with in the context of immediate political requirements, with the tougher issues left for the negotiating process. As a result, there may well be fracturing of the broad NDP coalition that now includes native peoples if an NDP government deals with the native agenda to the satisfaction of native peoples in the 1990s. Native people have been incorporated into the party's 'base', but if their concerns are addressed through state action, the resulting reactions within the NDP 'base' may bring new challenges to the slowly nurtured NDP-native relationship.

Footnotes to Chapter Seven

1. Allen Mills, "The Political Thought of J.S. Woodsworth", Institute for the Humanities, Simon Fraser University, Vol. 4, No. 2 (Spring, 1991), p. 27.
2. Ibid.
3. Ed Schreyer, interview with the author, April 16, 1991.
4. George Watts, interview with the author.
5. Charta 79, The Sami People and Human Rights, (London, Charta 79, 1982), p. 59.
6. John H. Bodley, Victims of Progress, (Menlo Park, California: Cummings Publishing Company, 1975), p. 2.
7. Ibid., p. 12.
8. J.E. Chamberlin, The Harrowing of Eden, (New York: Seabury Press, 1975), p. 8.
9. Adrian Foster-Carter, "Marxism and the Fact of Conquest", The African Review, Vol. 6, No. 1 (1976), p. 23.
10. Tom Berger, interview with the author.
11. Bob Skelly, interview with the author.
12. Terrence Morley et. al., The Reins of Power, Governing British Columbia, (Vancouver: Douglas & McIntyre, 1983), pp. 64-68.
13. Tennant, "Unaided Cabinet", p. 501.
14. Bradford Morse, "Government Obligations, Aboriginal Peoples and Section 91(24) of the Constitution Act, 1867" in Hawkes, Aboriginal Peoples and Government Responsibility, pp. 68-74.
15. Ibid., p. 73.
16. Letter, Barrett to George Watts, 8 February 1983, SFUA; Bob Skelly, "Statement on Land Claims", 19 March 1986, SFUA; 1987 Policy Resolution, NDP Convention Papers, 1987, SFUA; 1990 Policy Resolution, NDP Convention Papers, 1990, SFUA.

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