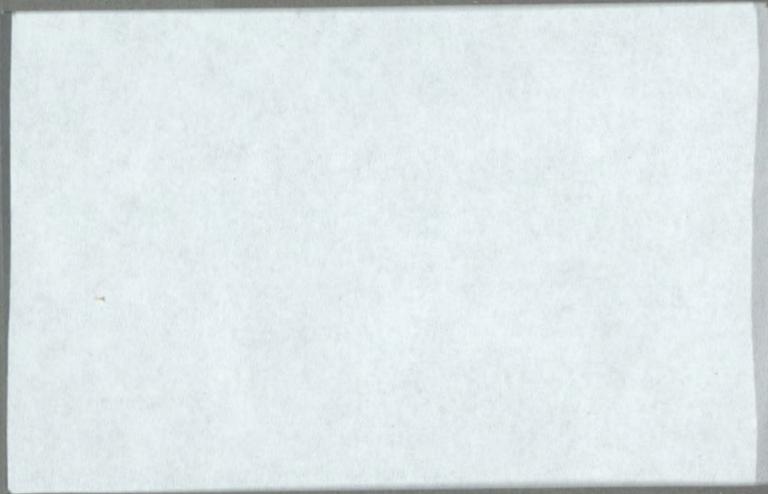


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TRANSCRIPT OF PROCEEDINGS  
ROUNDTABLE DISCUSSIONS  
VOLUME XXIX  
THE PLACE OF NATIVE PEOPLES  
IN THE WESTERN WORLD  
MARCH 13, 1985  
ANCHORAGE, ALASKA

ALASKA NATIVE REVIEW COMMISSION  
HON. THOMAS R. BERGER  
COMMISSIONER

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Transcripts of the Alaska Native Review Commission are produced in two series. Those in Roman numerals are for the Roundtable Discussions. Those in Arabic numbers are for the Village Meetings.

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Anchorage, Alaska 99501  
(907) 276-0544



PARTICIPANTS\*

Roundtable On

THE PLACE OF NATIVE PEOPLES IN THE WESTERN WORLD

Anchorage, March 13 - 16, 1985

Hon. Thomas R. Berger, Commissioner  
David S. Case, Commission Counsel  
Rosita Worl, Special Consultant  
Dalee Sambo, Inuit Circumpolar Conference Representative

BRODY, HUGH: Anthropologist, author, film-maker, London, England  
CHARTIER, CLEM: President, World Council of Indigenous Peoples, Ottawa, Canada  
DAVIS, SHELTON: Director, Anthropology Resource Center, Washington, D.C.  
DEMMERT, DENNIS: Director, Alaska Native Studies Program, U of A, Fairbanks  
DE ROO, REMI: Catholic Bishop, Victoria, Canada  
GOLDWIN, ROBERT: Director of Constitutional Studies, American Enterprise  
Institute for Public Policy Research, Washington, D.C.  
GREEN, RAYNA: Acting Director, Native American Program, Museum of American History,  
Smithsonian Institution, Washington, D.C.  
HANKE, LEWIS: Professor of History Emeritus, Univ. of Massachusetts, Amherst, Mass.  
KAWAGLEY, OSCAR: Member ICC Executive Council-Alaska, Bethel, Alaska  
KEALE, MOSES: Trustee, Office of Hawaiian Affairs, Honolulu, Hawaii  
KIRKNESS, VIRNA: Director, Native Indian Education, University of British Columbia,  
Vancouver, British Columbia, Canada  
NIETSCHMANN, BERNARD: Professor of Cultural Geography, University of California,  
Berkeley, California  
SANDERS, DOUGLAS: Professor of Law, Univ. of British Columbia; Legal Counsel,  
World Council of Indigenous Peoples, Ottawa, Ontario, Canada  
SHUE, HENRY: Senior Research Associate, Center for Philosophy and Public Policy,  
University of Maryland, College Park, Maryland  
YOUNG, ORAN: Director, The Center for Northern Studies, Walcott, Vermont

\*This list includes invited participants at the Roundtable. It may not include others who contributed in the course of discussions; such persons are identified in the verbatim transcripts.



(MARCH 13, 1985)

(TAPE 1, SIDE A)

1  
2 MR. BERGER: Well, maybe we could  
3 take our seats and since this is being video-taped, maybe you  
4 could just turn your name card around so it is facing away from  
5 you. The idea is that you know who you are, so you should feel  
6 free to turn your card around and... Speaking of knowing who you  
7 are and who we are all are, my name is Tom Berger and I will ask  
8 all of you at the roundtable to introduce yourselves in a few  
9 minutes, but I am going to take the liberty of saying a few words  
10 in opening the proceedings.

11 I think that I should tell you that of those who were  
12 expected to attend, I think only one will be unable to attend,  
13 that is Hans-Pavia Rosing, the president of the Inuit Circumpolar  
14 Conference. He is unable to leave Greenland to come to this  
15 gathering, but Oscar Kawagley of Bethel, Alaska, who is one of  
16 the executive board members of the Inuit Circumpolar Conference  
17 will be joining us and he should be here sometime this morning.  
18 Clem Chartier, the president of the World Council of Indigenous  
19 People, will be here later on today. Rayna Green of the Native  
20 American program at the Smithsonian will be here later today.  
21 And Bernard Nietschmann of the University of California, who has  
22 been engaged in the negotiations between the Sandinestas and the  
23 Miskito Indians in Nicaragua, will be here later today. And  
24 Dennis Demmert of the University of Alaska Fairbanks, may not be  
25 able to join us until tomorrow. The... I should say that we have  
some folks, a number of folks, have come to observe and I'm glad  
that they are here. I understand that Steve Kackwe (ph),  
president of the Dene Nation in Canada is coming to observe and  
Josephine Bigler of Church House in New York, is here with us to  
observe, and I am glad to welcome Ms. Bigler.

The way in which we thought we would proceed is this.  
I will start off by introducing the subject and then we will ask

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ATD

1 Professor Hanke to speak to the paper that he prepared and after  
2 that we will simply have an open discussion for the rest of the  
3 day. Then, tomorrow morning, we will ask Bishop Remi De Roo to  
4 discuss the paper that he has prepared, and that is available  
5 now, on the condition of Native peoples as seen by a proponent of  
6 the theology of liberation. And that will, I think, give a focus  
7 to the discussion to tomorrow morning. I hope that we can have a  
8 give and take as we move along with the discussion. The  
9 roundtables that we've had so far have been much bigger,  
10 sometimes 25, 30 participants, so the discussion had to be rather  
11 more structured. This roundtable, we thought, should be a good  
12 deal smaller and it was felt that that would enable us to have  
13 more give and take at the roundtable. So, I hope you will bear  
14 that in mind.

15 Well, having said that, let me welcome you again and  
16 tell you that this is the last public session of the Alaska  
17 Native Review Commission. The Commission has been, in a sense, a  
18 unique undertaking, established by the Inuit Circumpolar  
19 Conference, an international organization of Eskimos from Alaska,  
20 Canada and Greenland, and co-sponsored by the World Council of  
21 Indigenous People, an international organization of Native  
22 peoples around the world. The Commission has held 60 hearings in  
23 villages and towns throughout Alaska, in every region of Alaska.  
24 Those hearings began at Emmonak, an Eskimo village on the Bering  
25 Sea, in February 1984 and they took us throughout the state of  
Alaska, as I say, to 60 villages and towns. More than 1,450  
Alaska Natives and other Alaskans, non-Native Alaskans,  
predominantly Alaska Natives, but there were quite a lot of non-  
Native Alaskans as well, more than 450 testified at those  
hearings around the state.

We had a 61st hearing last weekend at another village  
that has a large population of Alaska Natives, that is Seattle.  
To my surprise, there was quite a large turnout of Alaska Natives

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1 in Seattle and they kept us there two days and they would have  
2 kept us there two more days, if we had had the time to stay and  
3 to hear their evidence. There were some divergences between what  
4 Alaska Natives here in Alaska had told us and what Alaska Natives  
5 in Seattle told us, but the divergence was not as great as many  
6 of us had thought it might be.

7 Well, in addition to all of those hearings, which are  
8 now concluded, we have had a series of public roundtable  
9 discussions and those roundtable discussions have been held here  
10 at the Fur Rendezvous Palace. They were roundtable discussions  
11 which began with the history of the Alaska Native Claims  
12 Settlement Act, the expectations of some of those who were Native  
13 leaders back in the late '60s and early '70s, the expectations of  
14 those in Congress who were responsible for its enactment, the  
15 shortcomings as perceived by both sides in the light of 14 years  
16 of history. And then in the fall, we had a roundtable on  
17 subsistence. A subject of very great importance here in Alaska,  
18 the whole question of access to wildlife resources and Native  
19 participation in the fishery. Then we had a roundtable on 1991,  
20 all the questions that the corporate structure raises for the  
21 protection and preservation of Native ownership of Native  
22 ancestral land in Alaska. Then we had another roundtable on  
23 Native government, in December, and we dealt with questions of  
24 self-determination and self-rule and Native sovereignty. And now  
25 with all of that behind us, we thought it would be useful to  
convene this hearing today.

Now, would you forgive me if I just spent a few minutes  
talking about the Land Claims Settlement here, so that it will be  
present in our minds, at least as a background for our  
discussion. Under the Alaska Native Claims Settlement Act of  
1971, Alaska Natives were to received \$962.5 million over a  
period of years and 44 million acres of land. This is  
necessarily simplified, but the money and the land were turned

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1 over to Native corporations. Congress said to Alaska Natives, to  
2 get this money and to get this land, you have to set up  
3 corporations. And 12 regional corporations were established in  
4 each of the 12 regions of Alaska. They are large corporate  
5 organizations and they received certain lands and they received  
6 money. And 200 Native village corporations were established as  
7 well, and these were established in all the small Eskimo, Indian  
8 and Aleut villages of Alaska. And those village corporations  
9 were established so that those people living in the villages,  
10 where the majority of Alaska Natives then lived, and still live,  
11 so that they could receive their share of the money and the land,  
12 so that the proceeds of the settlement became corporate assets.

13 The idea at the time, and I think was this notion  
14 widely held by Congress and among Native leaders and Native  
15 people in Alaska, was that the Land Claims Settlement Act, ANCSA  
16 as it is called, that is the acronym that we all use, that ANCSA  
17 would usher in an era of progress and development. Now, the most  
18 important economic activity in those villages then, was  
19 subsistence hunting and fishing, and I think it was implied that  
20 subsistence hunting and fishing would be a thing of the past,  
21 that that way of life would give way in an orderly and natural  
22 progression to a way of life approximating that of people in the  
23 Lower 48 and the majority of non-Native Alaskans.

24 Indeed, since 1971, it is clear from the testimony that  
25 we have received in the villages, that Native people in Alaska  
feel that there have been encroachments since 1971. They  
associate these with ANCSA, whether or not they were brought  
about by ANCSA is another question, but they are associated with  
the post ANCSA era. And they feel there have been encroachments

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1 on their right to freely engage in hunting and fishing for  
2 subsistence, and there is great resentment and bitterness about  
3 those encroachments. There is also great resentment about the  
4 Land Claims Settlement itself, unhappiness and bitterness and  
5 even anger in many places, for reasons that I will come to in a  
6 moment.

7 Now, the Alaska Native population is the largest per  
8 capita Native population in the United States of America, and  
9 because of the climate and geography of Alaska, the fact that the  
10 land here is not sought for agricultural purposes, it isn't like  
11 the movement westward across the plains. It hasn't been thus far  
12 necessary to displace the Native people from their ancestral  
13 lands. It has been necessary, at least whether necessary or not,  
14 it has occurred. It has been decided to share out the state of  
15 Alaska and the Federal Government has acquired certain lands, the  
16 State has acquired certain lands and Native people have acquired  
17 certain lands. Their 44 million acres constitutes approximately  
18 ten percent of the land area of the state. That 44 million acres  
19 is, as I say, held by Native corporations.

20 Well, these corporations have not, on the whole, faired  
21 well. The regional corporations, some of them, have made money,  
22 some of them have lost money. Some of them are somewhere in  
23 between. The 200 village corporations have, on the whole, lost  
24 money. Many of them are in very bad shape. Many of them are  
25 perilously close to bankruptcy. Only a few have succeeded in the  
way that Congress seemed to think was likely. Of course, in the  
Arctic and Subarctic regions of North America, this is true of  
Canada and Greenland, as well as of Alaska, economic prospects in  
those remote areas on the Arctic Ocean, on the Bering Sea, on the  
Yukon and Kuskokwim Rivers, economic opportunities are limited  
and it was, in a sense, unrealistic to expect that these  
corporations could establish viable business undertakings that  
would employ any significant number of people and provide

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1 dividends to their shareholders. And so, you have a record  
2 through many regions of the state, of failure on the part of  
3 village corporations, and a feeling on the part of the people out  
there, that the deck was stacked against them.

4 In fact, there are three principal dangers to continued  
5 Native ownership of ancestral lands in Alaska. The first is  
6 corporate failure, corporate bankruptcy. And since the land is a  
7 corporate asset, if a corporation fails, if it goes bankrupt, its  
8 land can be attached. It can be seized by its creditors. Native  
land could be lost in that way.

9 After 1991, as I suppose everybody knows, the shares in  
10 the Native corporations will go on the market, unless the law is  
11 changed in the meantime, and they can be bought and sold like  
12 shares in any other corporation. All of our experience leads us  
13 to believe that there will be attempts to take-over Native  
14 corporations. And, of course, if a Native corporation is taken  
15 over by a buy out of its shares, than it will no longer be a  
Native corporation and its assets, principal assets being Native  
land, will no longer be Native land.

16 There is a third thing that has to be born in mind, and  
17 that is, the financial condition of the State of Alaska. The  
18 main source of revenue for the State of Alaska is the oil field  
19 at Prudhoe Bay. And oil provides 90 percent of the state's  
20 revenues. The Prudhoe Bay field provides 85 percent of that 90  
21 percent. We are told that production at Prudhoe Bay is  
22 declining. We are told as well that there may be reductions in  
23 the price of oil internationally, and that means that the state's  
24 revenue is dependent, to a great extent, on one oil field whose  
25 production is declining, that state revenues in the 1990s may  
decline. That means that the state in the 1990s, may begin to  
look for other sources of revenue. And in the 1990s, 20 years  
after Native lands are conveyed to the Native corporations,  
Native land, even if it is undeveloped, even if it is used only

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1 for subsistence, becomes liable to taxation.

2 So, that that is a third danger, it seems to me, that  
3 cannot be overlooked. That is, that in the 1990s, this land will  
4 gradually become subject to state taxation and that if the state  
5 decides that 44 million acres of privately held land, because the  
6 Native land is held by private corporations, Native corporations,  
7 established under state law, then even a very minimal tax, let us  
8 say 25 cents an acre per annum, would mean that Native  
9 corporations would have raise \$11 million a year. Many of the  
10 Native village corporations, even some of the regional  
11 corporations, would have great difficulty in raising their share  
12 of such a tax. So that through corporate failure, corporate  
13 takeover, or state taxation, this land is very likely, in the  
14 years ahead, to be at risk and to flow from Native ownership into  
15 non-Native ownership.

16 Well, in the villages, and in the roundtables, and  
17 throughout Alaska, there are discussions about what is to be  
18 done. There are two lines of action that are being considered.  
19 One is, people say, well, look, to make sure that our Native  
20 corporations remain in Native ownership, let us ask Congress to  
21 pass a law that says that Native people can't sell their shares  
22 after 1991, and that's discussed. Should there be restrictions on  
23 the right of Native people to sell their shares? Isn't that the  
24 only way to keep Native land in Native ownership, Native  
25 corporations, under Native control? Other people say, well,  
look, this is the United States of America. Freedom of choice is  
sanctified by all of our traditions and Native people with shares  
should be allowed to sell them after 1991. And in the villages I  
found that Native people overwhelmingly said, no, we shouldn't  
have the right to sell our shares. This land should stay in  
Native ownership in perpetuity, we should pass it on to our  
children. A very small minority of Native people in Alaska said,  
no, we're entitled to sell our shares. I've got nothing out of

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1 this settlement, I've got no money, no dividends, no job, no  
2 land, out of this settlement. All I've got are these shares.  
3 Let me sell them in 1991 or I'll never get anything out of this.  
4 And if that means the land drifts into non-Native ownership, so  
be it.

5 Well, that's a minority view here in Alaska, but among  
6 Alaska Natives in Seattle, it was a view widely held, and we  
7 heard that last weekend. Many of the Alaska Natives living out  
8 of state said, look, I've got nothing out of this settlement,  
9 I've got these shares, let me sell these suckers in 1992. That  
10 was the expression some of them used. Then I'll walk away from  
11 the settlement with something. And they said, that's freedom of  
12 choice, personal choice. Let me sell these shares. Well, of  
13 course, that's freedom of choice, it's a matter of personal  
14 choice in a way, but it's a choice that if you're a Native  
15 person, you make not only for yourself but for your children and  
16 your grandchildren and all of your descendants. If you give up  
17 your interest in Native ancestral lands because the only interest  
18 you have is the share you hold in a Native corporation, than you  
19 are making a choice for all of those who come after you. Well,  
20 it presents a dilemma, and a whole series of cultural and  
21 traditional and modern values are at war in the resolution of  
22 that dilemma.

23 The other course of action that many Native people in  
24 the villages have urged is this, they say, look, we still have  
25 tribal governments. We have IRA governments under Federal law,  
we have traditional governments that we've always had, long  
before there was a United States of America or the State of  
Alaska, they are still functioning. Let's transfer the land from  
the corporations to our tribal governments because they can't go  
bankrupt, they can't be taken over, and they are, it is thought,  
immune from taxation. So there is another course of action being  
urged that entails the strengthening of tribal governments in the

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1 Bush to be the vehicles for holding Native land in perpetuity.  
2 And also, I may say, for seeking, on behalf of Native people in  
3 the Bush, to regain the ground lost in the area of subsistence.  
4 To see if additional subsistence... to see if subsistence rights  
5 that have been lost cannot be regained.

6 Well, forgive me for that little lecture on what we've  
7 been doing here and the issues involved here. I suggested, when  
8 I spoke to the Tanana Chief's Conference yesterday, that it may  
9 not be a question of either/or, it may not be a question of  
10 either corporations or tribal government. Maybe a place for  
11 both, maybe Native people here in Alaska can use both types of  
12 institutions to their advantage. It may be that the matter can  
13 be resolved in that way. Well, we're not asking you to resolve  
14 those questions here today. They are difficult questions, we  
15 have been struggling with them for over a year and in my report,  
16 which will be made public in September, I will make my  
17 recommendations on those very difficult and knotty issues.

18 But, those of us working on the Commission and working  
19 on the report that we're doing thought that to come up for air,  
20 so to speak, we would convene this meeting and ask all of you to  
21 think about the place of Native people in the Western World. And  
22 we thought that we might arm ourselves with the reflections that  
23 you will offer through these next four days, and that a  
24 consideration of the moral and ethical and philosophical  
25 questions that underlie the continuing struggle of Native  
peoples, indigenous peoples, around the world, to affirm their  
place and their way of life would be useful.

Let me say this, that I hope that the discussion over  
the next four days will be as much an examination of the way that  
Native people look upon their place in the Western world, will be  
as much directed to an examination of the values of the dominant  
society, the European institutions established here in North  
American, the European values to which, I think we all, in one

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1 way or another, subscribed and which have become dominant. I  
2 think that we should be looking at the dominant society, as well  
3 as Native societies, and I think that in that way we will have a  
4 better idea of the place of Native peoples in the Western world.

5 I can tell you that in the Bush, in those villages,  
6 people have been raising these questions. They have asked, at  
7 village after village, they have said, by what right did the  
8 white people come here, take our land, and make laws, and say  
9 that we must obey them. And they have said, it is as if we were  
10 to go to New York City and to start passing laws and say, all  
11 right everybody here has to obey those laws. And they say, by  
12 what right do you come here and tell us that you are going to  
13 make laws that will bind us. Others have said, by what right did  
14 Russia sell our land to the United States. Back in 1887, Russia  
15 sold Alaska, or at least they sold the right to trade with the  
16 Native peoples here, sold it to the United States, one great  
17 power selling jurisdiction, purported jurisdiction, over this  
18 great land to another great power. And Native people in the bush  
19 have said to me, by what right did Russia sell our land to the  
20 United States. And one Native person, an older man said, how  
21 could these great powers hand our land over the counter like a  
22 toy. They acknowledge that the clock cannot be turned back, but  
23 insist that they are entitled to be treated fairly now and in the  
24 future. And I think those questions have never been answered.

25 Now, under international law, effective occupation  
determines jurisdiction and personality under international law,  
but from a moral and ethical and philosophical point of view,  
have we never come to grips with these issues. We are not, of  
course, concerned simply with the Native peoples of Alaska.  
We've had testimony from Alaska Natives--Eskimos, Aleuts and  
Indians. We've had roundtable participants representing many  
Indian tribes in the Lower 48. We have had many witnesses from  
Canada, Greenland, Australia, and Moses Keale is here today

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1 representing Hawaii, and others have come from Hawaii to observe.  
2 I should say that just yesterday, I received from Norway the  
3 first report of the Norwegian Sami Rights Committee, the Smith  
4 Committee, which has spent four years studying the rights of the  
5 Indigenous people of Norway. I say that I received the report, I  
6 received the Norwegian version six months ago, but I have now  
7 received the summary in English, for which I am most grateful.

8 Now, we meet at a time when Native people all over the  
9 world are seeking to establish their right to self-determination  
10 and to land. Pope John Paul, II, in September, 1984, affirmed  
11 that Native people are entitled to take their rightful place  
12 among the peoples of the earth. The Pope also affirmed the right  
13 of Native peoples to self-determination. He was speaking to the  
14 Native peoples of Canada, but he was addressing Native peoples  
15 throughout the world, and he said, you are entitled to self-  
16 determination. He said, for you a land base with adequate  
17 resources is also necessary for developing a viable economy, for  
18 present and future generations. He said, you need likewise to be  
19 in a position to develop your lands and your economic potential.

20 Now, the question of Native rights is centuries old,  
21 older than the ideological struggles of our time. The expansion  
22 of the European powers, first Spain and Portugal, then France and  
23 England, into the new world raised the question, what right did  
24 they have to take the land and subjugate the peoples of the new  
25 world? What right did the Russians had to take the land of the  
indigenous peoples of Siberia, and then after crossing the Bering  
Strait, lay claim to the land of the Eskimos, Indians, and Aleuts  
here, in what is now the State of Alaska. Whether expanding  
westward across the Atlantic or eastward across Siberia, the  
Europeans (and I regard the Russians as Europeans and I hope we  
can put that at rest, I think they clearly are Europeans and not  
Asians), whether expanding westward or eastward, the Europeans  
did so in the name of Christ, of civilization, of trade, and on

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1 behalf of an idea that peoples advanced in manufactures and  
2 weaponry and literacy, had the right to dispossess people of  
different cultures.

3 Now, these Europeans are now locked in ideological  
4 combat, but neither of their secular prophets offers any  
5 satisfactory answer to the claims of Native people. Adam Smith  
6 and Karl Marx are both products of the industrial revolution, a  
7 comparatively recent event in the long sweep of history. It was  
8 the great American, Chief Justice John Marshall, who developed in  
9 the 19th century the ideas on which Native claims to self-  
10 determination, Native sovereignty, that is the expression that  
11 Marshall used. He referred to the limited sovereignty of Native  
12 peoples. He developed the ideas on which Native claims to self-  
13 determination and aboriginal title have been advanced ever since.  
John Marshall based his propositions on international law, with  
14 the overrunning of Native peoples international law receded in  
15 the consideration of their rights.

16 But, today, with the conventional models of colonialism  
17 a thing of the past, consideration is being given to the claims  
18 of the indigenous peoples, the peoples of what George Manual (ph)  
19 calls the fourth world. Peoples locked within nation states and  
20 with few exceptions, without the possibility of politically  
21 independent status under international law. The international  
22 labor organization dealt with this subject in the 1950s. The  
23 United Nations, in its resolutions, began to grapple with the  
24 issue in the 1960s. In 1975, in the Western Sahara case, the  
international court of justice rejected the idea that in the case  
25 of indigenous peoples, the Doctrine of Terranullius affords a  
basis for external powers to take their land. And maybe at some  
stage during the next four days, we will think about the  
question.

Suppose today, the Europeans discovered a new world  
inhabited by different cultures, people who could not effectively

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1 resist the Europeans, who could be subdued and subjugated, would  
2 we have the right to take their land? Is there any doctrine of  
3 international law that would justify taking their land? And if  
4 there is no doctrine of international law that today would  
5 justify taking their land, how could we justify taking their land  
6 in the 15th and 16th centuries? Well, I am looking at Doug  
7 Sanders when I say that, because he raised this question a year  
8 ago, and no doubt later on he will return to it.

9 Well, what then is the place of Native peoples in the  
10 Western world? It is my view that they have a special place,  
11 unlike that of any minority, with claims to land and self-  
12 government that no other minority can assert. And to work out a  
13 fair accommodation with the Native peoples is a challenge to the  
14 Western democracies, one I hope that we will address at this  
15 roundtable. May I say, again, that our strategy, if it can be  
16 dignified as such, is to have an unstructured discussion,  
17 conversation.

18 I am going to call on Professor Hanke to follow me in  
19 the discussion and then simply to leave it open to any of you to  
20 follow Professor Hanke. And if at noon, it seems to you that we  
21 should revise our strategy, that some structure should be  
22 incorporated in the discussion, please feel free to mention it to  
23 David Case, who sits to my right, who is, many of you are not  
24 aware, author of the leading text book on the rights of Native  
25 people in Alaska. And Rosita Worl, on my left, who is special  
consultant to the Commission, and well known anthropologist, as  
well as publisher of Alaska Native News, to which you are all  
invited to subscribe, and don't share your copy, we want to make  
sure that everybody subscribes.

But if you feel at noon, and you would like at noon to  
speak to Rosita or David or me about the way we are proceeding,  
please do so informally, and Rosita and David and I will confer  
throughout and we will try to keep things on the road. Now,

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1 might I just ask each of you to introduce yourselves, starting  
2 with David Case on my right, and I see Dallee Sambo has arrived,  
3 and I thought Dallee was at the roundtable, but she is busy with  
4 many things that may keep her away from the roundtable, but  
5 Dallee Sambo is the special assistant to the president of the  
6 Inuit Circumpolar Conference and has contributed greatly to the  
7 success of the work of the Commission. I say success, perhaps,  
8 provisionally, but let's assume that thus far it has been a  
9 success. So, David, will you introduce yourself and we'll carry  
10 on that way.

11 MR. CASE: My name is David Case.  
12 I am counsel to the Commission.

13 MR. De ROO: Bishop Remi De Roo,  
14 Victoria, B.C. I would like to make a minor correction. I am a  
15 catholic bishop from Western Canada, not the catholic bishop for  
16 Western Canada. And please correct Vancouver to Victoria.

17 MR. GOLDWIN: I am Robert Goldwin,  
18 Director of Constitutional Studies of the American Enterprise  
19 Institute in Washington, D.C.

20 MR. KEALE: I am Moses Keale. I  
21 am the trustee for the office of Hawaiian Affairs from Hawaii.

22 MR. YOUNG: I am Oren Young from  
23 the Center for Northern Studies located in Vermont.

24 MR. DAVIS: I am Sheldon Davis  
25 from the Anthropology Resource Center in Washington, D.C.

MR. SANDERS: I am Doug Sanders, a  
professor of law at the University of British Columbia in  
Vancouver, and the counsel for the World Council of Indigenous  
Peoples.

MR. BRODY: I am Hugh Brody of  
Norfolk Institution Address from London, England.

MS. KIRKNESS: I am Virna  
Kirkness, Director of Native Education, the University of British

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1 Columbia.

2 MR. SHUE: Henry Shue. I am a  
3 philosopher at the Center for Philosophy and Public Policy at the  
4 University of Maryland.

5 MR. HANKE: Lewis Hanke, a retired  
6 historian from the University of Massachusetts.

7 MS. WORL: I am Rosita Worl,  
8 special consultant to the Commission.

9 MR. BERGER: Well, may I call on  
10 Professor Hanke, and may I be allowed to say, in introducing him  
11 that, all of us are great admirers of Professor Hanke, who is, I  
12 think, the leading American scholar on the Spanish conquest and  
13 on the great debate between Bartolome de Las Casas and Sepulveda  
14 in 1550, and whose book Aristotle and the American Indians, many  
15 of us have read with profit, and whose many other books we have,  
16 some of us, read with equal profit. I am very glad that  
17 Professor Hanke was able to join us. He has prepared a paper  
18 that you have all read, and I'd like Professor Hanke now, to  
19 offer some remarks.

20 MR. HANKE: Mr. Chairman, I  
21 suppose the first question is, what is a historian like myself  
22 doing here. How can a person concerned with the 16th century  
23 have any relevance for those of you who are struggling with the  
24 hot political and economic issues of today? Well, I was bothered  
25 by this too, and I hope that my paper will help to explain it.  
And while I don't propose to give a capsule version of my paper,  
I want to make a few remarks. I am glad that the Chairman has  
permitted me to do this. A historian really is there to provide  
some background, and in this case, Spain was the outstanding  
power of all the European powers in America that really grappled  
with these questions.

I think that you will find, if you read the treatises  
by de Las Casas, and by many others, that there were very few

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1 issues related to Native peoples which were not ventilated by one  
2 or more scholars. Questions of justice were first raised, of  
3 course, by the Spaniards, and I still remember a few years ago,  
4 when they unveiled a great monument to Antonia de Montesenos  
5 (ph), the Spanish Dominican, who in 1511 pronounced his famous  
6 sermon in the Caribbean against the actions of his own fellow  
7 Spaniards. There we were, four or five years ago, this  
8 tremendous cement block, a hundred feet high, maybe, all paid for  
9 by the Mexican government. It only had a debt of \$40 billion, or  
10 was it \$80 billion. But first things first, they paid for this  
11 monument, and the president brought over with him a whole plane  
12 load full of intellectuals to be there for this great dedication,  
13 and since then, many people, regardless of their economic or  
14 political positions, have been interested in these questions.

15 I think of myself, also, as participating in a Spanish  
16 bull fight. Those of you who have seen a Spanish bull fight know  
17 that there are certain exercises where they tire out the bull.  
18 They present things to the bull, and he plunges at them, and then  
19 eventually the swordsmen come in. And my purpose has been to  
20 present the various questions. I don't stand behind every  
21 statement in this paper of mine. I do believe that it is  
22 important to ventilate these questions. I ask them. For  
23 example, do the Natives seek sovereignty? If so, what do they  
24 mean by sovereignty? If they are convinced that they have a  
25 special position, what is that special position? And I have even  
gone so far as to say that, of course, we cannot forget Congress,  
that it is Congress' subject, and always has been, to many  
different pressures, today more than ever, and I have suggested  
some of the military economic pressures.

Likewise, propaganda has never been absent from any of  
these discussions since the 16th century, and we must remember  
that Las Casas, himself, was the greatest source, it was his very  
brief account of the destruction of the Indies in 1552, which at

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1 once was translated from Spanish into English by the English and  
2 by the French, by the Germans, by the Dutch. And once when I  
3 made a kind of bibliographical survey of translations of Las  
4 Casas, for political purposes, there is hardly any issue since  
5 the 16th century when some power did not bring out another  
6 edition of Las Casas to support their position. In 1898, for  
7 example, in New York, there was another edition of the  
8 (INDISCERNIBLE - SPANISH).

9 In the 16th century, the late 16th century, the Dutch  
10 engravers had produced a remarkable series of sketches to  
11 illustrate the atrocities which the Spaniards had been  
12 committing, dogs tearing children apart and Spaniards putting to  
13 the sword thousands of people. These told a message and these  
14 illustrations were often used. But the 1898 edition had a  
15 special twist, they left out all of the illustrations and left  
16 blank pages and said these sketches, these illustrations, tell  
17 such a dreadful story, we cannot bring ourselves to put them in  
18 this edition. This is another propaganda twist, so that Las  
19 Casas, although he was the great, in my opinion, defender of the  
20 basic rights of the Indians, he was also used for propaganda  
21 purposes, and the struggle goes on.

22 Even Spaniards themselves, today, are not sure whether  
23 he is the glory of Spain, or somebody who should be forgotten and  
24 opposed. Some of the sharpest arguments against Las Casas have  
25 been written by Spaniards, and the Dominican Order has never  
really done very much for him either. I was surprised, in  
January of this year, to find the Dominican Order, in fact, the  
head honcho himself, Ram Rome, went to Berkley to announce, at a  
two day meeting on "Las Casas Lives Today", the master general of  
the Dominican Order, an Irishman, announced that they were  
seeking beatification and canonization for Las Casas. This is  
the first time that the Dominican Order itself, has done very  
much for Las Casas. And Spaniards, as late as 1962, the greatest

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1 then living Spanish man of letters, Ramone Mendenes Pedou (ph),  
2 wrote a book denouncing Las Casas as a paranoic. I remember I  
3 was quite surprised and pleased, in 1958, when we first met, Don  
4 Ramone (ph) and I met in Cologne at a celebration honoring  
5 Emperor (INDISCERNIBLE - SPANISH). I don't know whether he would  
6 consider me (SPANISH), after he read the long article I wrote  
analyzing his views, which was entitled "More Heat and Some Light  
on the Spanish Conquest of America".

7 (LAUGHTER)

8 (TAPE 1, SIDE B)

9 MR. HANKE: Be as it may, Don  
10 Ramone was the greatest authority in Spain. And his attack, in  
11 most respects, was the most sophisticated, the most documented  
12 attack on Las Casas, 1962. So, indeed, I was surprised that the  
13 Dominican Order put him up for beatification and canonization and  
14 Spain, itself, in February, just last month, I was happy to be  
15 present in Madrid, at a meeting organized by the cultural section  
16 of the present socialist government. They too, wanted to honor  
17 Las Casas. However, I noticed they didn't permit any Dominican  
to speak. In Mexico, in October, where they had another meeting,  
they did have a Dominican speak, but not in Spain. However, it  
goes on. They recognize Las Casas, although the story has not  
been ended.

18 I still remember in 1932, when I went to Spain to work  
19 on Las Casas, my good friend Earl J. Hamilton, a great economic  
20 historian, who wrote a classic work on the effect of the Spanish  
21 conquest or the rise of prices in Europe, he said, "Hanke, what  
22 are you doing working on Las Casas?" When are you going to work  
23 on some important topic? Well, I was shaken a little bit and I  
24 wrote to Ludvig Fondle (ph), the great German scholar in the  
25 golden age studies. He wrote back also and said, well, we know  
all we need to know about Las Casas, all of his publications have  
been known, why bother. Then I wrote to Emilio Raviana (ph), the

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1 Argentine, who had brought out a few years before a facsimile  
2 edition of his 1552 treatises and Raviana said, no. We all have  
3 a superficial knowledge of Las Casas, but his truth, his basic  
4 ideas have not yet been fully understood. He encouraged me. I  
5 wanted that. I followed that advice, which... that advice,  
6 which I supported and that began my interest until today. I  
7 still think it's a good topic for discussion. And I believe that  
8 the Spaniards will be useful as historical background.

9 I was trying to think whether there was any Spanish  
10 background for this present discussion. I don't think there is.  
11 I believe that the Alaska Native Review Commission is making  
12 history. And I am glad to hear that the documentation of the  
13 proceedings, these many discussions in the field, these various  
14 roundtables, are going to be preserved at the University of  
15 Alaska, so they will be useful for scholars in the future.  
16 Because this struggle has been long. It has not ended. And,  
17 perhaps, in 1992, right after that famous 1991 date, which has  
18 been mentioned, in 1992, when the world will be studying the  
19 first 500 years of the discovery of America, all kinds of the  
20 curious things we have done. I think there are many government  
21 commissions already set, and I imagine there are going to be many  
22 banquets, medals struck off, political figures can go by first  
23 class air to various meetings to discuss well known subjects, but  
24 I hope that in 1992 one of the important, one of the basic topics  
25 will be the history of the Native peoples of the Americas, from  
Alaska to Patagonia.

I am sure that the proceedings of Judge Berger's  
activities will be one of the important, indeed, indispensable  
parts of that record. I thought just a one possible  
predecessor... not really, but it should be mentioned. In the  
early 16th century, in the Caribbean, there was some Spanish  
government official with a sociological orientation, who decided  
to determine whether the Indians could learn to live like Spanish

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1 Christians of Castile, Spanish laborers from Castile. Of course,  
2 the Natives always had to measure up to our standards. And so,  
3 they had a controlled village and gave this controlled village...  
4 this was the 1520s, 1530s, spades and seeds and stuff like that,  
5 and then another village didn't get them at all. After a certain  
6 period, the inspector, there was a Spanish inspector who made  
7 reports, I presume in triplicate, he went around and talked to  
8 the Natives about their experiences. And he found, his standards  
9 evidently very high, he found only one Indian man whom he felt  
10 had measured up to these splendid criteria for to be a Spanish  
11 laborer in Castelle, and he offered to the Indian. When the  
12 Indian found, however, that his wife was not really in this  
13 sacred group, he disappeared.

11 Another very curious thing, I can't... I should mention  
12 this. The Indians also had interesting ideas about the  
13 Spaniards. We don't have that history of America yet. There is  
14 a group of (SPANISH) and other religious historians who are  
15 writing history of Latin America from the standpoint of the poor.  
16 They have already started. I think it's a 20 volume thing. But  
17 you do not have very many Indian voices. That's why I think the  
18 documentation which is being assembled now, in Alaska, is going  
19 to be of such great importance, because for the first time there  
20 is the documentation from the Native groups and Native  
21 individuals.

19 But there is one case where the Indians did wonder  
20 about those Spaniards. This was early 16th century, about 1510,  
21 in Puerto Rico. It's a famous aspect of Puerto Rico. If you  
22 want to surprise a Puerto Rican, tell him you know all about  
23 that. These Indians thought the Spaniards were immortal, or they  
24 wondered whether they could ever be killed. They didn't want  
25 really to declare war on them, until they knew. So, they took  
one Spaniard around the corner and dumped him in a river until he  
was dead, and then they hauled the lifeless body to the shore,

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1 laughing and explaining it was just a sort of a joke, they didn't  
2 really know. Until they waited three days before the body and  
3 then realizing he was in truth dead, declared war against the  
Spaniards.

4 Well, to conclude, you have my thoughts in this paper.  
5 Think of them as topics which may be worthy of discussion. There  
6 are many other topics worthy of discussion, but these are ones  
7 which occurred to me, and remember, I am a retired Professor  
8 living in Amherst, Massachusetts, a small town. And this is my  
first visit to Alaska. Be kind.

(LAUGHTER AND APPLAUSE)

9 MR. BERGER: Well, thank you,  
10 Professor Hanke. I think that your reference to 1992 is apposite  
11 because 1992 is not only the year in which there will be  
12 celebrations of the 500th anniversary of Columbus landfall in  
13 West Indies, but the way in which ANCSA is structured, January 1,  
14 1992, is the day on which the shares actually can be bought and  
15 sold. The shares will be called back in in 1991, but it isn't  
16 until January 1, 1992, that the shares go on the market. So,  
there is a juxtaposition of events that makes your remarks about  
the conquest, I think quite apposite.

17 MR. HANKE: May I add one thing  
18 about Las Casas?

MR. BERGER: Please.

19 MR. HANKE: He is the only man in  
20 history that I know, who has had the 500th anniversary of his  
21 birth celebrated twice. When I was young, we thought that he was  
22 born in 1474. We had no certificate, but that was the  
23 consecrated date. And, indeed, in 1974, I remember going to  
24 Mexico to celebrate, at the expense of the Mexican government,  
25 this important anniversary, and they took us down to San Obispo  
de Las Casas, that part of southern Mexico where Las Casas was  
bishop in the 16th century. As a matter of fact, his doctrine

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1 was so hated by the Spanish colonists, he was chased out of his  
2 bishopric. Within a few years after 1974, an American woman  
3 researcher found in that great (SPANISH) a document which seems  
4 to prove, and I think, does prove, that he was born in 1484, not  
5 '74. Now, we are all cranked up again, the world, to have these  
6 meetings. Mexico, last October, I mentioned the Dominican  
7 meeting in Berkeley in January this year, the meeting last year  
8 in Toulouse, France, a two day meeting in November. There was a  
9 meeting in Madrid three days last month. They're also having a  
10 meeting in Rome. So, I think we have another rather distinct Las  
11 Casas. There is no other person in history, that I know of, who  
12 has had his 500th anniversary birth celebrated twice.

10 MR. BERGER: Well, I intend to  
11 call on some of the intellectualities opposite. But, before I do  
12 that, maybe we... Bishop De Roo, I am curious whether you would  
13 like to follow Professor Hanke and make some observations.

13 MR. De ROO: No. Only that I was  
14 a student of the Dominicans for a couple of years. That's all.

(LAUGHTER)

15 MR. BERGER: Anyone like to make  
16 any comments or ask any questions of Professor Hanke? Doug.  
17 Doug Sanders.

18 MR. SANDERS: This is  
19 irresistible. There are a couple of questions that I would like  
20 to ask you, and I am not sure there is anyone else on earth that  
21 I could ask them of. One has interested me for quite a while.  
22 Felix Cohen, who was the legal adviser to the Bureau of Indian  
23 Affairs in the Indian New Deal period in the 1930s, wrote an  
24 article called "The Spanish Origins of Indian Rights in the  
25 United States", in which he put forward a proposition that the  
early recognition by Spain of indigenous rights, mixed though it  
was, was a precursor to recognition in the United States. I  
wondered if you had comments on this.

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1           One of the interesting aspects is that, it seems to me,  
2 that certainly in the United States law, the beginning point is  
3 seemed to be the judgments of Chief Justice Marshall that Judge  
4 Berger referred to in his opening remarks, and one of the  
5 interesting things about Marshall's judgments, which as was  
6 indicated, purport to be based on international law, is the fact  
7 that Marshall doesn't cite anything at all. He appears simply to  
8 make it all up. It stood for a long time, so it was rather good,  
9 but in terms of the linkage that Cohen later asserted, one cannot  
10 find it explicatively in the Marshall judgments. And so, it  
11 seemed to me, that Cohen, perhaps, was putting forward an attempt  
12 at linkage which perhaps could not be sustained. And I wondered  
13 if you had any thoughts on that.

14           MR. HANKE: Well, I happened to  
15 read that article during the last year, just by chance and was  
16 not particular impressed by it, or by his knowledge of the whole  
17 Spanish ambience. I don't think he gave very much attention to  
18 Francisco de Vittoria and the other Salamanca, because back of  
19 Las Casas were the solid thinkers of the 16th century. And there  
20 was a great nation of theologians and political thinkers. And in  
21 Salamanca particularly, Francisco de Vittoria was the outstanding  
22 fellow. He was not a activist like Las Casas, he stayed all the  
23 time in his San Astaban (ph) monastery, but he many students at  
24 Salamanca. And Salamanca, you may remember, the 16th century was  
25 probably superior to Paris or Oxford in terms of forming  
theologians and political thinkers. So that I saw this article  
by Cohen, I must confess I didn't read very carefully because I  
didn't think he had the necessary documentation. You know,  
historians love documentation. When I saw that he skipped around  
from one thing to another, I thought, well, you know, it's all  
right. I am glad he is writing about it, but I didn't feel any  
need to analyze it carefully. I hope I am fair to Mr. Cohen, but  
I didn't feel that he had a solid background in Spanish law.

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1           Now, we talk a great deal about Las Casas, and rightly  
2 so. But we must remember that he was only one of a number of  
3 thinkers in the 16th century. He was not even the one who first  
4 fought for justice or made sermons for justice... I mentioned  
5 Antonia de Montecenos (ph), 1511. But there were so many  
6 thinkers in 16th century Spain. I ran across so many treatises  
7 unpublished. I had gone to Spain in '32 to look for Las Casas'  
8 papers and treatises. He had two cells, he was so old and  
9 venerable, he had two cells in Vialead (ph), and they say that  
10 these two cells are so full of papers and documents you can  
11 hardly get in or out. I couldn't find those papers. I was  
12 discouraged. And then as I went around and talked to Spanish  
13 historians and political thinkers like Raphael Altemeara (ph),  
14 who had been a member of the international court of the Hague.  
15 Fernando de Los Rios, the philosopher, who was later the  
16 Republic's ambassador in Washington, they said don't bother about  
17 that. Las Casas was great, but there was many others. And so I  
18 began to look for other treatises and found, as a matter of fact,  
19 a whole volume finally came out in 1943 in the war in Mexico.  
20 Apparently, nobody knows it today.

21           Anyway, they are all unpublished treatises, and I found  
22 a number of unpublished treatises which reference to whom I  
23 couldn't find the text of them. So, I beguiled with them year by  
24 year. And there was a tremendous accumulation, and therefore,  
25 anyone who wants to study and analyze the results or the  
influence of Las Casas or Spanish thinkers on later legal  
questions must be conversant, in my opinion, with the legal  
developments in Spain. There are all kinds of things. Let me  
just mention one. The Jesuits were never very much interested in  
Las Casas and his ideas. The Jesuits have their own way of life,  
their own intellectual world. Independent, great scholars they  
are. Anyone who reads the Jesuit must be careful to use the  
documentation carefully.

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1 But there was one Alonzo Sanchez (ph) in Manila,  
2 because these struggles in the Philippines, as well as the  
3 Americas. Alonzo Sanchez, in the 1580s, ran across the citizens,  
4 the inhabitants of Manila, the Philippine Islands. They were  
5 Moslems. Ah, he said, these are representatives of the ancient  
6 enemies of Spain in the middle ages. And so his treatises, he  
7 declared war by fire and sword, this Jesuit, against the Natives  
8 of the... because of Spanish midieval history. But, anyway,  
9 getting back to your main point. I think that Spanish legal  
10 bibliography is not as well known in the west as it should be. I  
11 remember the course I took under Professor McEnlwain (ph) at  
12 Harvard, on the political ideas, political theory from Aristotle  
13 Roosoo (sp). When I proposed Las Casas to him, he'd never heard  
14 of Las Casas. But he said, well, go ahead and do what you can,  
15 so to speak. The people he knew French legal theory, British  
16 legal theory, something about Italy. But Spain, and even  
17 Portugal, they're different. That is why the historical  
18 experience of Spain, the legal precedent and legal subtleties and  
19 philosophical approaches are, I think, basic to this question.

16 MR. SANDERS: Are you aware of  
17 analogies drawing on the history of Vittoria and Las Casas in the  
18 United States in the context of Indian policy before the New  
19 Deal. Because in the New Deal period, two figures in print do  
20 this. Cohen and...

19 MR. HANKE: Collier.

20 MR. SANDERS: Collier, himself,  
21 who... It may be Collier had, of course, an interest in the  
22 Americas and he may well be the key to this intellectual  
23 connection, picking it up from Central and South America, where  
24 Las Casas' memory would have been vivid. Although he was not  
25 known, as you have very well pointed out. But I wondered if  
there was any other source in which this had brought up in the  
United States that you were aware of before that period?



1 MR. HANKE: I don't recall ever  
2 having seen anything of that. But I do remember that, as one  
3 studies the collections in the United States on Spain and Spanish  
4 America, the great collections in the John Carter Brown library  
5 of Brown University, the New York public library, Whidner (ph)  
6 library at Harvard, the Bancroft library in Berkeley. They are  
7 full of this treatise denouncing the cruelty of the Spaniards to  
8 the Indians, or they are full of these wonderful translations  
9 into English, French, Dutch, Flemish, Latin, German, again with  
10 these illustrations. So that their perception of Spain was  
11 cruelty. As a matter of fact, if you rub... most Americans, even  
12 today, I think, Spain, backward and cruel. I hope that  
13 generalization can be supported.

14 But I think that you will find that there is a deep  
15 feeling in the Anglo-Saxon, at least Protestant tradition, that  
16 Las Casa, that Spain is a kind of a backward nation. I think  
17 maybe that has rubbed off our attitude toward Latin America. We  
18 know what the Nicaraguans should do, we know how Brazil ought to  
19 conduct economic affairs and other affairs. It's kind of a  
20 putting down... and that reminds me Las Casas, perhaps his  
21 greatest contribution I have not mentioned, his phrase, all the  
22 peoples of the world are men. His feeling that all peoples could  
23 be educated, they had potential for education. That was entirely  
24 alien from most people, and even some people today. Likewise,  
25 the Spaniards were the first to study other peoples. So far as I  
know, there was nothing before the 16th century of one nation  
studying another. Did the Romans study Greek culture in Greeks?  
I doubt it. Literature, yes. Herodotus, we're told, the first  
historian to travel around the Mediterranean, looking at people,  
but as a kind of a miscellaneous observer. I remember his famous  
phrase pointed out that in Greece that the men went to the market  
place and the women stayed home weaving. Whereas he said, it is  
just the opposite in Egypt, there the women go to the market

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1 place and the men sit home weaving. Things like that.

2 But the first time that any people was studied, so far  
3 as I know, anthropologically, was by Bernardino de Sahagin, a  
4 Spaniard in Mexico. About 1560 he was given the opportunity or  
5 the order by a provincial to study the culture of the Indians.  
6 Why? So they could Christianize them more efficiently and find  
7 out what devils animated them. And this man had, again, a  
8 village, he had three or four Indians, taught them Latin, and  
9 systematically studied their culture elements, the  
10 anthropologists would say today. But being anthropologists, and  
11 historians too, we're always skeptical of things like that. He  
12 moved to another village with different informants, to make sure  
13 he was getting the truth. Then he finished it up, sent it to  
14 Spain, and it was lost for two centuries. But it was the first  
15 great anthropological work in the world, so far as I know. And  
16 he, some time in his ten years of study, he was transformed from  
17 being a Franciscan, thinking about converting these Indians, and  
18 he became a professional scholar, anthropologist. He was  
19 interested in their customs, even things which... Well, for  
20 example, he has a famous chapter on the twelve ways in which the  
21 Indians got ceremonial drunk, intoxicated. Well, his Franciscan  
22 brother thought that that was not quite the kind of study that  
23 the Franciscan should be engaged in. He said, well, of course,  
24 like a doctor. A doctor must study disease. Naturally, we, who  
25 wished to cure the souls of these poor folk, we have to know  
everything about them, including the 12 ways in which they got  
ceremonial intoxicated.

21 But, any case, that's another first for the Spaniards.  
22 And I believe that another thing we will never forget about Las  
23 Casas, whether we follow him in all these respects or not, we  
24 must remember that he said, all the peoples of the world are men.  
25 They have a right to their own culture. It should be studied. I  
think Reverend Jesse Jackson is trying to say the same thing, the

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1 last political campaign, we are somebody. Reverend Jackson said,  
2 we are somebody. That's what the Franciscans and other Spaniards  
3 who studied the Indians in the 16th century, helped their  
4 somebody. I think that's a lesson we still have. I don't know  
5 whether we learn enough about other cultures in our schools. I  
6 am sure that in some countries of the world, they portray us in  
7 very special ways. You know, generalizations about us. But if  
8 you are going to try to understand other cultures and other ways  
9 of thinking, how can you do it except by studying them? That's  
10 one of the great contributions of Las Casas. Which I still think  
11 is pertinent.

12 MR. SANDERS: If I can pursue  
13 this.

14 MR. BERGER: Document you.

15 MR. SANDERS: If I can pursue  
16 this. It seems to me that there are two elements of the Spanish  
17 traditions which have been picked up over the last 50 or 60 years  
18 and used in certain kinds of ways. And one of them is the  
19 traditions of Las Casas and Vittoria, in terms of the  
20 conceptualizations that were involved. You might be interested  
21 that a scholar from Sweden, analyzing the Swedish situation in  
22 terms of the Sami, linked back some, an intellectual tradition,  
23 through the international lawyers to Vittoria, to a Danish jurist  
24 who had accepted the proposition of the territorial rights of the  
25 Sami or Lapp people in the middle of the 18th century.

MR. HANKE: In what year did the  
Danish writer write? In what year?

MR. SANDERS: 1752 was the product  
which was the Treaty of Stamstead (ph), defining the border  
between Norway and Sweden.

MR. HANKE: The Danish writer you  
referred to was of that period?

MR. SANDERS: Yes. Stompe (ph).

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1 The other element of the... so the use of Vittoria is both  
2 credited in the United States in the 30s and as having had  
3 influence in Scandinavian terms of Sami land rights in the middle  
4 18th century. The second element of the Spanish tradition is the  
5 establishment of the reducciones or reductions. And it seem to  
6 me that there has been some influence. The Jesuits in new France  
7 were responsible for the first establishment of reserves or  
8 reservations in what is now Canada. The Jesuits wrote that the  
9 model that they were following was a model from Mexico and  
10 Paraguay. They held out some utopian hopes for the reserves that  
11 they were establishing. And when Collier was involved with the  
12 New Deal reforms in the 1930s in the United States, he also  
13 refers to the reducciones in the positive utopian myth about  
14 them. But, my question really is, do you have any sense of the  
15 continuing impact of the idea of the reducciones in Central and  
16 South America? It seems to me, in North America, that they are  
17 invoked on these two occasions, I am not sure of any others. It  
18 appears to me that it is regarded in Central and South America as  
19 a closed historical chapter and that there is no reference back.  
20 Now, this may be outside of the field that you've worked in, but  
21 I wondered if you had any thought of the intellectual impact, I  
22 suppose, of those developments which were very early in Spanish  
23 colonialism in Central and South America.

24 MR. HANKE: Well, we must go back  
25 to Las Casas here, too. In the 1540s, late 1530s, in Chiapas,  
Southern Mexico now, Las Casas and other Dominicans established  
what they called (SPANISH), the land of true peace. There they  
kept the other Spaniards out and the Dominicans in, and the idea  
was that freed from the exactions and cruelties of the Spanish  
seculars, taken care of by the Dominican monks, they would be  
able to be protected and developed. That was a fiasco.

MR. BERGER: Native people?

MR. HANKE: Yes. That was a

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1 fiasco because ideas came in, people came in, and eventually it  
2 led to deaths by Indians of Spaniards and vice versa. So that  
3 the land of true peace... Las Casas still believed in peaceful  
4 persuasion but reductions no. I don't think he ever proposed  
5 that after this was a failure. Now the Jesuit reductions, there  
6 is great literature on that. As a matter of fact, Alfred Knopp  
7 (ph) brought out a very instrumental volume down by the Swedish  
8 scholar Magnus Merner (ph) on the Jesuit reductions. And they,  
9 as a sort of dead duck, there wasn't anything you wanted to go  
10 back to, they were kept apart, they were told whom to marry, when  
11 to have sexual relations, all these things. And, so far as I  
12 know, there is no continuation of the idea of reductions.

13 But going back to international law, the first person,  
14 in the United States at least, that I know who is concerned with  
15 this, was James Brown Scot, the Secretary of the Carnegie  
16 Endowment for International Peace. He had been to Salamanca and  
17 he had a whole book on the Spanish origin of international law  
18 about 1932. It was James Brown Scot to whom I applied for money  
19 in 1942 to get my whole volume of unpublished treatises by  
20 Spaniards of the 16th century on these questions. He put the  
21 money, a modest amount, to bring it out in Mexico. So, I think  
22 James Brown Scot was perhaps our outstanding scholar in the field  
23 of international law, who had a knowledge of and a respect for  
24 the Spanish intellectual origins of international law. Not just  
25 Vittoria, but other people too. But he did go to Salamanca, he  
did have this large volume published in handsome format by the  
Carnegie Endowment when they were flush. And through that one  
volume, I think, had a considerably influence on our, I don't  
know if it was an influence on Collier, but on international  
lawyers, I think it was there.

MR. BERGER: Just might I  
intervene for a moment. Hugh Brody had a question, I think, and  
then Sandy Davis and then Oren Young. And after these questions

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1 to Professor Hanke, I wonder, Sandy, if I might call on you to  
2 follow Professor Hanke because we've been talking about the  
3 Spanish in Latin America and the work of Las Casas and so on, and  
4 I know that you are well acquainted with what is happening in  
5 Latin America. Sandy Davis is the author of Victims of the  
6 Miracle, about the condition of the Native peoples of Brazil, and  
7 now heads the anthropological resources center which has many  
8 projects in Latin America. And it may be that after we've  
9 completed our questioning of Professor Hanke, you might just  
10 follow on and tell us, well, what has happened to these great  
11 principles of Las Casas in Latin America and South America? What  
12 is the condition of Native people? What about self-determination  
13 and the land base? The Pope has just returned from there, what  
14 about his views regarding their rights to self-determination and  
15 the land base? How are those exemplified in the regimes of Latin  
16 America today? So, maybe we could go to Hugh and then Sandy and  
17 then David Case.

18 MR. BRODY: Your last thoughts are  
19 close to my question, Tom. It's important, and of course it's  
20 extremely exhilarating to sense the analogy between what Las  
21 Casas and company were doing in 1550 and what many of us have  
22 been doing for the last 10 years or 15 years. I suppose that  
23 there is a way in which we can excavate our intellectual and  
24 moral meanings by consideration of the 1550s. But, nonetheless,  
25 there is something disquieting for me, and perhaps for others, in  
this project, this search for analogies. And actually what's  
disquieting, it strikes me, is the possibility of another kind of  
analogy, namely that while Las Casas was drawing attention to  
moral, legal and anthropological truths, drawing attention (to)  
appalling injustice, the conquistadors and their friends marched  
untouched. What I want to hear you say something about, if you  
will, is whether or not, in your view, Las Casas and his moment  
in time... that is to say, his view of what was happening at his

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1 moment in time had any effect, any positive effect at all, on the  
2 pace and nature of the brutalization of the Native peoples of  
3 South America.

4 MR. HANKE: I detect a certain  
5 note of skepticism here.

6 MR. BRODY: Disquiet.

7 MR. HANKE: Disquiet. Well, it's  
8 a good question and it's difficult, if not impossible, to answer.  
9 However, one of the characteristics of Las Casas was that he had  
10 many supporters at that time, many people wrote to him giving  
11 information on what was happening in America. He had his own  
12 disciples. I was trying to think of influence, even after he was  
13 dead. A number of important disciples worked and struggled,  
14 because this was a struggle that went on. Domingo de Santo de  
15 Moss (ph), for example, in present day Bolivia, in the late 16th  
16 century, he was a Las Casista and tried to put into effect and  
17 you have to study... it is really a study of the whole Spanish  
18 conquest, to find out how far these ideas permeated. There was  
19 Juan del Via (ph), a bishop in present day Columbia. And all  
20 over the world there were disciples of Las Casas, who struggled.  
21 Whether they were successful or not, we don't know.

22 We do know that after this great debate, the issues  
23 were so complex, the problems were so sensitive, that they were  
24 never able to get the commission to vote, all of them to vote.  
25 There was never any decisive vote one way or the other and we do  
know that shortly after the juanta stopped, and they stopped  
talking Seoykveda and Las Casas, that the conquest was renewed.  
You know, it was stopped by a formal order while these fellows  
discussed, and after it, it was again continued. So, the  
conquest did continue. How much influence? Well, some of those  
persons in Spain would answer by saying look at the Spanish  
legislation. The great (SPANISH), there is no other legislation  
by any colonizing power which has attempted to put into law, into

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1 legal precepts, many of the things that Las Casas stood for.  
2 Were they obeyed? Well, there we come to law, even today, you  
3 know, how far is given law obeyed. But there was an attempt  
4 there.

5 Another thing, the Portuguese, although, of course,  
6 Catholic, lived in the same Iberian Peninsula as the Spaniards  
7 and subject to the same historical influences, they were also  
8 invaded by the Moslems and for centuries under Moslem forces of  
9 Spain. The Portuguese never developed any treatise writers, any  
10 political thinkers, who discussed these questions of justice, as  
11 Las Casas and many other Spaniards in the 16th century. I look  
12 for them in Portugal, I made a special trip to Portugal once to  
13 try to find them. No, I couldn't find them. Nor did there  
14 develop in Brazil any particular Indian defender. There was one  
15 in the 17th century, Antonia Veara (ph), who tried to protect the  
16 Indians in Amazon region, but it was a small thing, small  
17 potatoes. The only laws protecting Indians in Brazil were laws  
18 made by the Spanish King, Philip the Second, when Brazil was  
19 under Spain. Then they had laws protecting the Indians in the  
20 official legislation on Brazil. Now, if you ask, what good did  
21 it do? How far were the laws obeyed, actually? How can one  
22 answer that question. It is almost impossible to give any  
23 documentary proof or evidence which would convince a person.

24 MR. BRODY: Are there any reasons  
25 for thinking, to your knowledge, that the Indian people  
themselves derived comfort and strength from their knowledge of  
the debate that was taking place?

MR. HANKE: You are asking another  
one of those generalizations. Indians from the Yaqui in Mexico,  
down to the Patagonians, how can I answer that?

MR. BRODY: Is there any evidence  
at all to suggest?

MR. HANKE: Again, I detect that

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1 skeptical tone--any evidence at all. Well, no, I just think it's  
2 impossible to answer your question to your satisfaction because  
3 it would involve a great knowledge, a tremendous knowledge of  
4 history, and we know that many Indians were killed, many Indians  
5 lost their lives because of disease or mistreatment or something.  
6 A lot of them are left. Of course, that is what the Spaniards  
7 say to us. We may have been cruel to our Indians, but we got a  
8 lot of Indians left. What do you do with your Indians? You put  
9 them in reservations and etc. No, that questions is one of those  
10 questions that I am afraid is not possible of any useful  
11 response, at least by me.

12 MR. BERGER: Sandy and then Oren  
13 and then David had questions, and then we'll turn back to Sandy  
14 for...

15 MR. DAVIS: (OFF MIKE)

16 MR. BERGER: Oren. Oren Young.

17 MR. YOUNG: My question to  
18 Professor Hanke is a much more contemporary question, if he is  
19 willing to address issues of the present day, as well as the 16th  
20 century. Toward the end of his paper, it already quotes, to my  
21 mind, a very interesting comment from Vine Deloria (ph). On page  
22 21 he says that in quoting Deloria, to the effect that  
23 accommodation need not mean assimilation, but then also to the  
24 effect that failure to make unavoidable accommodations with the  
25 majority, may mean simply assimilation into the bottom of the  
social pyramid and so on. And then, in his own words, he says,  
to my mind the term accommodation offers the most intelligent and  
hopeful direction in which to go. I guess my question is I was  
wondering if he would be willing to expand a little bit on or to  
unpack a little bit the content of the notion of accommodation.  
And also if Professor Hanke has any ideas of his own about what  
accommodations might be unavoidable and which accommodations  
might be something other than unavoidable accommodations?

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1 MR. HANKE: I am sorry I put that  
2 statement in now, because I can't really give any useful answer  
3 on that. There are so many different possible kinds of  
4 accommodations. I think what I was trying to, what I do feel  
5 is... I don't see how they can be sovereign in the independent  
6 sense. I am not even quite sure what the special interest, what  
7 the content there is. I hope that we get some time, someone can  
8 explain what the special position is. But trying, accommodation  
9 would not vary almost from group to group. Or, I don't know, I  
10 wish Deloria would answer this question. He is the man who  
11 inspired me to put it down, and all I can say is I think it is  
12 one of those things that perhaps I shouldn't have put down,  
13 because I wasn't trying to give my own opinion. In my paper I  
14 didn't really think I had a right to give an opinion on those  
15 many difficult questions and the matters of accommodations; they  
16 must be settled, must they not, by the people themselves. How  
17 can one speak for the various kinds of Native peoples in the  
18 Americas? I can't.

15 MR. BRODY: Just one follow up on  
16 that. Toward the end of his comments, Tom spoke about a special  
17 place for indigenous peoples unlike that of any other minority.  
18 Is it your vision of accommodation that that would be compatible  
19 with Tom Berger's special place or would this again be something  
20 that would be determined on a case by case basis, by different  
21 groups in different places within the Americas.

20 MR. HANKE: Well, as you know from  
21 my paper, I am impressed the role of immigration in the United  
22 States. They're 1,000 refugees from Laos in Rockford, Illinois.  
23 Has anybody been in Rockford, Illinois? One thousand from Laos.  
24 Since 1975, some 750,000 refugees, immigrants have come from  
25 Southeast Asia. Millions pass over our southern border from  
Mexico, from Central America, from Columbia. I don't know, I  
just don't see how a Congress, a nation, looking at these

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1 problems... I just don't see how a special place which is  
2 immutable and always there for a much smaller group of people,  
3 unless we are going to somehow or another diminish our  
4 commitments elsewhere. Maybe we should. But I confess I have  
5 been... When I sat down to think about it, since the time my  
6 grandfather came here from Germany, I was impressed by the  
7 pervasive nature of an importance of immigration. And I think  
8 that, whatever the special position of the Alaska Natives, or  
9 whatever the position of any other group is, they cannot be  
10 determined one by one. They somehow, there must be some kind of  
11 what I call a delicate balance.

12 MR. BERGER: David Case and then  
13 Bishop De Roo.

14 MR. CASE: Something that... two  
15 words that you said, peak my curiosity in this question. I think  
16 it goes to something that Hugh Brody was touching on, only from  
17 another angle. To what extent, I wonder, does Las Casas' view of  
18 rights and do his ideals presume that by the phrase you use,  
19 peaceful persuasion, the Native American cultures would in fact  
20 be changed and thereby developed and eventually assimilated into  
21 what, perhaps even Las Casas viewed, as a better culture. Is  
22 that also part of, consistent with, Las Casas' views on the  
23 rights of the Indians.

24 (TAPE 2, SIDE A)

25 MR. HANKE: I don't think he would  
use the phrase better culture. I do know that when someone  
charged him with supporting a doctrine that should not be  
supported, namely peaceful preaching alone. When some Spanish, I  
think, Dominicans were killed by Indians in Florida in the 16th  
century. They said, look, this is what happens. Peaceful  
preaching, your brothers are killed, is that what you support?  
And his answer was yes. I don't know whether he said that the  
blood of martyrs is something which produces Christians, I don't

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1 know. But he did support that.

2 MR. CASE: But, was the point of  
3 it that that was just a better way, morally and ethically, to  
4 change the original culture?

5 MR. HANKE: No. He said something  
6 which has not been emphasized Las Casista scholars, which is  
7 this. He said, if it is necessary to use force to Christianize  
8 the Indians--he didn't accept that, but he said, if by chance,  
9 some people thought that, he would rather that the Indians were  
10 left un-Christianized than be forced to accept Christianity.  
11 That is a... I don't know what his Dominican brothers would have  
12 thought about that, but he said that. I think we are faced here  
13 with a man of many facets, a man who was a political battler all  
14 his life. He didn't have one position always, for a while he  
15 used Indians as servants, he exploited them, he heard Montesenos  
16 (ph), but he wasn't convinced by Montesenos in 1511. Only  
17 gradually did he come around to this position. So that, you have  
18 to be sure what period of his life you're talking about. It was  
19 not a monolithic structure. And, however, I don't think he,  
20 after his position was solidified and clarified, I don't think he  
21 ever went back on his basic thought. One, that all peoples of  
22 the world have a potentiality for education. That was  
23 fundamental to him. Two, that it was necessary to study  
24 cultures, even some other culture better than Spain.

25 I remember in his great work, Apologia, the story of  
the apologetic history, he wrote that the Indian women, he  
thought, had a much saner life, healthy life than the Spanish  
women, because the Indian women worked with their own hands.  
That, he thought, was a very commendable thing. He also felt  
that some of the monuments of the Maya's, for example, the  
Chitsonitsa (ph), and all those Maya great monuments. He said,  
he thought that they were comparable to and at least as important  
as the pyramids of Egypt. This is an artistic, archeological



1 judgment which has been confirmed by modern archeologists. So  
2 that, those two pillars, I don't think he ever veered from  
3 following those two basic thoughts. No, I wouldn't support  
4 everything Las Casas said. He said, something... he doubtless  
5 exaggerated some things. And Ramone Menendez pe Dow (ph);  
6 chapter by chapter, wrote out where he thought Las Casas was  
7 wrong or exaggerated or something.

8 But, I think, today, speaking about the problems which  
9 we have in the world today, it is fundamental. And remember  
10 also, in the 16th century and today, there were very few people  
11 who went to the new world, just as very few people came to Alaska  
12 under Russia. I think most there was 600 people in Alaska under  
13 Russia. Six in Russians, I mean. And Fernado Cortez (sp) had  
14 just a small group of people, bizarre with a handful. That was  
15 one of the great things of the Spanish conquest, they did it with  
16 a few Spaniards. But, today, we have the 750,000 Southeast  
17 Asians in the United States. We have Amherst, Massachusetts, 200  
18 in Southeast Asia. And I mentioned the 1,000 Laos in Rockford,  
19 Illinois. In New York City, believe it or not, many of the  
20 apartments are owned by Albanians, believe it or not. They feel  
21 that the image of Albanians ought to be improved. They consider  
22 they should be, you know, they're not as tough. Anyway, many  
23 minorities feel their image should be improved. In New England  
24 itself, when I first visited my grandfather in Maine as a boy, I  
25 heard no French on the streets of Sybatis (ph)--a little town  
near Lewiston. Today you go to Sybatis, over half of the  
citizens are French speaking from Canada. And I think I  
mentioned the paper, there is a Finnish newspaper published in  
Lowell, Massachusetts.

Today, the people, the possibility for misunderstanding  
are multiplied because of the movements around the world. And  
there is no place where there is greater movement around the  
world than from the other parts of the world to the United

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1 States. Here again, in 1924, the year I got my bachelor's degree  
2 at the University, one of the most restrictive laws in the  
3 immigration ever passed by this nation, in 1924, you remember it.  
4 Keeping out those orientals and those people from southern Europe  
5 who had such bad cultures, you know, so low cultures. Today,  
6 what do we have? Like a sieve. How can you keep the millions,  
7 that's a great problem for the Congress. I think Simpson must  
8 only have a bill which they hope to get passed, but there are now  
9 millions coming across from Mexico and other countries. So that,  
10 today, the possibilities for misunderstanding between peoples of  
11 different colors, different cultures, different ways of life.  
12 And ideas are important.

13 May I mention one of the Mormons. I don't know whether  
14 any of you are Mormons here or whether any of you have been to  
15 Salt Lake City. But the Mormon church has done a tremendous  
16 thing for the historians of the country. By bringing together  
17 microfilmed copy of records of birth of people all around the  
18 world. I've been in the great mountain outside Salt Lake City,  
19 where they have carved out a whole rocky mountain and they have  
20 six tunnels, and they have already filled one and a half tunnels  
21 with one and a half million rolls of microfilm or parish records.  
22 Each roll contains one thousand to 1,200 pages. These rolls are  
23 from churches, records in various parts. In Mexico, for example,  
24 they have microfilmed the parish records of all of the churches  
25 where they could operate, some 210,000 rolls. They have many  
rolls from Korea also, because the Koreans are greatly interested  
in genealogy. But all over the world. Why do they do this? Why  
do they spend millions of dollars every year, to bring this  
material? And they have the best microfilm equipment and  
professionals in the world. They keep this mountain at a certain  
temperature and moisture. Why? Just because of an idea. They  
believe the people can be saved retrospectively. This is an idea  
which I don't support, I imagine other people don't support.

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1 They do, and they are very generous in allowing historians access  
2 to this, I think, the greatest single collection of material of  
3 genealogical nature in the world. Just an idea, in their heads  
4 not ours. So that, ideas are important as we go to and fro.

5 MR. BERGER: Bishop De Roo wanted  
6 to ask a question and Sheldon Katchatag, who is president of the  
7 United Tribes of Alaska, who has joined us at the roundtable, his  
8 card says Bernard Nietschmann, but that really isn't Bernard  
9 Nietschmann. And then Henry Shue and Rosita Worl. I think that,  
10 I assume those questions will be... oh, and Mr. Goldwin, will be  
11 directed to the matters that are raised by Professor Hanke. Then  
12 we'll move on to Sandy Davis to bring us up-to-date on what is  
13 happening in Latin America. I was hoping that, perhaps later,  
14 and it may be that Robert Goldwin has this in mind now, he might  
15 want to say something about the impact of the influx of  
16 minorities in the United States.

17 The United States is exceptional in that it, I think,  
18 maybe the only country we know of that doesn't have arrangements  
19 for autonomy for minorities in one way or the other. I think  
20 even Spain itself has arrangements for autonomy for the Basque  
21 and the other minorities there. There might be some reflections  
22 on that. I can say as a Canadian that we've seen in Canada a  
23 great influx of immigration from all over the world and on a per  
24 capita basis it may be even greater than the influx into the  
25 United States. I know that Canada had a larger number per capita  
of boat people coming into Canada than any other country  
including China and the United States. It seems to me that it is  
something that isn't quite the same as having a minority of  
indigenous people. It means that we have six restaurants in  
Vancouver that serve Vietnamese food, but it doesn't mean that we  
have minorities that say, we are here, we are entitled to a land  
base and we are entitled to a measure of self-determination.  
They come thinking that they will, to a greater or less extent,

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1 assimilate. They don't come demanding that there be self-  
2 determination for the Vietnamese in Canada or that they should  
3 have a land base to pursue their culture and their way of life.  
4 But, nevertheless, I think we all acknowledge that this enormous  
5 influx of people to North America is having a great impact.  
6 Well, Bishop De Roo, you're next.

7 MR. De ROO: Thank you. I'm not  
8 sure if my question is not a bit premature, but I thought that I  
9 might raise it now, anyway. And it has as much to do, possibly,  
10 with our continuing agenda, as with the immediate discussion,  
11 which I am finding absolute fascinating. It is a little bit  
12 related to what Hugh was raising earlier, and it comes across as  
13 a certain uneasiness on my part right here as I listen to the  
14 very interesting information that is coming out. I have a  
15 feeling somehow that our panel is a very Western panel. And I  
16 wonder if at some point before our discussion goes too far, we  
17 might not get what I would call a Native Peoples' perception of  
18 this whole status question, of the whole issue. Because we are  
19 talking here about the place of Native peoples in the Western  
20 World.

21 I would think that maybe the Native peoples' perception  
22 would be equally important. And I would just like to suggest  
23 that there is an increasing number of anthropologists who are  
24 bringing to our attention that we peoples of the Western World  
25 our not the majority. That we are, at best, a relatively small  
minority, and that it is not at all sure that our so-called  
modern Western civilization, of which we are so proud, is going  
to be the last word in terms of civilizations. We came here  
thinking that the Native peoples would eventually disappear, and  
we might do them a favor by assimilating them into our beautiful  
white race before they disappeared, to somehow make of them what  
some would consider a rather superior brand of Native peoples.  
But behind that lies a very profound issue and that is, the



1 perpetuation of the Native peoples.

2 As far as I know, they are not about to go away, they  
3 may well be the people of the future instead of the Western  
4 World. And I am just wondering if it might not enrich our  
5 discussion here if some parameters of our exchanges here could be  
6 set before too long by some kind of a perception of how the  
7 Native peoples would see this whole question. They might look at  
8 it in a slightly different light, I think. I would just like to  
9 know if we might have someone who might help us understand a  
10 little better how the Native people would perceive this whole  
11 discussion.

12 MR. BERGER: Well, I think that's  
13 important and we have a number of Native people at the  
14 roundtable. I should remind you all that we have been to 60  
15 villages and heard from something like 1,450 people, mostly  
16 Alaska Natives. So, we have a record that is quite remarkable of  
17 the ambitions and aspirations and world view of Native people.  
18 And I don't think anyone's underestimating its importance. I  
19 think the condition we're in is this, you have to start  
20 somewhere, and we asked Professor Hanke to begin and, but I think  
21 that over the course of the next four days we must indeed make  
22 sure that we hear from, not just the Westerners who occupied  
23 indigenous lands, but from the people who represent the  
24 population that is indigenous to those lands. Well, Sheldon  
25 Katchatag, I think that you may very well provide what Bishop De  
Roo is seeking, and so carry on.

MR. KATCHATAG: Thank you,  
Honorable Mr. Tom Berger. I would like to first of all say  
greetings and welcome to a suburb of Dallas. You are up some 30  
minutes from the real Alaska, and I would welcome everybody here,  
all the distinguished guests. I have a copy of a book by Mr.  
Henry Shue, and I have been reading with interest what Mr. Hanke  
has been saying. I am really grateful that Bishop De Roo would

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1 bring up this matter of perspective.

2 It's all good and well to study a people, but as  
 3 chairman of the United Tribes of Alaska, a coalition of tribal  
 4 governments that have gotten together to provide a larger voice  
 5 for our people, it's important that I emphasize to you that the  
 6 survival of Alaska's Native people, as a separate and distinct  
 7 people, is in the balance. And I would ask that when you discuss  
 8 the position of Native people in the Western world that you bear  
 9 this in mind. If nothing is done, if we as governments do not  
 10 act to preserve and protect, not only our people, our land base,  
 11 our culture, that within a matter of a hundred years, our people,  
 12 a separate and distinct people with a history longer than any  
 13 other history in North America, as a peace loving people that  
 14 know how to get along, not only with each other, but with our  
 15 environment, will be gone. And we will end up as the Polish  
 16 Americans, German Americans; and all our descendants can claim,  
 17 if we do not do something about it, is that they are Americans of  
 18 Eskimo descent, of Tlingit descent, of Haida descent. In other  
 19 words, we are being assimilated.

20 This is a roundtable to discuss what we think, ideally  
 21 and otherwise, are some of the solutions, but it is not just a  
 22 roundtable. This is the last roundtable hearing of a pretty vast  
 23 undertaking on the part of Honorable Thomas Berger and the Review  
 24 Commission to determine, not only just the impact of ANCSA on our  
 25 people, but also where do we go from here. I would appreciate  
 that since you are here, as part of this study of ANCSA and its  
 impact on our people, that we bear this in mind as we go through  
 these next four days. And I would also like to take this  
 opportunity to, since we have been talking about Columbus and all  
 the ramifications thereof, and his birthday and his anniversary  
 for so-called discovering America, I would also like to take this  
 opportunity to tell the Native people of Alaska that there is  
 another Columbus day that they had better worry about. And this



1 is not the one in 1992, this is the one on October 21, 1986.  
2 That is when the Federal Land's Management Policy Act, passed in  
3 1976, goes into final approval by Congress. After that date, no  
4 matter how right your claim, according to the way the law is  
5 written, no matter how right your claim for anything related to  
6 land, you have no recourse. And it is important that our people  
7 look at this Act, because it was passed with no fanfare and it  
8 was part of an amendment to ANCSA that we should study this thing  
9 and find out exactly what we have before us.

10 1991 is important, granted. But if, in 1991, Congress  
11 decides yes that Alaska Native people do have valid existing  
12 rights to not just the corporation lands, but to their  
13 jurisdiction, then they will have no recourse to say, but we  
14 passed this law in 1976, we gave you 10 years to review this law  
15 that cut off your access to anymore land and you did nothing  
16 about it. So, I take every opportunity that I can to tell  
17 Alaska's Native people, hey, don't look at 1991 yet. It's  
18 important, yes. But you look at that problem which is more  
19 urgent. You have to look at all of these things.

20 And I would also, again, like to thank the ICC for  
21 commissioning this Review Commission, and Thomas Berger for  
22 taking it on and performing so ably in his capacity as  
23 Commissioner. And I would like also to inform the participants  
24 in today's roundtable that the impact of Western society in the  
25 last hundred years has been great. In 1867, the population of  
Alaska was some 99.9 percent Native. Fifty years ago, we were 50  
percent. Five years ago, we were 16 percent. And yet, Congress,  
in it's wisdom, through ANCSA, has said that we have a valid  
existing right to all of this state. And yet, they paid us three  
and one-half cents an acre, for 300 million acres. The ANRC has  
been the first forum, as Mr. Hanke pointed out, for Alaska's  
Natives to be heard. And Thomas Berger did a very commendable  
job, even though I still hear complaints from villages where he

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1 has not had the opportunity, due to finances, to hold hearings  
2 that, we wanted to be heard too. We could not afford what little  
3 airfare it might have been to go to whichever town in our area  
4 that these hearings are being held. People want to be heard.  
5 And an opportunity like this, as you said some 1,450 people have  
6 taken advantage of it in the last year. And it's those people,  
7 the village Alaskans, on whom ANCSA has had the greatest impact.  
8 And yet, they are the ones who have been benefited the least from  
9 ANCSA.

10 A lot of these problems that have been brought about by  
11 ANCSA have their roots not in ANCSA but in the policy and actions  
12 of the Federal Government prior to 1959, and also the State of  
13 Alaska since 1959. The Natives of Alaska, through the Department  
14 of the Interior, have been brainwashed, to the point where now  
15 our people are almost asking, sure we have these rights and  
16 everything. Can we do this? And as long as our people have this  
17 attitude, everybody is going to say, no, you can't do that. And  
18 the point that I would like to point out to the Native people of  
19 Alaska is that they do have their tribal governments in place,  
20 and that I think it's important that Alaska's Native people  
21 research their tribal governments, the recognition of tribal  
22 governments by the Federal Government, and also the rights which  
23 the Federal Government says that we have as Native people.

24 And I would ask for help, from whatever source that we  
25 can, to mount an information, an education campaign, not only to  
our Native people but to the non-Natives of Alaska, as to the  
actual rights, privileges and responsibilities of Alaska's Native  
people to themselves and to Alaska, but also the rights and  
responsibilities of the non-Native population of Alaska. And to  
realize that, if in fact, the Federal Government can get away  
with a paper conquest of a people, a legislative conquest of a  
people, and not just one people. There are seven separate  
distinct groups of people recognized in Alaska: the Tlingit, the

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1 Haida, the Athabascan, the Aleut, the Simshian and the Eskimo,  
2 and there is delineations in each one of those major ethnic  
3 groups. All of us are being conquered on paper. And this  
4 information and education campaign is important because we cannot  
5 deal with this until we have all the knowledge, all the  
6 information available to make a reasonable, rationale decision  
7 about what to do about it. And here we are, at the end of this  
8 month the Alaska Federation of Natives is having a special  
9 convention to make some major changes in ANCSA.

8 Again, through their auspices, AFN Incorporated,  
9 because of their activities before they were incorporated, they  
10 were recognized as a voice of Alaska's Native people, and they  
11 have taken that voice and incorporated it under state law. So,  
12 now our people are not legally and properly represented. A  
13 distinct group of people, with governments of their own, are now  
14 officially recognized through a state chartered business  
15 corporation. It's akin to the people of the United States being  
16 told that from here on out General Motors is a spokesman for the  
17 American people or United States Steel is a spokesman for  
18 Alaska's people. And I would ask that we bear this in mind as we  
19 go through these next four days. It may be just a roundtable to  
20 the Western society, but the recommendations that come out of  
21 this Commission are very important to the survival of our people  
22 as a separate and distinct people, with a separate and distinct  
23 relationship with the land. And I would ask Mr. Hanke, what  
24 parallels and differences do you see between the conquest of the  
25 lower Americas and this paper conquest of Alaska Natives since  
1867? And I would also point out that it is really unfair to  
compare the rights of immigrant minorities with the rights of  
indigenous people, such as Alaska's Natives. Thank you.

MR. BERGER: Thank you very much,  
Sheldon. The... Rosita, I had Henry Shue down and Rosita Worl.  
Mr. Shue, please.

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1 MR. SHUE: Okay. I would like to  
2 say I appreciate Mr. Katchatag's comment very much, and I  
3 certainly hope we'll go back to it. Because of the way this  
4 thing works, you raise your hand when one thing is on the table  
5 and something else much more important is on the table by the  
6 time you find yourself talking on it. I do hope we won't just  
7 drop what's been said. But at the time I raised my hand, what  
8 was on the table was this business about immigration. Although I  
9 have been working on that the last several years, I wasn't going  
10 to get into it except that Professor Hanke has stressed it now.  
11 I guess I would like to make three points about it.

12 First about numbers. I think it's easy to exaggerate  
13 the extent of the immigration to the United States. My  
14 understanding is that it is not really true that there are  
15 millions of people coming in across our southern border, if  
16 that's suppose to be a net gain. There have been very extensive  
17 studies recently of the movement of Mexican workers in and out of  
18 the United States, and since it's undocumented and in that sense  
19 illegal, of course, it is very difficult to get a grip on. But a  
20 group under Jorge Bustamonte (ph), in Mexico in particular, has  
21 done very thorough studies. What is being found is that most of  
22 the Mexicans who come into the United States also go back. That  
23 is, these are workers who are coming to try to earn money or to  
24 earn some money, in many cases which they couldn't earn at home,  
25 and there is great deal of immigration in, but there is also a  
great deal back, and many of these people view themselves as  
still having their homes in Mexico and return their families  
every year.

We have very fishy numbers about all this. I mean, the  
numbers that we have about movements are for the most parts  
apprehensions by the Immigration and Naturalization Service. And  
one important fact, of course, is that the same person is often  
apprehended many times, so you can't treat apprehension numbers

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1 as if it's numbers of people. Usually when someone is stopped,  
2 he just comes back that night or the next day, and he may get  
3 counted four or five times. The other thing, of course, is that  
4 we have absolutely no numbers at all on people going back out  
5 again. That's just not counted. The best estimates we have are  
6 from the Census Bureau on sort of net gains, and the estimate  
7 accepted at the moment is that the net increase from Mexico has  
8 been between three and six million people. It's nothing like a  
9 net gain of a million a year. Where there are many other sort of  
10 complications about what everybody recognizes, it is essentially  
11 a numbers game.

12 But the other two points, I think, are more important.  
13 The second one is, does one view immigrants as costs or as  
14 benefits? I mean, these Vietnamese, for example, are enormously  
15 energetic and lively and enriching people, so are the Mexicans  
16 who are doing jobs that, in many cases, need to be done and are  
17 poorly rewarded. And so, whatever the numbers are, there is then  
18 a separate question of, do you view this as a burden on the  
19 country or as a benefit to the country? I think we certainly  
20 shouldn't just sort of talk as if it's all a burden.

21 The third question is the one that Mr. Katchatag really  
22 raised. What's this got to do with Alaska Natives, and Professor  
23 Hanke himself raised that question. I guess I am still just not  
24 persuaded it has a whole lot to do with them. For two reasons,  
25 one is that, it is not clear to me that there is any very direct  
26 competition however many people are moving around in the Lower-  
27 48. It's in a pretty indirect way, I think, that there is any  
28 competition for resources with people in Alaska. That is that  
29 there is, in some abstract way, some competition, but that is  
30 really quite indirect, I think. But, most important of all is  
31 the question that Mr. Katchatag raised that, we can't prejudge  
32 the question of whose rights are more fundamental. I would have  
33 thought, at least prima facie, that indigenous peoples did have a

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1 prior claim. So that if it should turn out that there is a lot  
2 (of) competition, which I don't really think there is, I am not  
at all sure it would have to go in favor of the immigrants.

3 Finally, I think it makes a lot of difference whether  
4 we are talking about refugees who are fleeing persecution or  
5 whether we are talking about workers who are coming looking for  
6 jobs, and then you've got... there are a lot of different kinds  
7 of people on the immigrant side, as well as a lot of different  
kinds of people on the Alaska Native side.

8 MR. BERGER: Yes. Rosita Worl and  
then Robert Goldwin.

9 MS. WORL: Thank you,  
10 Commissioner. I have just a short statement and a general  
11 question that I would like to leave with the body. But, first of  
12 all, I would like to start off... You know, I hadn't really  
13 thought about the Commission as being historically significant  
14 because, I think most of us are just really concerned about the  
15 current issue. But if, in fact, it is going to be a historical  
16 document, for the record I would just like to share with you one  
17 perception of Native peoples of white people. And this happened  
18 somewhere in the Southwest when a ship came to the shores and the  
19 Native people over there looked at them and really didn't know if  
they were really human beings. And Native peoples here in Alaska  
all identify themselves as real human beings, as opposed to other  
types of people.

20 Well, these white people landed on the shores and  
21 Native people looked at them, and they looked like they might be  
22 human beings, but they really couldn't verify this. And a group  
23 of people came off the ship, and one gentleman needed to take  
24 care of a bodily function. So, he started to walk off and the  
25 Native people had a sense that they knew what he was going to do.  
Well, this was tundra country, and the guy didn't have too many  
places to hide. And so, he kept walking and the Native people



1 kept following him. He walked further and they followed him.  
2 Well, he finally did his job, and the Native people concluded, ah  
3 ha, he is a human being.

4 Professor Hanke has said, you know, ideas are  
5 important. Ideas are important. It's something that I struggled  
6 with in my pursuit of a higher education because I have always  
7 found a contradiction between ideas and, particularly, religious  
8 or Christian ideas and economic behavior. Because the cultures  
9 that I come from, ideas are integrated in our economic behavior.  
10 Religious ideologies dictate subsistence behavior. So, it's  
11 something that I have struggled with constantly. But,  
12 nevertheless, I haven't given up entirely on Western people's  
13 ideologies, because I guess I would like to find a way to use  
14 Western peoples ideologies to protect Native peoples. And I  
15 think that it was this idea that persuaded many Native people to  
16 adopt Christianity.

17 We don't have a large body of written material or  
18 literature on Native peoples perceptions of white people and how  
19 they looked at their institutions. But we can, from some of the  
20 literature and from some of our oral tradition, get an idea of,  
21 you know, how were our grandfathers really looking at  
22 Christianity. Well, you can imagine that they lost some faith in  
23 their ideological systems when they found out that those systems  
24 were powerless against the new types of diseases that were  
25 introduced, when their Shamans were not able to deal with the new  
kinds of sicknesses that were introduced. And they saw the  
technological superiority of Western people. And I think there  
is... in one document there is one Tlingit chief who says, ah ha,  
it must be that your God is white that makes you so powerful.  
And because of that, I am going to persuade my people to adopt  
Christianity. But, for me as a chief, as a Tlingit chief, I  
cannot desert those who have gone before me. And so, therefore,  
I won't give up my Native religion, but I will persuade my people

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1 to adopt Christianity.

2 And so, I think, it was also that Native people also  
3 adopted corporations. Their lands hadn't been protected under  
4 aboriginal title. They lost land. And so I can understand that  
5 our leaders saw that fee simple title was a way to protect their  
6 land. Well, it took some time for Native people to realize that  
7 maybe Christianity wasn't all that we thought it to be. And, I  
8 think, that many of us are now discovering that fee simple title  
9 is not all that it seemed to be.

10 When I went away to school, I learned from my advisor,  
11 Sandy Davis, a very important precept. And that was, as an  
12 anthropologist, we should study up, not study down. We should  
13 look at the institutions and the culture and the societies that  
14 impact or effect Native cultures. And so that's a basic  
15 theoretical orientation that I have taken. And so it was that I  
16 was really, you know, very excited as I read Professor Hanke's  
17 book on Aristotle and the American Indians, and in defense of the  
18 Indians and the trilogy on Las Casas works. I was also very  
19 excited when I looked at the Catholic churches social teachings  
20 on economic policy. And I became even more excited when I  
21 started to read the literature on the theology of liberation.  
22 But yet, again, I am dismayed again when I hear the response from  
23 Professor Hanke to the issues raised by Hugh Brody. But, yet, as  
24 I said, I am not ready to give up yet on Western peoples  
25 ideologies, but maybe, maybe, one of the things we can talk  
about, is it possible for Native people to use these ideologies  
to protect our land? Or do these ideologies really conflict with  
Native peoples ideologies?

MR. BERGER: Thank you, Rosita.  
Thank you very much. Mr. Goldwin, please.

MR. GOLDWIN: Yes. So much has  
been said that is so interesting that my thoughts are in a jumble  
at this point of things I would have said ten minutes ago and

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1 other things I would have said five minutes ago and what I think  
2 I will try to say now. And my only consolation is that we do  
3 have several days, and maybe I will have a chance to say many  
4 other things, if I can control the influx of new ideas which will  
5 cause new jumbles.

6 But let me start with the point that Rosita Worl just  
7 ended with. That is, Hugh Brody's question. On the one hand he  
8 said, Las Casas' principles of justice, and on the other hand,  
9 the ruthlessness of the conquistadores, and they were  
10 simultaneous, and how can we account for that? Professor Hanke  
11 said he thought that was a cynical question or had some cynicism  
12 in it. But I think it is two aspects of Western behavior that is  
13 very important for us to think about. That problem was a special  
14 Spanish problem and there is duality in the American experience  
15 and behavior, which is a different duality and, I think, more  
16 relevant for us. In old American documents, you can find  
17 statements about the importance of dealing justly with the  
18 American Indians. A classic example is the Northwest Ordinance  
19 of 1787, which was adopted before the Constitution of the United  
20 States but was readopted by the first Congress. And it has, I am  
21 sorry I don't have the text with me, but it has an absolutely  
22 faultless statement of what the principle should be of dealing  
23 with the Indians, including that there should be no appropriation  
24 of their lands except under agreements which are fully understood  
25 and with fair compensation. There was for quite a while, a rule  
that there should be no transfer to individuals, but only  
transfers of lands through agreements made with Congress. And  
statements of admiration for the Indians, and insistence that  
dealings with them should be peaceful and just.

That was 1787, and it marked the opening of what was  
called the Northwest Treaty--which is now not very western or  
northern states, like Ohio, Illinois, Indiana, but it was then  
the Northwest Territory. An all out war, first skirmishes, but

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1 by 1791 or 2, that is within four years, was all out war against  
2 the Indians who lived in that territory. And by 1795, they were  
3 driven out completely. That happened simultaneously with these  
4 expressions of principles of justice. Now, I don't think it was  
5 duplicity, but there is some force there that is an aspect of the  
6 presence of these Western, non-Native man and woman, in the same  
7 territory with the Native peoples. And I will leave it for a  
8 moment.

7 (TAPE 2, SIDE B)

8 MR. GOLDWIN: Also, the principles  
9 of equality, that the Indians were in every respect men equal  
10 with the white Americans was also expressed officially. There is  
11 a message from President Madison to the chiefs of Indian tribes  
12 in which he details all the ways in which, in his opinion, the  
13 American Indians are the equals of the whites. And that message  
14 was a plea to the Indians to improve themselves. And what he  
15 said was, look, you are in no way inferior to us, in  
16 intelligence, in skills, in physical abilities, in courage. And  
17 yet, we the people who live in that same territory, the  
18 Americans, are well fed, well clothed, are warm in the winter and  
19 your people are hungry, sick, cold. And what's the difference?  
20 Not that you are in any way inferior, but we farm and you don't.  
21 And he offered to them to help them become farmers, learn  
22 agriculture in their own territory. Well, it didn't happen and  
23 in all likelihood, couldn't have happened. They were not, the  
24 Indians were not, in that area, were not farming people. But my  
25 point here is that there was... that the injustices that were  
occurring and the displacement that was occurring was not based  
on notions that the Indians were inferior and were not based on a  
lack of understanding of what justice required. That was stated  
clearly by, in official documents, repeatedly. Also, when the  
Indian chiefs spoke in meetings, it was clear that they had very  
impressive and eloquent statements of what the situation was and

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1 what justice required, and the statements were of such a nature  
2 that no one could have missed that these were people of equal  
3 ability and equal claims to all the characteristics of humanity.

4 So, I think that raises this question. First of all,  
5 in response to Hugh Brody's question, what is the force of  
6 principles of justice? Are they merely pieties and platitudes?  
7 Or do they have some real influence over human events? I think  
8 the fact that those statements are made repeatedly in official  
9 documents and that we come now trying to grapple with these  
10 problems, and that they keep coming up over and over again, what  
11 are the rights on one side and another, shows that we cannot  
12 ignore these things, especially in a nation dedicated (to) the  
13 principles of liberty, equality and justice. There is a nagging  
14 persistence that we must find a way to make our behavior accord  
15 with the principles, even though we know, as human beings, that  
16 there will be some difference between what we do and what we say  
17 and what we believe in. But those statements of justice and  
18 those are not... they may be in the mouths of some scoundrels  
19 simply platitudes and deceptions, but that they have a force that  
20 cannot be ignored and that comes back persistently and influences  
21 what we are willing to do and what we try to do, I think, is  
22 indisputable. The difficulty is that with the best of motives,  
23 things often turn out badly, especially legislation. Most  
24 legislation fails to accomplish its objectives, and it's very  
25 common that carefully designed legislation accomplishes exactly  
the opposite of the intention. There is a long list of  
legislation... I lived in England the year that they tried to  
start the outflow of sterling currency by putting a limitation on  
how much any British citizen could take out of the country on a  
business trip or on a vacation. The result that year was a  
record amount of sterling was carried out of the country,  
legally. Just because the legislation had loopholes and  
everybody had incentive to find those loopholes. We had

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1 legislation year after year when there was a farm surplus, trying  
2 to reduce the farm surplus. Every year without fail, it  
increased the farm surplus. And there is a long list.

3 ANCSA is not the only piece of legislation, if it  
4 worked the way it had been intended, it would be an exception.  
5 The fact that it's working, not working successfully and,  
6 perhaps, working to the contrary effect of the expectations is  
7 the norm in legislation. And it is unnecessary to bring in  
8 theories of conspiracy or bad motives to explain what is  
9 happening. The other... So, the two questions I raised is,  
first of all, that we think about the force of the principles of  
justice in Western behavior.

10 The other is, what is this other force that moves,  
11 despite the pronouncements, what is this other force that moves  
12 settlers, that moves populations, that changes things despite the  
13 legislation? The restrictions on settlers in the Northwest  
14 Ordinance and in legislature that followed from it, had no effect  
15 whatsoever. The settlers were coming over from Kentucky,  
16 crossing the mountains, wherever they found this rich farm land,  
17 there were also some Indians. They quickly made a deal with  
18 whatever Indians were there, signed a formal agreement, paid them  
19 some money, and began to farm. Well, it turned out that those  
20 Indians were not local, they were constantly roving and there was  
21 a lot of rivalry, even hostility, among the Indian groups and  
22 tribes in that region. And so, they would sell somebody else's  
23 land without the slightest hesitation, take the money and go on  
24 their way. Then the real occupants of that territory would see  
25 settlers, contrary to the arrangements that had been made and the  
solemn treaties that had been made, and, of course, they would  
try to drive them out. Then the settlers would defend themselves  
because they had made what they thought was a valid agreement and  
paid whatever had to be paid to be there and now, they thought,  
these Indians were going back on the agreement.

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1           In short, if you take a situation of vast territory,  
2 people who don't understand each other, the movement toward  
3 agriculture and development, all the possibilities for  
4 misunderstanding and bad communications, you don't have to have  
5 bad motives to get a result that is very different from what the  
6 legislatures had hoped for. Now, that force, I think, that we  
7 characterize as, people speak of Western values and of Western  
8 ideology and other such things. I think it can be stated with a  
9 little bit more clarity and substance. It's the doctrine of  
10 growth or increase. That is, it's the opposite of subsistence.  
11 It is an unwillingness to live with what nature alone provides.  
12 And when people who live by the doctrine of growth as a way of  
13 life, who insist on trying to increase the little bit that nature  
14 provides, when people of the growth society come into association  
15 with people of a subsistence way of life, the outcome is not  
16 controllable, unfortunately, by legislation. It's like trying to  
17 legislate that the tides will not come in. And that force is  
18 something that we ought to talk about.

15           The notion of growth, or the oldest formulation of it,  
16 from 300 years ago and John Locke, the idea of increase, has  
17 transformed the world. It hasn't effected only Native peoples,  
18 but any people who have tried to stand in the way. Peoples of  
19 the same religion, nationality, language and culture, but of the  
20 sort who were not engaged in activities of increase have been  
21 overwhelmed by it, dispossessed and, you know, the great movement  
22 of people from agriculture into urban life, that's just this tide  
23 of, the results of the idea of increase.

21           One last point. On the question of the special place,  
22 the special status of the Native peoples. I agree that it's a  
23 very different matter from all the special, the immigrant groups  
24 of Americans. Accommodation means assimilation, to a very large  
25 extent, for all of the immigrant groups. And I think there has  
been no exception. Now, there can be some... it isn't so that

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1 Polish Americans are completely assimilated. In Chicago, one  
2 hears young children who may be third and fourth generation  
3 Americans now, still speaking Polish as the language at home.  
4 And elements of the way of life that is distinctive, that keeps  
5 them distinctive and separate, can be found. But, of course,  
6 there has been a tremendous mixing too, so that some people can't  
7 tell now what they are because there have been intermarriages of  
8 Polish Americans and Irish Americans and Italian Americans. But  
9 the distinctive thing about the Native Americans is that their  
10 ethnic differences link to the land.

11 I am Jewish myself, and Jews are certainly a separate  
12 and distinct people, with a long record of survival under the  
13 most adverse conditions imaginable. But the survival of the Jews  
14 is, in part, explained by the fact that they are not people of a  
15 particular land, but they are people of a book and the book was  
16 portable. So that, wherever they went, they were Jews. There is  
17 a great danger to Jewishness in assimilation, and the number of  
18 people who are really Jewish is greatly diminishing in the United  
19 States. In addition, now, because of the establishment of the  
20 nation of Israel, there is a complication, and Jews are somehow  
21 connected with the land, and that may be another danger. But it  
22 is very hard to figure out what the place should be in the United  
23 States, under the peculiarities of the United States  
24 Constitution, the United States law, for people who are connected  
25 with a particular place. And I think that is the significant  
claim for Native Alaskans, for some special status that would  
justify a special status, even though there is so many other  
kinds of hyphenated Americans, who would say, why should they  
have a special status if we don't? Because there is no special  
land attachment for Vietnamese Americans or Polish Americans in  
the United States, and there is for Native Alaskans. So, if  
there is any basis for a special status, I think it is that  
connection with the land. How to carry it on from there, I don't



1 know, but I'll stop.

2 MR. BERGER: Well, thank you, Mr.  
 3 Goldwin. That was very, very helpful. I thought that what we  
 4 might do, if you don't mind, is this might be an appropriate  
 5 time, in just a moment, to adjourn for lunch and then we might  
 6 ask Sandy Davis, this afternoon, to pick up the discussion by  
 7 telling us how these principles of justice, affirmed by Las Casas  
 8 400 years ago, and found in Spanish law, and not to mention the  
 9 Northwest Ordinance, how are they exemplified on the ground in  
 10 Latin America? What is actually happening there? Then I thought  
 11 we might... there has been just a surfeit of very provocative  
 12 ideas that have been raised this morning, and they are all  
 13 worthwhile, and I hope we will reach them all in some order.  
 14 But, subject to what David and Rosita may say, maybe we could  
 15 start out with Sandy this afternoon. And, perhaps, we might also  
 16 hear, sometime this afternoon, from Moses Keale, who comes from  
 17 Hawaii, because there the Native people had the opportunity of  
 18 seeing U.S. principles of justice in play even before they were a  
 19 part of the U.S., and that might offer us a particular vantage  
 20 point in that connection. As well, Hawaii is a place where there  
 21 has been an enormous amount of immigration and that bears on the  
 22 point that Professor Hanke raised, and Professor Shue raised.  
 23 So, I think that if it's all right with everybody we might  
 24 adjourn until 1:30 and start again with Sandy Davis.

19 (HEARING ADJOURNS)

20 (HEARING RESUMES)

21 MR. BERGER: Well, I thought that  
 22 we might begin this afternoon by asking Sandy Davis to talk about  
 23 the state of affairs in Latin America and South America. How  
 24 well have those principles, for which Las Casas struggled, been  
 25 reflected in recent practice in terms of the acknowledgment of  
 the rights of the indigenous peoples of Latin America and South  
 America? And any other reflections that Sandy might care to



1 offer. Then, perhaps, we could discuss that with Sandy and then  
2 move on to Moses Keale from Hawaii. So, go ahead, Sandy.

3 MR. DAVIS: Thanks, Tom. I just  
4 wanted to make a little mention here before I begin. Charlie  
5 Edwardson passed on to me a copy of something which I don't  
6 understand at all, that needs some of the legal minds here to  
7 interpret, but there is part of the U.S. Code that is numbered  
8 1492. Now, there is some symbolism in that. As I understand it,  
9 this section of the Code has to do with submitting a report to  
10 Congress by anyone who is a citizen, I take it, would then be  
11 part of a legislative discussion in Congress. At some point, I  
12 think, Charlie may want to discuss this with us. And for the  
13 symbolism alone, I think we should give that some consideration.  
14 So, at some time either this afternoon, I think, or maybe during  
15 the session, we may want to discuss this. But I was asked to  
16 give a brief overview of the situation of Native peoples in South  
17 and Central America. I am going to try to be very brief and  
18 pretty extemporaneous, too.

19 First of all, I think, the first thing that has to be  
20 said, it's really a misnomer to talk about Latin America. It's  
21 truly a misnomer. I think we can more talk about Indian America  
22 than Latin America, in a certain sense, because the presence of  
23 Indian people, especially south of the Rio Grande in South and  
24 Central America, is so great and so dominant, both physically and  
25 demographically and culturally, that to speak of Latin America is  
more of a wish fulfillment about what the continent should be  
like than really what it's reality is.

I just came back from Bolivia, where I was three weeks  
ago. And anyone who visits La Paz in Bolivia, which is the  
capital of Bolivia, has some idea of how the indigenous presence,  
it's existence. When I rode in from the airport in the largest  
capital, probably in the Americas, the highest capital of any  
country in the Americas, when I drove in from the airport, on the

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1 radio, the taxi driver changed from one station where they were  
 2 giving the news in Imina (ph) and to the second station where the  
 3 news was being given in Ketchewa (ph), and then turned to another  
 4 station where the news was being given in Spanish. But he really  
 5 couldn't understand the station that was on Spanish, so he went  
 6 back to the presentation of the news in Imina, which are the two  
 7 major languages, Imina and Ketchewa, in La Paz itself, is  
 8 essentially a city that is made up of Native people. A large  
 9 city of several hundred thousand people. It is made up of Native  
 10 people, not only do the people speak the Native languages, but  
 11 the clothing that they wear are of Native design and Native  
 12 production. The music that is heard is Native music. The food  
 13 that is eaten is Native food. The houses that are constructed,  
 14 in even the slum areas of the city, have certain resemblance to  
 15 Native household design in the rural areas.

16 The only problem is the control of the state isn't in  
 17 the hands of the Native people of Bolivia, but is in the hands of  
 18 the people of Spanish descendants. But it is essentially an  
 19 Indian Country. I think the thing that could be said is that the  
 20 Native presence in South and Central America is dominant in many  
 21 areas. That's true statistically, as well. I usually don't  
 22 believe the official statistics on the number of indigenous  
 23 populations, and there is no reason, usually, to believe them.  
 24 But, even the official statistics that exist on the Native  
 25 populations of South and Central America, indicate a significant  
 rise in population over the past two or three decades. The  
 official statistics of the number of people that speak indigenous  
 languages and who identify with the Indian communities, or that  
 in 1960 they were classified 14 million indigenous people in  
 South and Central America. By 1978, that figure had risen to  
 over 30 million people, more than doubled, according to the  
 official statistics.

One figure has it that there is more than 400 surviving



1 indigenous groups with their own languages and cultures and forms  
2 of identity. Over 400 different indigenous ethnic groups in  
3 South and Central America. If you include the number of  
4 indigenous ethnic groups in North America with that, it probably  
5 numbers near 400 or 500 different indigenous ethnic groups in the  
6 Americas. So, the western hemisphere is an indigenous hemisphere  
7 to this day. There is an incredible diversity amongst that  
8 population, an enormous diversity. But, perhaps, the most  
9 striking thing about, within that diversity, is the struggle for  
10 survival. Both... especially the struggle for cultural survival  
11 of those groups, that is a dominant aspect of the situation of  
12 those people in South and Central America.

13 I would like to mention three areas within the  
14 diversity, at least mention three areas of that struggle for  
15 survival, for cultural survival of indigenous groups. Sometimes  
16 it is a struggle for physical survival, as well, and I will  
17 mention that as well. In three areas, which will give some idea  
18 of the diversity of problems that these groups of people face.  
19 And I think in all three of those areas there is some  
20 implications for what is going on here in Alaska. At least, I  
21 will suggest them, they may be a point of discussion. I think if  
22 we want to look at the great diversity in South and Central  
23 America, one place to look is in the low lands of South America,  
24 especially in the area that forms part of what is known as the  
25 Amazon basin. The riverine system that cuts across about a third  
of South America, which is made up not only of the Amazon River,  
but of more than 25 different tributaries of the Amazon. It  
covers seven or eight different South American countries, the  
largest Brazil, where more than half of Brazil is made of  
Amazonian ecology. But, also, large parts of Venezuela, of  
Ecuador, of Bolivia, Peru, of Columbia, Surnam. These low land  
areas.

These were areas where there were an enormous number of

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1 indigenous groups, probably hundreds of different indigenous  
2 groups, relatively small in number, each indigenous group might  
3 have been 500 persons or a thousand person, at the upper limit,  
4 probably 2,500 or 5,000 persons, along the Amazon River itself,  
5 in some areas. But, mainly, they were very small societies,  
6 small nations. The two probably most characteristic features of  
7 those societies were, one, an enormously sophisticated adaptation  
8 to the ecology of the Amazon. The Amazon ecology is unique in  
9 the sense that it's a tropical rain forest area, where the soils  
10 are not very productive for agriculture and where dependence for  
11 survival must be based on the production of the natural flora and  
12 fauna and fish of the Amazon itself, rather than on an intensive  
13 system of agricultural production. All of the studies that have  
14 been done by anthropologists or environmental scientists,  
15 indicate that there was an enormously sophisticated environmental  
16 and cultural adaptation to the Amazonian rain forest, including  
17 control of population size, various customs that were by the  
18 people themselves.

19 The other aspect was an enormously complex and  
20 sophisticated cosmology or world view. There has been, perhaps  
21 the most well known studies are by the French anthropologist  
22 Claud Levi-Straus, who has spent all of his life writing about  
23 the cosmologies of South American indigenous people. Their  
24 philosophies, their systems of classification, their knowledge of  
25 the environment, their ideas of astronomy, of wildlife, of  
natural environments and their general world views are of such  
complex order and of such varietability, that it's only, in some  
sense, relatively recently that people have recognized the  
complexity of those cosmologies amongst Native indigenous peoples  
of South America.

The important thing though, from the viewpoint of the  
current situation of those people, is that since the Spanish and  
the Portuguese, there has been an attempt to enter into the

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1 tropical low lands of South America, in order to exploit its  
2 natural potential and natural wealth for the profit of European  
3 powers or the nation states in South America. This took place in  
4 the 16th century, where there is the search by the Portuguese and  
5 the Spanish for the city of El Dorado, which nobody was sure  
6 whether it was in Ecuador or Brazil or which part of the Amazon.  
7 It took place in the 19th and early 20th century, when the rubber  
8 boom encompassed the Amazon region and where the whole production  
9 of natural rubber took place in that area with drastic effects of  
10 dislocating and uprooting indigenous societies. But the real  
11 "opening up of the Amazon", has taken place since the end of the  
12 second world war, and especially in the decade of the 1960's and  
13 1970's. There has been massive highway development in the  
14 Amazon, petroleum and mineral exploration, colonization by large  
15 scale cattle ranchers and by settlers, and an enormous  
16 development of hydro-electric potential in the area. In a  
17 systematic and persistent opening up of the Amazon, as again "the  
18 last frontier of South America".

19 This great expansion of Western industrial society into  
20 the low land regions has created a massive conflict between the  
21 remaining indigenous societies of the low lands, of the Amazonian  
22 low lands, and the expanding western frontier. That conflict has  
23 two aspects, well, I guess three aspects of it, two of which, at  
24 least, are consistent with what's known here in Alaska. One, it  
25 has created an enormous conflict between the rights to  
subsistence and the rights to extract the mineral and  
agricultural and hydro-electric and other resources of the  
region. An enormous conflict has taken place between state  
institutions and private institutions that want to develop those  
regions for profit and the indigenous groups that need to subsist  
in those regions by its, on its natural products.

The other aspect of that is a land claims struggle.  
Most of the laws, at least until the late 1960s, early 1970s...

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1 there is very little national legislation protecting the land  
2 rights of indigenous people in those areas. At present, there is  
3 a body of law in almost all of the indigenous countries that, at  
4 least, in terms of the law, recognizes some of Indian land  
5 rights, although not a single country in South America recognizes  
6 the right to either subsoil wealth, to water rights or to  
7 forestry resources. But there are some land rights that are  
8 recognized. But, yet, despite these recognition in terms of the  
9 law, they are systematically abrogated and practiced. So, in  
10 almost every country of South America, indigenous people who are  
11 struggling before the courts or before state agencies to get  
12 rights to land, find that when their rights come in conflict with  
13 outside institutions, they are usually the losers.

14 Now, in the case of South America, there is a further  
15 aspect of that subsistence struggle and the land rights struggle  
16 that has to be looked at, and that has to do with the right to  
17 life. Because in many of these areas where Indian lands are  
18 coveted by either the state or private interests, Indians are  
19 slaughtered on those lands, in order to get use of those  
20 resources. That's taken place in the 1960's in Brazil, when  
21 Indians were given blankets with small pox, when Indians were  
22 massacred and shot. It's happened in Columbia in the late 1960's  
23 and early 1970's, when the army was sent in to put down  
24 resistance by Indians against colonists. It's happened in  
25 Paraguay with the case of the Auchay (ph) Indians, who were  
systematically hunted down by government agents, in order to  
bring them on reserves, so they wouldn't continue to hunt in the  
forests of eastern Paraguay. And there are still incidents that  
reach human rights organizations and indigenous organizations  
about serious right to life issues of low land South American  
Indians. So, in defending themselves, these low land South  
American Indian groups against the expansion of the western  
industrial frontier into the tropical low lands, they are faced



1 not only with the protection of their land and resources, but  
2 also with the serious possibility of being systematically  
3 massacred and exterminated in the process of defending their land  
rights.

4 The one hopeful sign are federations throughout the  
5 Amazonian low lands. At present, there is indigenous federations  
6 that have sprouted up in the 1960's and 1970's, and by the 1980's  
7 are beginning to organize across national boundaries. So, now  
8 the indigenous federation in Peru is meeting with the indigenous  
9 federations of Ecuador, Bolivia, Brazil, in trying to get a  
10 united front amongst low land Amazonian Indians, to defend their  
11 land rights and their cultural rights, in front of the state or  
12 international development agencies or multi-national companies.  
13 And there is a very strong movement of indigenous federations in  
14 the low land of South America. So, that's all one situation  
15 there, where at least the subsistence development conflict, which  
16 is so characteristic here, of Alaska, is being acted out. One  
17 time I wrote an article called The Amazon Basin, The Alaska of  
18 South America, and it was about this struggle that is going on.

19 There is a second area that is important to see the  
20 differences and the similarity and where another sort of problem  
21 is going on, that's in the Andean countries. The Andean  
22 countries are high land areas, mainly in Columbia, Bolivia,  
23 Ecuador and Peru. They are areas where the large Andean mountain  
24 chain which forms the Cordillera or mountain chain that goes from  
25 north to south along the central and western edge of South  
America, where there is the descendants, essentially, although  
there is other indigenous groups there, of the great Inca  
civilization that began in Peru, what is today Peru, and spread  
out to include Incaic speaking peoples and Inca peoples in  
Ecuador and Bolivia and parts of Columbia, as well. These are  
highland indigenous groups, they are not low land indigenous  
groups. They're groups that were very influenced by the Spanish



1 invasion in the 16th century, which were reorganized into  
2 indigenous communities or counidaos indicenous or Pueblos  
Indicanos (ph).

3 As a result of the legislation promoted by Las Casas in  
4 1542, and the various Spanish legislation that occurred  
5 throughout the Spanish hegemony in South America. These  
6 indigenous groups face serious problems of land scarcity. They  
7 are located in... they are mainly agriculture populations rather  
8 than hunting or fishing, or mixed subsistence economies. They're  
9 based on agriculture, they are usually connected to markets, not  
10 only do they produce food to feed themselves and their families,  
11 but they also sell their products in markets. And when people  
12 speak of the poorest of the poor in South America or in Central  
13 America, the poorest people are the rural people who are still  
14 indigenous. And in the Andies, for example, in the Andies of  
15 Bolivia and Ecuador and Peru, we find some of the poorest rural  
16 populations, that have miniscule parcels of land, what are  
17 usually called the mini fandia (ph). And they are usually living  
18 in societies where they're the majority population, ethnically  
and socially, but where the major control of land is in the hands  
of large ladifundias (ph) or plantations that are controlled by  
non-Indian agricultural entrepreneurs, who own plantations, who  
basically produce for export markets; sugar or coffee or bananas  
or some other export product.

19 So, these indigenous communities are the majority  
20 population, but they have minority control of the land. The  
21 problems they face today in gaining access to land, has to do  
22 with agrarian reform plans. In Bolivia in 1951, in Ecuador in  
23 the 1960's and 70's, in Peru and in Columbia, there were major  
24 national programs of agrarian reform, which attempted to change  
25 the land tenure structure by getting rid of the ladifundias that  
weren't productive, that weren't being used. And by distributing  
those through the state agrarian format apparatuses and the

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1 legislative system of the country to indigenous and peasant  
2 communities. Bolivia is the most well known example of that, but  
3 it also took place in Columbia and Peru and Ecuador.

4 The Alliance for Progress in 1960, had an enormous  
5 effect in promoting these agrarian reform programs among Latin  
6 American countries. The problem that indigenous people face, and  
7 I think there may be some parallels here with Alaska, is that in  
8 setting up the basic institutional structure of agrarian reform,  
9 the main institution of agrarian reform came out of the urban  
10 areas rather than the rural areas of South America. The two main  
11 institutions were what is known as the Peasant League and the  
12 Rural Syndicate. The League of the Compecino (ph) and the  
13 Sindicato Rurale (ph). The Peasant League and the Rural  
14 Syndicate, these two institutions came out of people who were  
15 involved in the urban labor movements who wanted to generate  
16 participation of the rural peasantries in the national political  
17 system. They were mainly union organizers from cities that were  
18 connected with political parties that have nationalist or left  
19 wing ideologies, that were interested in politically mobilizing  
20 rural indigenous populations for the purpose of taking over the  
21 state through democrat processes. Although they were called  
22 revolutions, they weren't violent revolutions, they were  
23 basically electoral revolutions.

24 In the case of Peru, they were lead by military  
25 government that then announced an agrarian reform. The problem  
with these is that they are faced by indigenous communities  
today, was the problem that the Peasant League and the Rural  
Syndicate weren't indigenous institutions. Not only were they  
controlled by urban sectors, but the institutions themselves had  
to do with basically economic and political rather than cultural  
needs of the population. They had to do with increasing national  
production. They didn't have to do with the survival of  
indigenous communities. In fact, in many indigenous communities,

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1 enormous conflicts emerged between the Peasant Leagues and the  
2 Rural Syndicates and the traditional Indian leadership in these  
3 communities. In the 1960s, increasingly in the '70s, the  
4 indigenous leadership on the local level of indigenous  
5 communities, found out that they weren't being represented by the  
6 National Peasant Federations and by the National Rural Unions,  
7 and they began to introduce Rural Indigenous Federations rather  
8 than just Peasant Leagues that were connected with national  
9 political parties. They began to name their organizations after  
10 indigenous leaders, like Tupik Ammaroo (ph), who is the great  
11 Inca rebel and prophet in the 1700s, Tupik Ammaroo (ph), and  
12 other indigenous leaders. They began to look at indigenous modes  
13 of political organization and of work and production, and began  
14 to form national indigenous federations that were linked with  
15 local indigenous communities. Their most basic struggle was to  
16 reaffirm the juridic personality of the indigenous community  
17 before the state legislative system. And to insure that in the  
18 process of agrarian reform the indigenous community would  
19 continue to exist, rather than being suppressed by the state  
20 agrarian bureaucracy or by the National Peasant Leagues. In  
21 other words, they made what in Latin America is ethnic assertion  
22 in the midst of a national political process around the  
23 institution of the indigenous community. The national context in  
24 the Andean countries is radically different than Alaska, but the  
25 struggle of indigenous communities against urban imposed  
federations and rural syndicates, may have some parallels with  
the struggle between Alaska Native villages and corporations. As  
an alien form of political imposition and economic imposition, it  
may be similar. So, that is a secondary, a very complex, in  
terms of each one of those national countries and the evolution  
and history there in those areas.

24 A third area that I will point out, and will only  
25 briefly mention, and although it is of great importance now, is

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1 in Central America, which is the indigenous situation in Central  
2 America includes both highland indigenous groups that are similar  
3 to the Andean groups that are faced by problems of agrarian  
4 dispossession and landlessness, and groups that are searching for  
5 a place in national society. In terms of agrarian social change,  
6 large majority populations, the most important of those are the  
7 Maya, the Mayan Indians, especially of southern Mexico, of  
8 Guatemala and of stretching it to parts of El Salvador, where  
9 there is other populations as well. These people number in the  
10 millions. In Guatemala alone, of a country of seven and half  
11 million people, perhaps four million people, if not more, are  
12 Mayan speakers of one of 22 Mayan Indian languages. The Maya are  
13 the major indigenous presence in the highland areas, organized  
14 into hundreds of indigenous communities, similar to the Andean  
15 Indians of South America.

16 The aspect is, like in the low lands of South America,  
17 in Central America there is low land indigenous populations that  
18 are much smaller in size and living in areas where they are  
19 struggling for subsistence in very delicate ecological area  
20 zones, low land tropical zones, in the face of enormous threat  
21 from national development and colonization along the low land  
22 frontiers. The two groups that are probably the most well know  
23 are the Cuna Indians of Panama, the Cuna of Panama. They live  
24 both in island communities off the coast of Panama and on the  
25 maritime low lands of Panama, that have maintained a degree of  
autonomy from the state through various accords and treaties with  
the Panamanian officials. And are primarily the group in South  
America, and perhaps in all the Americas, that today possesses  
more sovereignty, in the true meaning of the term, than perhaps  
any other indigenous groups in the Americas right now. The Cuna  
of Panama, and also maintains a type of political organization  
and natural economy that is more related to their national  
system.



(TAPE 3, SIDE A)

1  
2 The other example, which has been in the news, is the  
3 Miskito and the Sumo (ph) and Rama (ph) of the eastern coast of  
4 South America, of Nicaragua. The Miskito, Sumo and Rama, that  
5 perhaps number around 120,000 people on the Atlantic coast of  
6 Nicaragua, that live in one of the most ecologically interesting  
7 areas in South America, because the rain forest comes right up to  
8 the ocean. The rain forest comes right up to the ocean and the  
9 people maintain an environmental adaptation which includes both  
10 maritime fishing and turtle hunting, and the usage of inland  
11 rivers and inland animal resources, as well as horticulture for  
12 subsistence. This area, like other areas of low land South  
13 America, the east coast of Nicaragua, has been faced, from the  
14 late 19th century, but increasingly after the second world war,  
15 by enormous penetration by outside timber companies, mining  
16 companies and colonization. Such that, from about 1965 onward,  
17 the percentage of people on the Atlantic coast was higher among  
18 non-indigenous or Spanish people, than it was amongst indigenous  
19 people on the Atlantic coast of Nicaragua.

20 Now, what is the problem of the highland Indians and  
21 the low land ethnic enclaves. The problem is revolution. The  
22 problem is war and civil strife. At the current time, throughout  
23 Central America, unlike the Indian region and unlike the low land  
24 South American countries, they are in the midst of violent  
25 revolutions. Revolutions in the name, really, of agrarian reform  
and of rural and national social transformation, that are tearing  
out with weapons of war, that are part of the east/west struggle.  
The Soviet Union and Cuba and the United States, that are part of  
models of society that will impose radical transformations on the  
Central American countries or will continue with repressive  
apparatuses. For example, in Guatemala, to maintain such systems  
of control where there will be no parliamentary democracy, very  
little public participation. And it's that conflict, that

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1 uprooting, that turmoil, where indigenous people have been right  
2 in the middle of it.

3           The case of Guatemala is perhaps the most serious,  
4 because in Guatemala, in the struggle between revolutionary  
5 movements and between the Guatemalan military, perhaps as many as  
6 a million people have been uprooted in Guatemala. A million  
7 indigenous people of a population of four million are displaced.  
8 At least 150,000 are in Mexico, 46,000 in camps, either along the  
9 Chiapas border with Chiapas or in Campache. At present 900,000  
10 Indians in Guatemala have been organized by the Guatemalan  
11 military into civilian defense patrols, without any voluntary  
12 choice. The government is planning to build 75 strategic  
13 hamlets, which they call model villages. Indigenous communities  
14 have been massacred in the scores, thousands of indigenous people  
15 have disappeared and their families don't know where they are.  
16 It's a situation in the Americas that could only be compared, to  
17 the indigenous point of view, to Cambodia, from the indigenous  
18 point of view. On the national level, it hasn't quite reached  
19 Cambodia, but on the indigenous level it's comparable to the  
20 genocide that has taken place.

21           And on the other side we have Nicaragua, where as a  
22 result of an arms struggle and an arm revolution and a social  
23 transformation, in a new regime that was both nationalist and  
24 also socialist and marxist in its orientation, an enormous  
25 conflict emerged between the ethnic rights of an ethnic  
federation, Misortisota (ph), that developed after the Sandinista  
revolution. And the Sandinista state, a conflict which lead to  
the suppression of the indigenous organization, Misortisota, the  
jailing of its leadership in February of 1981, the escape in the  
spring of February '81 of at least 3,000 Miskito to Honduras, the  
continued suppression of the indigenous organization in the  
summer of 1981, and armed conflict between indigenous people in  
both Honduras and within Nicaragua with the Sandinista

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1 revolutionary government from 1982 onward. In January of 1982,  
2 8,500 Miskito, from over 40 villages along the Rio Coco, were  
3 relocated without any choice to an area outside of the border  
4 with Honduras, and another 12,000 Miskito went into Honduras as  
5 refugees. Currently, there is over 20,000 Miskito refugees on  
6 the Honduran side of the border, numerous people living in  
7 relocation camps within Nicaragua, and an incredible degree of  
8 animosity, that sometimes has moved toward some levels of  
9 negotiation between the state and the indigenous. But then,  
10 periodically, there will be an attempt at reconciliation and then  
11 a failure.

12 From the Alaska point of view, what is the relationship  
13 to the role of violence in relationship to the indigenous people.  
14 These will be my final comments. In that situation, I don't  
15 think there... there are some parallels, if we want to move  
16 toward in terms of indigenous land rights and cultural rights,  
17 the right to autonomy. But I think the major lesson from that  
18 situation is the potentiality of Native peoples that are outside  
19 of Central America to provide solidarity, in terms of protecting  
20 and defending the human rights of the indigenous populations of  
21 Central America. The main, perhaps, relationship here, I  
22 think,... lesson to be learned, is the necessity at this point  
23 for an alliance between indigenous people with the indigenous  
24 people of Central America. The voice of indigenous peoples, the  
25 degree of human rights violation, is not known by the United  
States Congress. It's known, but it is not currently having much  
influence.

There is a military and economic aid package of \$68  
million to the Guatemalan government at present. Most of which  
is being allocated for projects in the Guatemalan highlands. The  
United States is providing the weapons of war in the Honduran, in  
the Nicaraguan conflict between the insurgence that are outside  
of Nicaragua and the Sandinista government. The weapons of war



1 that are making it impossible for reconciliation between, in part  
2 impossible, for a reconciliation between the Nicaraguan  
3 government and the Miskito people in exile. And perhaps the  
4 influence that should be brought to make this a moral issue, and  
5 eventually a political issue, is by Native people joining in  
6 support of their brothers and sisters in Central America. The  
7 thing that essentially comes to mind is the role, for example, of  
8 Israel, and the role that the American Jewish has played in  
9 relation to Israel. Or the role that the American Irish  
10 community has placed in relation to Ireland. Or the role that  
11 the American Polish community has played in terms of United  
12 States policy toward eastern Europe. The indigenous Native  
13 American people have not yet had a voice in North America, in  
14 terms of foreign policy. And perhaps the issues around Central  
15 America, if brought by indigenous Native people, could have an  
16 influence on U.S. foreign policy that could then have  
17 consequences in Central America, for the rights of those people.  
18 Well, I sort of, just to summarize, given three situations that  
19 are incredibly complex, but perhaps are some level of discussion.

15 MR. BERGER: Well, thanks, Sandy.  
16 Just before we put questions to Sandy, let me welcome Oscar  
17 Kawagley to the roundtable. Oscar Kawagley is the member of the  
18 executive council of the Inuit Circumpolar Conference and  
19 director of Native education in the Lower Kuskokwim School  
20 District, here in Alaska. So, we're glad you were able to make  
21 it, Oscar. Well, anybody want to question Sandy about some of  
22 these things that he's talked about?

21 MR. NIETSCHMANN: My name is  
22 Bernard Nietschmann.

23 MR. BERGER: Yes, welcome.

24 MR. NIETSCHMANN: I just arrived.

24 MR. BERGER: I'm sorry, I didn't  
25 realize you had arrived. Wait for your name card.



1 MR. NIETSCHMANN: Thank you. It's  
2 hard to read these names from the back.

3 UNIDENTIFIED: Especially when  
4 they're upside-down.

5 MR. NIETSCHMANN: My name it  
6 doesn't matter, if its just long, it's mine. I found your  
7 presentation very interesting and thought that you gave a very  
8 good analysis of some of the comparisons between Guatemala and  
9 Nicaragua. I might point out that, however, the Indian  
10 resistance forces in Nicaragua and those based in Honduras and  
11 southeastern Nicaragua, Costa Rican border, no longer get weapons  
12 from the U.S., and haven't since April of last year. So, they  
13 are pretty much on their own. And they have been abandoned by  
14 the U.S. because they have definite Indian interests and not the  
15 overthrow of the Sandinista state, but the regaining of their  
16 Indian lands. So, although the weapons of war make it impossible  
17 for reconciliation, in any event, no weapons are made in  
18 Nicaragua and they are all imported, regardless of the side.

19 MR. BERGER: Just while we're,  
20 while you are on that subject Mr. Nietschmann, we may... we  
21 discussed this morning the fact that throughout the world,  
22 indigenous peoples seek self-determination. In the United States  
23 that expression, it is known as limited sovereignty, and they  
24 seek, as well, a land base. What is it that the Miskito Indians  
25 seek in terms of their relations with the Nicaraguan state? What  
are their ambitions in terms of self-determination and land? Are  
you able to comment on that?

MR. NIETSCHMANN: Certainly. What  
they really would like is an accord, and I think Sandy Davis  
brought up the important example of the San Blas Cuna of the  
Caribbean coast of Panama, who have an area that has a great  
degree of autonomy. It is the Cunaica San Blas, that would be  
the equivalent of a state, in the United States sense of it, and

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1 they have a great degree of control over their affairs. They  
2 have a certain accord with the Panamanian government based on, as  
3 Professor Davis said, with various amendments, constitutional  
4 amendments, the carte organic and so on. The Miskitos looked at  
5 this very closely. And, in fact, it brought it up at the first  
6 peace treaty negotiations in Bogota, between the indigenous  
7 resistance leaders and the Sandinista commandantas, Louis  
8 Cataione (ph). And they used it as a prime example, because what  
9 is happening is the need to forge, literally to create, new  
10 examples. And the Miskito want, and the Ansu Monrama (ph) want,  
11 not to withdraw from the state of Nicaragua, but to have an  
12 accord whereby internally they have local autonomy. And they  
13 wish to have control over their lands, their resources and self-  
14 determination.

15 Self-determination meaning as self-identified peoples  
16 with common territory, not to simply want to maintain the past,  
17 sort of traditional culture frozen in time. They are not  
18 fighting to preserve their culture. They are really fighting to  
19 gain control over their lives and to insure control over their  
20 land. And what we are talking about here is land and resources.  
21 That's the critical thing that all of eastern Nicaragua, Indian  
22 Nicaragua, comes down to. And every issue and every question  
23 will pertain to land, and that's where it is right now, as a  
24 result of Bogota meetings in '84, the end of '84, December, the  
25 government of the Sandinista state, set up a commission on  
autonomy, to study the land situation. The Indians set up their  
own commission. At Montevideo, the inauguration of new  
government there, while Shulz was talking to Ortega, Ortega was  
talking to the president of Columbia, Betancor, and gave him the  
green light for the second go ahead. Betancor met with Brooklyn  
Rivera, secretly, just this weekend, in San Hondras, an island in  
the western Caribbean. Hisurasota (ph) gave the go ahead, and  
March 23rd and 24th, there will be a second go around of these



1 peace negotiation talks between the Indian resistance and  
2 Sandinista government, again in Bogota. And the issue will be  
over land.

3 So, to answer your question, it's land. Land, waters  
4 and offshore waters, too. The Indians, as Sandy Davis mentioned,  
5 are marine fishermen and hunters and they include that as part of  
6 their territory, and they want control over it as a people. And  
7 that I see, unites a lot of movements in the world, from the  
8 Nigua (ph), Karean (ph), Apopuan (ph) movement, Opian (ph) in  
9 West Popuwa (ph), Kalinga (ph) in north central Lusaun (ph),  
10 Knopp (ph) movement in New Calidonia. These people all have arms  
and they are determined. They are determined to try to achieve  
self-determination, and that means land.

11 MR. BERGER: Yes. Oren Young and  
then Bishop De Roo.

12 MR. YOUNG: (OFF MIKE, SPEAKING TO  
13 DAVIS) about the South and Central American situations, but I  
14 have a question which I, which is perhaps the right general  
15 question, by which I hope would maybe get at his view of what  
16 some of the critical causal factors are in the situations that he  
17 described. And it goes something like this, suppose that a  
18 commission were created for one or another of the three  
19 situations that you told us about. Let's say the Amazon basin  
20 situation, or any of the other two, and this commission was a  
21 Native review commission, perhaps much like the one that we're  
22 attending here. And suppose that you were, somehow or other,  
23 named to be the commissioner for the Amazon Basin Native Review  
24 Commission, and you even further accepted the position. This may  
25 make an extreme hypothetical question, but imagine that you are  
in that sort of situation. Looking at it from your present  
circumstances, and of course, you haven't thought of it probably  
from this point of view, nonetheless, what sort of tact do you  
imagine that you might take? What kinds of levers do you think

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1 are really the critical levers that might somehow or other help  
 2 to protect the interests of these communities? Would this be an  
 3 acknowledgment of rights? And would that be sufficient, or would  
 4 you have to do something about some of these others that are  
 5 social and economic forces that Robert Goldwin, for example, was  
 6 talking about before lunch, that may overrun, even apparent  
 7 guarantees of rights. Obviously, this is a large issue. But I  
 8 was just sort of curious as to, you know, your preliminary  
 9 response to a problem posed that way.

10 MR. DAVIS: Just first of all, I  
 11 would never take on the assignment. I could understand why a  
 12 Canadian would take on an assignment of coming to Alaska, but a  
 13 gringo going to the Amazon basin to run a review commission would  
 14 cause such an enormous uproar that I would probably go with 10  
 15 bodyguards next to me, and I would never take on... there is a  
 16 history there of the relationship of the Latin American nation  
 17 states to the United States, that one has to take into  
 18 consideration. Some of the Central American republics were  
 19 called banana republics, for a very real reason, the United Fruit  
 20 Company was very powerful in some of those or other corporations  
 21 were very powerful and the U.S. government has played, the Monroe  
 22 doctrine has been there and there has been a question about, in  
 23 fact, in Venezuela, in the Venezuela press this summer, there was  
 24 large discussions that the whole movement and defense of  
 25 indigenous rights is being generated from Europe and the United  
 States, and is really an attempt to get a hold of the resources  
 of the Amazon basin. So, the hypothetical thing isn't even  
 politically realistic.

If there was a commission, what I would suggest is,  
 there is no doubt that there is larger issues that have to deal  
 with the national social structure of these countries about the  
 role of the state vis-a-vis indigenous communities about the, in  
 the juridic system, like Barney Nietschmann has pointed out in



1 terms of indigenous land rights. If one looks at all the  
2 legislation that was created, and the reason why it was created  
3 in the 1960's and the 1970's is because of Convention 107 of the  
4 International Labor Organization, which is the only current  
5 international convention that deals with indigenous rights. That  
6 is the reason why Brazil, Paraguay, Columbia, Peru and several  
7 other countries have created specific legislation dealing with  
8 indigenous rights, although there is some history there. But  
9 there legislation is modeled after Convention 107. And there has  
10 to be a very serious discussion about the position of the  
11 indigenous people vis-a-vis resources vis-a-vis political  
12 autonomy. So, there would have to be people there who could  
13 discuss the juridic element.

14 The most important thing, though, as it is here, is how  
15 to get the participation of indigenous people in the process of  
16 policy and decision-making. That possesses fundamental problems,  
17 as Nicaragua shows, in terms of when indigenous people want to  
18 participate, they are suppressed. They are suppressed by the  
19 state security apparatus, the minister of the interior in every  
20 country, as it was, I believe, in the United States, perhaps, up  
21 until... well, when did the Interior begin? 1840, until perhaps,  
22 relatively until perhaps the FBI was created and the justice  
23 department was also the minister of state security. And in all  
24 Latin American countries, all South and Central American  
25 countries, at present, the minister of the interior, is the head  
of state security, including Thomas Boorhe (ph). There is no  
doubt about it.

So, any indigenous person, in many countries, there are  
exceptions, that once they participate in the political process,  
especially with an organization like a federation, faces the  
possibility of losing ones rights, of being tortured, of being  
suppressed, of being forced into exile. It is different than a  
parliamentary democracy. That's where, I think, having some

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1 international framework of support and solidarity is so  
2 important. Because, in order to participate in those  
3 discussions, it will be international public opinion. That's the  
4 most important. How to get these new organizational structures  
5 such that there is an open enough political environment that they  
6 could participate. I take it that is what the whole Misortasut  
7 (ph), the Sandinista, discussion now, is about. For example, it  
8 would be impossible right now to hold those discussions inside  
9 Nicaragua, probably, maybe after two or three sessions in  
10 Bogatof, those discussions could be held in Nicaragua, but the  
11 security of Brooklyn Rivera, you know, if he went back, would be  
12 in jeopardy. It would be impossible, right now, to... in  
13 Guatemala, there is no civil order in Guatemala at present.  
14 There is a constituent assembly that is relative powerless, but  
15 there is no civil order. The society that the Maya could have  
16 their point of view represented in the constituent assembly on  
17 any level of policy.

18 So, that's the problem. The problem in some  
19 fundamental rights. I would say, take a close look at the  
20 American convention of human rights, you know, the American  
21 declaration on human rights, because, I mean, they are specific  
22 documents that... by, if there is the juridic minds that could  
23 look at those documents, they could have an enormous impact. And  
24 the inter-American commission on human rights is taking a close  
25 look, through the American convention on human rights, at the  
suppression of the human rights and other rights of the  
indigenous population of Nicaragua. I don't know. We are at a  
very different level. The technical and intricate issues that  
are being discussed by the Commission here, can have an impact  
some day, but we're at a first order of business first in some of  
these countries.

MR. BERGER: Survival.

MR. DAVIS: Survival.



1 MR. BERGER: I mean, that is  
2 survival against weaponry that may be directed at you from any  
3 number of factions. Bishop De Roo?

4 MR. De ROO: I will try to be  
5 brief and just touch on four little points. First of all, on the  
6 basis of my own personal experience in Central and South America,  
7 I would like to express my admiration for that magnificent  
8 summary that Sandy gave us, and support what Bernard added also.  
9 It is absolutely true.

10 One little detail with regard to Panama, you also have  
11 a highlands situation there, which I was able to visit a few  
12 years ago, which is worth bringing into focus, because it touches  
13 on the international ramifications. You know, a similar problem  
14 occurred in the Cherokee (ph) area of the Guyame (ph) Natives of  
15 western Panama, up in the highlands, who were being invaded by a  
16 huge copper project in the Saro Colorado. Now, that was backed  
17 by Canadian and American investments, and that later shifted to  
18 Rio Tintle Zinc (ph) of Britain, and there were high level  
19 negotiations there involving the Panamanian government itself.  
20 And the Roman Catholic bishops took a position for the Guyame  
21 Natives against the development of Saro Colorado, not only on the  
22 basis that it was a highly risky business for the Panamanian  
23 government. Because the substructures that the Panamanian  
24 government would have to put in there would have been more  
25 expensive than their entire national budget, at a time when the  
copper market was very soft, because it would literally have  
wiped out those Guyame people, who were in very different  
cultural position from ours.

Shortly before we were there, they had just recently  
discovered the use of horses and they had never seen a machine  
before. When the first bulldozer made its tracks through the  
mountains, they did not walk on the road made by the bulldozers,  
because the fear that this had something to do with the new

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1 supernatural power. So, a totally different world, but  
 2 absolutely delightful people, whom we had an opportunity to  
 3 visit, living in tiny little communities. A very, very fragile  
 4 social structure, but also in an exquisite balance with that  
 5 frail ecology. So, just to complete that. But, also, because  
 6 that's where we touched the international implications of a  
 7 problem effecting just the tiny little people up in the Saro  
 8 Colorado highlands. And I wanted to support completely what  
 9 Bernard was saying about, it is indeed a question of survival, a  
 10 question of land, a question of resources, a question of the very  
 11 culture that makes, you know, the cultural identification of  
 12 these peoples. And I am using culture here, not in the academic  
 13 sense of the variety of cultures, but in the deeper sense of  
 14 human self-identity. You know, we are... why we do things the  
 15 way we do them. The way we are, which is fundamentally our  
 16 culture of self-understanding. And will be ultimately the reason  
 17 whether peoples will survive or not. If peoples lose their  
 18 cultural identity, they will disappear. If they maintain their  
 19 cultural identity, no amount of external pressure and invasion  
 20 will destroy them, and I think that's a vast question that maybe  
 21 is not directly pertinent to the topic here. But there is a  
 22 question there of which cultures will ultimately survive, our  
 23 recent western culture or the Native cultures that have pre-dated  
 24 us by centuries. There is a huge issue there.

19 But the third point, very briefly, is that the peasant  
 20 peoples of Latin America, that some of us may have referred to as  
 21 illiterate and so forth, have a very sophisticated sense of  
 22 history, and especially now, an emerging sense of international  
 23 relationships and inter-dependence. Let me give you a little  
 24 example. I was in the tiny little village of San Juan del Seuer  
 25 (ph) in Nicaragua one evening, chatting with refugees from  
 Guatemala and from the areas around there, including Salvador,  
 discovered in their discussion of the revolution in Salvador,



1 that for them the boundaries, the geographical divisions that  
2 white people had traced between Salvador, Guatemala and  
3 Nicaragua, simply didn't exist. They just moved back and forth,  
4 and had practiced amazing acts of solidarity, of feeding one  
5 another in the revolution. And they were referring to it as our  
6 revolution. And their reflection, which is very pertinent here,  
7 there reflection about the Sandinista government, was the  
8 following: Isn't it marvelous how the Sandinista have understood  
9 our cause and are on the side of our revolution. But the  
10 implication was very clear that the moment the Sandinista  
11 government would betray the Natives' revolution, they would find  
12 another government. Now, that is very significant in Nicaragua,  
13 because it is basically the peasants of Nicaragua who fought the  
14 revolution.

15 So, I just wanted to emphasize the point that we're not  
16 talking ideology here. And I am really saddened here in North  
17 America, to see how we have overlayed this fundamental issue with  
18 this supposed east/west ideological conflict that has nothing to  
19 do with the topic, and totally distorts our understanding of  
20 what's going on in Latin America. Because, basically, it is the  
21 awakening of hundreds of millions of Native peoples becoming  
22 conscious of what history has done to them and coming to a point  
23 now, where they say, this has to stop, enough is enough. And  
24 through a variety of revolutions, bloody or otherwise, they are  
25 moving forward. And as one very good observer in Mexico, who had  
been in Latin America for a long time told me, he says, look, the  
peasants of the world are very wise people. They know that up  
until now, every revolution has been fought in their blood and  
has not benefited them. So, they are not about to be the first  
step forward and get their faces pushed in or smashed. But, he  
said, there is an emerging resolve on their part, and when they  
finally decide to take one step forward, they will never step  
back.

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1           So, in that context, I think it's extremely important  
2 to be sensitive to what is happening here. We are not talking  
3 just about a local issue. We are talking about international  
4 questions. And I would agree totally, that the best thing that  
5 we can possibly do, not only for the local situation here, not  
6 only for the Native peoples in a particular area, but for  
7 humanity as a whole, in terms of future peace, is to support,  
8 internationally, all the efforts by the Native peoples to reach  
9 out to one another, and to gradually, as one of them said, get  
10 their place in the sun. And that's going to mean major shifts in  
11 our Western political and economic systems. But it has to come.  
12 My hope is that it can be done peacefully, because otherwise we  
13 are going to be into worldwide conflict.

14                           MR. BERGER: Thank you, Bishop De  
15 Roo. Sheldon Katchatag.

16                           MR. KATCHATAG: Thank you. First  
17 of all, one of the things that really worries me about this is,  
18 in looking over the roundtable description, it asks questions, do  
19 Native Americans have valid claims to institutions of their own?  
20 You know, if you have to ask that question, good grief, we are  
21 that far... that means, that you have to ask these questions, if  
22 we do have a valid place. We want our culture to be a living  
23 culture, that's what we're fighting for. We don't want to be an  
24 artifact culture. Earlier, Mr. Goldwin was talking about  
25 principles of dealing with Native people, principles of dealing  
with Indians, and he also made the statement about, well, Las  
Casas was making all these, making the case of human rights of  
the indigenous peoples of the Americas. But, at the same time,  
the conquistadores were wiping them out. At the same time that  
Madison was making all these great speeches about the equality of  
Indians to the non-Indians, the Indian wars were wiping them out.

                          That's a thing that we've been facing as Indians,  
Native people, indigenous people. On the one hand, they pay us



1 lip service and say, yes, you do have all your rights. Yes, we  
2 are safeguarding your property. But what are they doing on the  
3 other hand? They are passing laws that says, you will comply  
4 with my laws, if you want to live. Even though you have been  
5 living in your culture, in your traditions, off your land, since  
6 time immemorial. Now, you have to obey these laws to do the very  
7 same things, and you will do it when we say the season is open.  
8 You will do it when we say you have a license. You will do it  
9 when we say you have a permit, and you will harvest as much as  
10 our law says. It really scares me that, even as we sit here,  
11 that our people, here in the state, are facing the very same kind  
12 of human rights violations that you hear about in Central and  
13 South America. But we don't hear about these things. I just  
14 found out today about an incident where there were five or six  
15 state troopers and fish and wildlife people that stormed a  
16 village. Stormed a village with loaded guns here in Alaska!  
17 What is going on here?

18 We have been asked, time and time again, look at what  
19 Christ said. The Bible... Christianity, to my way of thinking,  
20 is the ideal as far as inter-personal, inter-cultural  
21 relationships. And in looking at the Bible, it outlines the  
22 ideal and the proper way in which you relate to your fellow  
23 society members. But the thing that we're not facing here, is  
24 that the religion, the Christianity, that says, you must believe  
25 in these high ideals, that you must turn the other cheek, only  
apply to us. Why do we have to turn our cheek every time? We  
believe in your religion. We felt that if, in fact, this is what  
you believe in and that is what your preachers have been  
preaching us for the last 200 years, that these are the highest  
ideals. This is how you relate to your fellow man. But their  
actions are opposite, and that's what scares me. We have to  
abide by your religion. We have to abide by these principles  
that say, you must treat your fellow man fairly, you must act in

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1 good faith. And yet, every time we turn around, our good faith  
2 is betrayed. Why did we even have a Claims Settlement Act?  
3 Because we trusted the Federal Government. They said, everything  
4 that you have is protected. Don't worry about it, trust us.

5 In 1959, they laid the state of Alaska on us. And if  
6 that wasn't bad enough, in 1971 they said, everything that you  
7 trusted us to hold in trust for you, you now have to claim. But  
8 don't expect more than ten percent. Is that fair? Lip service.  
9 That is how they justify everything. They say, lip service. We  
10 are saying all these things. Look at us, we are good people. We  
11 believe in human rights, but what we are practicing in genocide.  
12 The Native people of the Americas, are the same people.  
13 Variations in language, variations in customs, but we are  
14 basically the same people. And we are being all oppressed,  
15 pretty much by the same government. You look at the world  
16 almanac and see who controls each and every individual country,  
17 and it really appalls me to see that the Federal, an almanac like  
18 we see come out every year, that lists countries, and in the  
19 description, it says, Coca-Cola owns this country, or the United  
20 Brans Fruit Company owns this country, or some other multi-  
21 national owns this country. And it doesn't bother the people of  
22 America, the United States of America. It doesn't bother them.  
23 Oh, I've got shares in that. Never mind that they are oppressing  
24 these people that have all these valid existing rights that  
25 people talk about. And yet, regularly, on a day-to-day basis,  
these rights are being violated. Right versus might. Good  
versus bad.

21 The Bible, we would be happy, I think, or close to it,  
22 if the people who brought us the Bible and Christianity would, in  
23 fact, practice what they preach. We're practicing what you  
24 preach and we're getting burned at every turn. We are asked to  
25 turn the other cheek, and all we get is another slap on the other  
cheek. How long will our people stand for this? We've got to



1 get back to our relationship with the Federal Government, that  
2 special government to government relationship, they were so want  
3 to bring and say that we have, before 1959. Alaska's Natives,  
4 you have a special government to government relationship with the  
5 Federal Government, trust us. People always ask, when we talk  
6 about UTA, why are you getting your dander up about ANCSA now?  
7 Why are you waiting so long? If you feel so strongly about this,  
8 why didn't you do something about it in 1971? If you had your  
9 lives so totally disrupted, that you didn't know up from right,  
10 down from left, or even know that you got your directions mixed  
11 up, how are you supposed to respond to something like that,  
12 within one or two years. And Congress put a writer on ANCSA that  
13 says, if anyone has any legal claims that run counter to this  
14 Act, you have one year in which to bring that action, after a  
15 year, stuff it. You are going to have to live with it.

16 It's this kind of thing that we have to do something  
17 about, and we have to do it together. We have to get together  
18 and negotiate this thing. The Native people of Alaska are living  
19 in a gray area. They don't know if they should stand behind a  
20 tribal government, that government which has brought them through  
21 thousands of years, or do they go with the municipality, in  
22 effect for the last 15 years in most cases. Do you trust the  
23 Federal Government anymore? I don't want to, but I have to.  
24 They are securing my physical security, I hope. I would hope  
25 that among the recommendations that would come out of this  
roundtable and all the rest of the testimony, that we would see a  
recommendation, not only for recognition of our tribal  
governments and our jurisdiction, but also, a call for  
negotiation. I extended this call at AFN's convention in  
October. I have yet to hear from anybody in either the state or  
the Federal Government, and yet, I got a standing ovation from my  
people, they were behind me on this. They want to see this issue  
resolved. I'm tired of living like this. Ellen Hayes made the

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1 point to me in talking about being Native.

2 Being Native is a stressful life. God, it's hard some  
3 times. Every time we turn around, there is another assault on  
4 our being Native. And I think we should bear this in mind as we  
5 go through these next four days, that this being the last  
6 roundtable, we are going to have to come up with some very  
7 concrete recommendations, things that we all can live with.  
8 Because I don't want to see the situation in Alaska deteriorate  
9 to the situation that they are about in Nicaragua, or any of  
10 those Central or South American countries. I am not saying that  
11 it will, but I sure would hate to see it do that, because this is  
12 a huge state. There is more than enough to go around. You don't  
13 have to take it out, it didn't belong to you in the first place.  
14 Thank you.

15 MR. BERGER: Thank you, Sheldon.  
16 I have Rosita Worl and Archie and Virna Kirkness, but I thought  
17 that we should take a break for a cup of coffee and to stretch  
18 our legs and then we will recommence. Let's take a five minute  
19 break.

(HEARING RECESSES)

(TAPE 3, SIDE B)

(HEARING RESUMES)

17 MR. BERGER: Well, why don't we  
18 take our seats and... Well, let's carry on with this discussion  
19 that was opened by Sandy Davis. We have three more questions  
20 that people want to put and then we'll turn to the Hawaiian  
21 situation and ask Moses Keale to lead off the discussion there.  
22 I should say that we are fortunate in that, Moses Keale is not  
23 the only person who came from Hawaii for the roundtable. Mowane  
24 Keale Okaka, from Helo, Hawaii, another trustee from the Office  
25 of Hawaiian Affairs is here, and will be participated, and Gart  
Kaeola, who is also trustee is here, and he will be  
participating. They are accompanied by Martin Wilson from the



1 Office of Hawaiian Affairs. But there were two or three other  
2 questions here, and Rosita, you wanted to lead off.

3 MS. WORL: Yes. I guess I just  
4 wanted to say that I have a basic problem with the assumption  
5 that, if Native people organize, if they come to this awakening  
6 state, that their problems will be resolved. My sense is that,  
7 even if all 200 million indigenous people in the world were able  
8 to organize, that they still would be the political subordinates.  
9 They would still have to deal with this Western value system,  
10 which frightens me (to) death, now that I hear it articulated in  
11 such precise manner, the Doctrine of Growth. That, even if they  
12 were organized, that they still would have to deal with this, a  
13 value system, this ideology. And so, I think it really does boil  
14 down to this crux, I mean, this is the problem, we have a  
15 conflict in value systems. We have a conflict in ideologies.  
16 And just at the base level, we, or I, at least, have articulated  
17 as individual rights versus group rights. And I want to know,  
18 how do resolve that? Is it resolvable?

19 MR. BERGER: Bishop De Roo, you  
20 were... I think that was more than rhetorical question. You were  
21 being invited to respond.

22 MR. De ROO: I don't have the  
23 arrogance to think that I can give a simple answer to such an  
24 extremely profound question. Just to maybe facilitate further  
25 reflection, I would like to suggest that the Western cultural  
system and the Western cultural ideologies at this point of  
history are also in very severe crisis. And while (I) admit and  
recognize what you're saying that, it's not that simplistic, that  
all the Native peoples have to do is to come to this global  
consciousness for the problem to go away. Looking at it in the  
long term, I think that the breakdown of much of society that has  
emerged out of the industrial revolution and the period of the  
enlightenment, and the profound questioning that is going on now,

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1 has taken away a lot of the self-assurance of the Western world,  
2 which is on the verge of blowing itself up, if it continues in  
3 the present kind of conflictual ideological posturing, and may  
4 well be in a position where we can open up a new dialogue about  
5 what are the common values upon which we could base a  
6 civilization that can last. I think certain world leaders, and I  
7 am more conscious right now of Pope John Paul, II, because he has  
8 spoken out so strongly precisely along that line, have been  
9 stressing those points precisely. That we have to open a whole  
10 new dialogue about the fundamental values and the new system upon  
11 which a civilization of justice and love can survive. So, I  
12 don't think it's just the Native peoples problem, it's a global  
13 problem.

14 MR. BERGER: Archie Gottschalk,  
15 you had a question for Doug Sanders about the theology of  
16 liberation, I understand.

17 MR. GOTTSCHALK: Yes, Mr. Justice.  
18 First I would like to say that I feel very honored to be able to  
19 present Mr. Sanders, you know, a question regarding the theology  
20 of liberation, and looking toward Bishop Remi De Roo to probably  
21 expound upon your answer, and certainly, Lewis Hanke to consider  
22 also. In that, Mr. Sanders, you kind of raised the issue as to  
23 whether or not, you know, it would be that such a commission  
24 could open up shop in one of the Latin America countries and  
25 examine the relationships of indigenous peoples to their own  
governments. You know, sometimes we confine ourselves to  
thinking that these problems are only discussed, at any great  
length, amongst commissions like this, and certainly those  
limited to the secular arena.

The Roman Catholic church has been grappling with that  
broad area that has become known as liberation theology. Some  
very, very fine minds have been working in the theologic field,  
including a proven Indian priest by the name of Gustavo



1 Guitierrez, and he has taken on probably this very same subject,  
2 you know, a number of years ago, in the late '60's, and he has  
3 been grappling with it ever since. To the extent that the church  
4 has taken it upon itself, or I should say the Holy Father in the  
5 Vatican, you know, has commissioned a cardinal to review his  
6 work, along with such other theologians from South America as  
7 Leonardo Boff. And his work had paralyzed his episcopal  
8 conference in Peru for some 13 months. For 13 months, 56 Roman  
9 Catholic bishops in Peru debated and argued, primarily the work  
10 that was begun by one Indian, Gustavo Guitierrez. Of course, he  
11 is the fellow who is credited with founding the theology of  
liberation, but in all humility he has asserted that he just  
formulated from all the other individuals who were thinking the  
same thing throughout Latin America.

12 The question being, Mr. Sanders, how do you view, in  
13 examining your question, how do you view what the Roman Catholic  
14 church is doing throughout America in regards to the theology of  
15 liberation? And what the scope of that, you know, that great  
16 debate that's occurring, and going back and examining Lewis  
17 Hanke's work, regarding the great debate between Las Casas and  
18 Sepulveda, two prominent Roman Catholic bishops. The same  
19 argument is going on today. Probably, Guitierrez, probably being  
20 one of the foremost theologic thinkers of the century. So, if  
21 you can extract the question from that and answer to my liking,  
22 fine. And if you need help, I'll gladly ask a few more questions  
23 so that you fully understand what I am trying to get at regarding  
24 liberation theology.

25 MR. BERGER: Well, Doug Sanders,  
yes. If you would like to take a shot at that, go ahead. Bishop  
De Roo is actually going to be addressing his own paper tomorrow,  
which deals with the theology of liberation. I think that we  
should try to stay with the discussion that originated with  
Sandy, but you would like to comment, go ahead.

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1 MR. SANDERS: Just a comment, one  
2 is in the case of Brazil, which has been very, very important,  
3 both in terms of liberation theology and in terms of Indians  
4 rights issues. There is a special pastoral commission on Indian  
5 rights that has been very much at the forefront of that movement,  
6 it is connected with the liberation theology movement. There is  
7 recently a conference, I am not sure if it was held in Brazil or  
8 not, but pastoral workers from the Roman Catholic church, I think  
9 from 15 different countries, that dealt with one of the problems  
10 of liberation theology was, in terms of indigenous people, was  
11 that it never had a theology of the land. It was a very much...  
12 I don't know if Gustavo Guitierrez was actually identified with an  
13 indigenous community, was raised in an indigenous community or  
14 whether it was his own self-identification, but I don't think  
15 there was a real theology of land. In fact, it very much came  
16 out of a Western world view, it seems to have been very much  
17 influenced by the Latin American reality, and marxist and social  
18 analysis in Europe that was in some of the theology schools and  
19 in some of the social research institutes in the 1960s and '70s.

20 The types of environmental cosmologies, I don't know  
21 what we're going to call them, but, you know, that have so much  
22 related to landscape that come out of Native peoples, haven't  
23 been integrated into that in any type of coherent fashion. I  
24 think that's a fundamental problem from the indigenous point of  
25 view. The other thing is that in certain countries like  
Guatemala, the raising of the indigenous conscious in recent  
years, as a national indigenous movement was very much related to  
the Roman Catholic church. It was a movement that encompassed  
thousands, hundreds of thousands, indigenous people, which was a  
movement called (SPANISH), Catholic action, which tried to move  
the indigenous religion that was a combination of Mayan religion  
and a worship in the Pantheon of Catholic saints, to a new  
synthesis that was based on Mayan religion and the Catholic



1 sacraments, rather than the saints, connected with the social  
2 ideology of rural development. This oppression that is taking  
3 place in Guatemala has, in large measure, not only been of the  
4 gorilla movements that were initially non-indigenous, but it has  
5 been a suppression of that movement that is connected with the  
6 Roman Catholic church. I think it's very important to see that  
7 some of the indigenous movements are connected with the Roman  
8 Catholic church in rural areas, and aren't necessarily, unless we  
9 define broadly liberation theology, unless we define that  
broadly. And that's a very important understand in the  
Gautemalan case, is the role of the Roman Catholic church in  
relation to the indigenous movement.

10 MR. BERGER: Bishop De Roo, did  
11 you want to comment on that? I know you will be dealing with  
12 this tomorrow.

13 MR. De ROO: I'd rather not go  
14 into any great length on that, except to just for now suggest  
15 that we are going to confuse the whole liberation theology issue  
16 if we tie it to Marxism, it has nothing to do with Marxism. It  
17 is basically borne out of a historical experience of the poor,  
18 particularly Latin America but also elsewhere in the world. And  
19 in that sense, yes, it is a peasant phenomenon in the sense that  
20 it arises out of that and Gustavo Guitierrez reflects out of that  
21 peasant experience, but also using his European training in  
22 theology. But, there is so much being written now, that distorts  
23 the whole picture of liberation theology, and so much of it has  
24 been put into an ideological context, that it's hopeless to try  
25 and clarify all that, if we get caught in the ideological. But,  
I will say a few words about it tomorrow. But, out of that  
ideological context, just trying to relate to what is the  
experience that is causing this worldwide phenomenon of a new way  
of reflecting on reality, that is liberation theology.

MR. BERGER: The... Virna, I had

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1 you down next and then Robert Goldwin and then David Case. And  
2 maybe we could return to the presentation that Sandy made to  
3 start off, and we will get back to this tomorrow, after Bishop  
4 DeRue deals with it. Virna Kirkness.

5 MS. KIRKNESS: My comment is along  
6 the same line that Rosita was speaking about. When I was  
7 listening to Sandy Davis speak about South and Central America  
8 and, you know, the idea of Native people or indigenous people of  
9 the world uniting. I also felt that was a rather simplistic  
10 answer to a very serious problem, when we can't seem to effect  
11 changes in a much smaller scale. If you want to look at Alaska  
12 here and what we are talking about here, and even to look at  
13 something more specific, in our Province, British Columbia, where  
14 the issue is Mirrors Island... I think the whole group here has  
15 acknowledged that what the issue is, or the issues are, for  
16 Native people: survival, land, resources, and culture. With the  
17 Mirrors Island business in B.C., it's not a big island and they  
18 are simply saying, we want land claims settlement before this  
19 island is logged by McMill & Blodell, and people have to go to  
20 such great, you know, they have to go there and demonstrate and  
21 be right on the island, and put spikes into the trees so that  
22 they can't be cut down. Things like that. You know, kind of  
23 drastic measures to try to keep people from taking action and  
24 cutting down the trees. I mean, that's a serious example because  
25 the people have said that they will go to any lengths, the Indian  
people have said, they will go to any length to keep McMill &  
Blodell off that island, even if it means taking up guns. And I  
think that, you know, this is when you are pushed to the very,  
very extreme.

That, you know, we see a lot of violence and very  
serious things going on Central and South America, and now we  
don't know how that can possibly be addressed. And that's  
happening all over the world as well. You know, the Hawaiian



1 people that are here talk about that. Many cases in Canada,  
2 outside of Mirrors Island, is just an example of that. So, you  
3 know, it's going to go on and on. I think the Native people have  
4 tried to have a voice by uniting. We all know that the World  
5 Council of Indigenous People have been involved with the  
6 Guatemalan and Central American situation. I think about the  
7 time that, not too long ago, that George Manual, who was  
8 president of the World Council spoke to us in Vancouver. You  
9 know, he wanted to tell us, probably a lot that Sandy told us  
10 here, but he could only talk about it for about a minute, because  
11 it is too close to home, it's too difficult to deal with, you  
12 know, to talk about it. That's some of the frustrating and  
13 feeling I've been having here today, you know, it is so hard for  
14 us as Native people to talk about this in an objective, maybe  
15 cold manner because it is so close to us, and we see so much of  
16 it going around. And, I guess, maybe the plea that I hear from  
17 Sheldon, too, like what are we going to do about it? What can we  
18 do about it? You know, it seems that we have an idea of the  
19 issues. We know what is going on all around us. I hear  
20 different terms tossed around that I don't always understand,  
21 like the last liberation view, and so forth, like that. But I am  
22 sure that there are many ways in which these issues have to be  
23 addressed, and I certainly don't think it's that simple, and that  
24 was the reason that I also wanted to push that question to say,  
25 like, how can we possibly that great an effect with the, let's  
say the U.S. foreign policy, when we can't make small changes  
very close to home.

21 MR. BERGER: Thank you, Virna.  
22 Sandy, did you want to intervene before Mr. Goldwin?

23 MR. DAVIS: Yes. I would like to  
24 comment. I could really feel that, Virna, I think these big  
25 foreign policy human rights violation issues are very hard to  
deal with, and that there is many individuals and perhaps many

1 people from certain communities that don't want to deal with ,  
2 those issues, at this point or dealing with other things that are  
3 too close. One thing, though, I didn't mention, which I think  
4 may be an area where there will be... outside of the foreign  
5 policy area, on this recent trip I took to Bolivia, I met a lot  
6 of people there with the indigenous federation, who I was able to  
7 talk with about what was going on in North America in terms of  
8 local level economic reorganization amongst indigenous people.

9 One of the great interests there, aside from the land  
10 protection issue, is once you do get your land, if you do have it  
11 controlled, how do you reconstruct an economy that potentially  
12 was destroyed because of colonialism. If you do have the  
13 potentiality, people all over the Amazon basin area, indigenous  
14 groups, are looking for models for indigenous development. They  
15 talk about ethno-development and they ethno-development as the  
16 counter to ethnocide, the destruction of their culture. And  
17 they're interested in very concrete daily things, like if they  
18 own forestry resources. And if the government says, you better  
19 use it or you're going to lose it, they want to know, how do they  
20 design tribally controlled forestry projects? And I kept saying,  
21 well, there is some tribes up in North America that have been  
22 thinking about this for, you know, decades. You know, how to do  
23 it. Why don't you folks try to come up and we'll try to get some  
24 translators and, you know, try to get something. So, it may be  
25 on the level, and maybe your Commission, I take it, is working on  
this local level economic exchange.

Just one other thing on that, very quickly, that may be  
a result of that. When I was down there, people did a lot of  
dancing. There was a lot of dancing in the villages. Every time  
I see dancing in a Native village in South America, I know in  
Oklahoma a little more, I've never been to Alaska. I always feel  
I am back in Oklahoma with the Pawnee or somebody. I use to know  
someone who was a dancer, who was Pawnee. Everywhere I have gone



1 in South America, somehow I felt the Pawnee must have been there  
2 dancing because the dancing is so similar from one end of the  
3 Americas to the other. It's similar. There is something about,  
4 it is so out of the context of Bach and Beethoven, and it  
5 somewhere else, and it's very similar. I was recently reading  
6 that it used to be thought that only the Maya and the Inca had  
7 calendars. It is now, the archeologists, whoever they are, think  
8 that there were calendars all through the Americas, from the  
9 northern tip to the southern tip. There was an article in the  
10 New York Times about two weeks ago, in the science section, about  
11 calendar knowledge. So, the Maya weren't the only people in the  
12 Americas that had calendars. I mean, not paper calendars.  
13 Winnebago would do it on sticks. I don't know, the Hoppe had  
14 another way. What that is, that's the difussion of knowledge.  
15 It went on for thousands of years. I think this movement could  
16 be a human rights movement and a land rights movement and a  
17 solidarity, but that the fusion of information.

14 A suggestion and recommendation is, we should try to  
15 publish the report, maybe in Spanish, I am sure you'll want to  
16 publish it in the indigenous language as well as English. But  
17 what about thinking of publishing the report, you know, in order  
18 to get it down into... not that Spanish should be the language.  
19 But it has become a lingua franca, you know, amongst indigenous  
20 people in North and Central and South America. Maybe that would  
21 be one thing to think about.

20 MR. BERGER: Like English in North  
21 America.

21 MR. DAVIS: Yes, to try and get an  
22 edition after the languages here that are publishing it.

23 MR. BERGER: Well, thank you,  
24 Sandy. Robert Goldwin and then David Case.

24 MR. GOLDWIN: I am not especially  
25 happy with the role I've fallen into in this conference of



1 reminding us of bad news. But, it seems to me, it is important  
2 to keep emphasizing what I think the real problem is, as  
3 horrendous as it may be in its implications, because we'd be  
4 wasting our time if we run to easy solutions that will not have  
any real effect because it isn't facing the real problem.

5 Now, Rosita Worl said, in effect, that a proposal that  
6 had been made, seemed to her, not to work, if the real issue is  
7 this opposition of the Doctrine of Growth versus the subsistence  
8 way of life. And she asked Bishop DeRue if he could say  
9 something helpful about it. And he replied that Western values  
10 are in crisis and very much under review, and said that Pope John  
11 Paul, II, is one of the leading figures in this reconsideration.  
12 But, I think it is important for us to understand how pervasive  
13 and how powerful the idea of development is, growth and  
14 development, all over the world.

15 It's not just something in the United States or in  
16 Western Europe. The Pope himself, as quoted in Tom Berger's  
17 opening statement, speaks of development in addressing the rights  
18 to self-determination of the Native peoples he said, for you, a  
19 land base with adequate resources is also necessary for  
20 developing a viable economy for present and future generations.  
21 You need, likewise, to be in a position to develop your lands and  
22 your economic potential. Well, of course, that isn't what, as I  
23 understand it, isn't what the Native Alaskans want. They want to  
24 keep their land, but they don't want to develop it. It's  
25 development, if it's done even by the Native Alaskans, will be,  
to use the term I just heard in my life, ethnocide, but a kind of  
ethnic suicide, because it would change development, in the sense  
that it is usually understood, would change the way of life in a  
decisive way, just as much, as if it were done by outsiders. So,  
that's the Pope talking about development.

Here is the headline that I just glanced at, Gorbachov  
succeeds Chernynko in the Soviet Union, and he made, a new



1 leader, 54, loses time in offering his own program. What did he  
2 say? He showed his impatience to start working. Quote, we are  
3 to achieve a decisive turn in transferring the national economy  
4 to the tracks of intensive development. We are bound to attain,  
5 within the briefest period, the most advanced scientific and  
6 technical positions. The highest world level in the productivity  
7 of social labor. So, there you have it in the Soviet Union. And  
8 you'll find the same kind of speeches by leaders in China, in  
9 India, in all the countries that designated LDC's, which means  
10 less developed countries, and what are they after? The whole  
11 program of the United Nations is development of all of those  
12 countries. So, all over the world, in every kind of regime, you  
13 have this tremendous compulsion to develop.

14 Now, one consequence, of course, has been a tremendous  
15 increase in the population of the world, in economies that are  
16 not developing economies, that are not growth economies, you do  
17 not have an increase of population. Conditions vary for hunters  
18 and gatherers in different parts of the world, but a rough  
19 estimate is that a hunting and gathering society requires 50  
20 square miles per individual to sustain them. And we all know  
21 that a much larger population can be sustained in a growth  
22 economy. What has happened, of course, is that we now have a  
23 tremendous world population and the only way to sustain it is a  
24 continued rate of growth. And so, it seems to me, there is no  
25 turning away from development and growth, unless we mean the  
poverty, and perhaps starvation, of hundreds of millions of  
people in the world. Now, that, as I see it, is the problem we  
face, not, and I remind you now, that I am not happy with this  
role I've fallen into. I am not praising, I'm not advocating,  
I'm just trying to make sure that we face the real problem  
instead of fantasizing with easy solutions that don't really  
address the global situation.

MR. BERGER: Could I, has

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1 everyone... you've done exactly what I had hoped you would,  
2 you've got everybody provoked and they want to respond. But,  
3 might I just comment on the use of the word development. We have  
4 a tendency to be imprisoned by our vocabulary, and certain words  
5 are appropriated and they mean one thing and nothing more. What  
6 happened here in Alaska is that ANCSA, in 1971, promised an era  
7 of development, and people in the villages in Alaska waited for  
8 it. It didn't arrive, except for a limited number, and certainly  
9 for those who did participate in that new era development it was,  
10 indeed, the opening of portals to a new world. But in the  
11 villages, the people have, in many cases, simply said, look, you  
12 promised development on the conventional Gorbachev/Reagan model,  
13 and it didn't arrive. Well, all we've got is subsistence and  
14 you've tried to diminish, and succeeded in diminishing our  
15 opportunities for subsistence. Now, if you haven't made up your  
16 minds, we have. We want at least to be able to have access to  
17 subsistence resources, development if it doesn't destroy our way  
18 of life here, if it is something that we can live with, is  
19 something that we want to.

20 But I don't think development should necessarily be  
21 defined as large scale capital intensive projects. I think  
22 development has a wider meaning than pulp mills and pipelines and  
23 can embrace an enhanced and restored village economy which, to  
24 some extent at least, is based on harvesting wildlife and fish  
25 resources. Nobody is against jobs and the wage economy and  
development in the conventional sense, but I think people have  
decided that they don't want to put all their eggs in that  
particular basket. That's what they were told to do in 1971 and  
it didn't work out the way they had been lead to believe it  
would. Forgive me for taking advantage of my...

MR. GOLDWIN: Your response is, I think, the kind of response that I think should be made because it's a facing of the real problem. That is, to recognize that



1 development usually means not being satisfied with what nature  
2 provides but trying to increase the yield, in every respect, and  
3 that if there is natural gas or minerals or natural resources  
4 that can be mined or obtained that that has to be exploited  
5 because there is always a demand for those things. And  
6 recognizing that that has a disruptive effect on community life  
7 and the way of life, to begin to try to see what alterations can  
8 be made and what adjustments can be made. Recognizing that this  
9 force of development is a powerful force, but almost all forces  
10 can be channeled, even if they can't be stopped. And so, your  
11 response is the kind of response that I think we should be  
12 seeking. That is, recognizing the realities and trying to start  
13 from that and give it some shape and exercise some control. But  
14 what I have been concerned about is that some of the talk starts  
15 from an ignoring of the realities of what the forces are.

16 MR. BERGER: Might I... David Case  
17 is next and then some of these folks opposite. But, you were  
18 referring to your New York Times. I respond by referring to  
19 today's Anchorage Daily News which actually demonstrates your  
20 point. In it, Senator Ted Stevens, who is, of course, the senior  
21 senator from Alaska, who is at the Geneva Arms Talks, discussed  
22 the appointment of the new Soviet leader Gorbach. And he said,  
23 it is a good omen that we have a new young leader on the scene.  
24 We think this man, Gorbach, is driven by technology. And,  
25 there is a sense of he is one of us. And that... it really does  
demonstrate your point that above and beyond these ideological  
conflict that preoccupies all of us, and which is important, and  
important values are at stake, the centuries old inter-cultural  
conflict between the west, which includes the Soviet Union for  
purposes of this discussion, and the indigenous peoples still  
goes on. Well, David Case, you come after Senator Stevens.

MR. CASE: I don't know what to  
say. I would like to yield to the folks across the way, since



1 they seem to be responding directly to what Mr. Goldwin had to  
2 say. I would like to come back in and ask a particular question  
3 of Mr. Davis and Mr. Nietschmann, but it will take us off the  
4 mark, and I would like to get back to it.

5 MR. BERGER: I wonder if I could  
6 make this suggestion then, perhaps we could just have these  
7 questions over here from these folks and then David could come  
8 back to Mr. Nietschmann and Sandy Davis, because he wanted to ask  
9 you about the actual structural arrangements they have in Panama  
10 for the local autonomy of the Indians and the situation with the  
11 Miskitos as well. And then, tomorrow, I think it would only be  
12 fair, that we start with Moses Keale and the Hawaiian delegation.  
13 I think it is unfair to ask anybody to open a new subject up at  
14 about 4:15 p.m. So, Sheldon, if you are pursuing this question,  
15 and then Mr. Nietschmann, and then Doug, I think.

16 MR. KATCHATAG: Thank you,  
17 Honorable Mr. Berger. First of all, I would like to reply to Mr.  
18 Goldwin with regard to his statements on development and growth.  
19 In talking to Alaska's Native people, especially at the village  
20 level, they're not against growth and development. They want  
21 growth and development. Just like any other society, we have to  
22 have jobs for our peoples, we have to have an economy. It's not  
23 that we are against growth and development. It's that we would  
24 like to be able... are these among the things that I think, is it  
25 too much to ask, if in fact, this development and growth takes  
place within the traditional boundaries of our people. That we  
would have the option of initiating this growth and development,  
that we would control and regulate this growth and development,  
that, most of all, we would like to share in the benefits of this  
growth and development. Now, historically speaking, Alaska's  
Native people have been dominated and run over with regard to  
growth and development. Everything is coming from the outside  
in, they never come in and ask us, hey, how would you like an oil

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1 field in your back yard? Never mind sharing in the benefits of  
2 that oil field, how would you like an oil field, period.

3 And another thing that I think that we have a right to  
4 do, in addition to initiating, controlling, regulating, and  
5 sharing in the benefits of growth and development, is that we  
6 would minimize the impact of growth and development on our  
7 culture, on our people, on our heritage. And most importantly,  
8 because we are what we eat and our food does come from the land,  
9 that we would minimize the impact of our growth and development  
10 on our environment. Is that too much to ask? And it's... I  
11 think, this points out rather vividly the problem that we in  
12 Alaska have, particularly, with regard to growth and development,  
13 is that this whole business of land, of culture, of people, of  
14 self-determination, has it's base in land. And we are being  
15 defrauded of this land base and the ability to, not only  
16 initiate, but control and regulate growth and development.

17 So, you know, I would like to emphasize that we are not  
18 against growth and development. We need it for our own people.  
19 Our people, our population base is growing and it's developing.  
20 We just want to share in the benefits. As it stands now, the  
21 Federal Government, with regard to outer-continental shelf sales,  
22 the Federal Government says, hey, we are going to hold a sale and  
23 we'll get all the money. And the oil companies say, we're going  
24 to do the developing and we'll get all the benefits. So, where  
25 does that leave us. It's in our own back yard, it's impacting  
our resources, but we don't share in the benefits, and we didn't  
initiate it. So, those are some of the thoughts that I think  
that, not only the panel here, but also the non-Native community  
should consider when thinking about this issue. Thank you.

MR. BERGER:  Barnie Nietschmann  
and then Doug and Sandy and Rosita.

MR. NIETSCHMANN:  Well, I take a  
fairly strong exception to your remarks and I do so, to the

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1 remarks themselves, because they are so widespread. One of the  
2 things that goes along with the, just to point out the widespread  
3 nature of development, is also the widespread justifications for  
4 it. My experience has been, in Malaysia, the Pacific, Australia,  
5 and Central America with indigenous peoples, is that they are not  
6 ignoring realities. You can't be a member of an indigenous group  
7 and ignore the realities of development. But the question is, of  
8 course, development for whom? To maintain a power relationship  
9 to justify development invasions on indigenous lands, one of the  
10 widespread techniques is to state, categorically, that indigenous  
11 peoples don't want to change, that they are traditional, they  
12 don't want to change their way of life, and that it's unrealistic  
13 in today's modern world.

14 Basically the state's say, look, we have a lot of  
15 mouths to feed, we have a lot of needs, so we are going to do  
16 these things, feed our people and satisfy our needs, by taking  
17 resources off your lands and taking your lands, because we  
18 control the power relationship that can justify doing this, or we  
19 are the trans-nationals. Traditional and modern dicotomy is not  
20 very helpful for us here. It's just a substitution for old  
21 terms, barbarian and civilization. Indigenous peoples that I  
22 have worked with, and for, want to develop. But they want that  
23 development to be in their hands because those lands are theirs  
24 and those resources are theirs, and they have the capacity, often  
25 justified with centuries of sustainable use, at a ration that no  
trans-national has matched, that no national government has  
matched, in a comparative capacity to use resources sustainably.  
So they want very much to be in control of their own destiny and  
in control of their own development. But, also, as I think you  
have so aptly pointed out, to share that knowledge to how  
resources can be used sustainably. It is no longer possibly to  
justify invasions of other peoples lands, and theft of their  
resources, by taking out, again, the tried, old myths of



1 population growth justifies anything. You are indigenous,  
2 therefore you are traditional, you don't want to change and you  
3 need to be educated and brought into the 20th century. That  
4 won't work anymore. If development and indigenous peoples,  
5 development in a Western sense, is to have any mutual benefit, it  
6 will be indigenous peoples who are also development the course,  
7 the context resources use on a sustainable basis, and that's  
8 happening. World Conservation Strategy, IUC in 1980, How to Save  
9 the World, another publication at the international level, all  
10 bring up let's look at indigenous resource use. And you can't  
11 look at indigenous resource use, if indigenous peoples don't have  
12 the land or the resources. That's library material. Thank you.

13 MR. BERGER: Doug, we're you...  
14 Doug Sanders.

15 MR. SANDERS: I was just a bit  
16 taken by a book titled, How to Save the World. I had... is it  
17 one volume?

18 (LAUGHTER)

19 MR. SANDERS: It seemed to me that  
20 there was a structure in your comment which was incorrect, which  
21 was dividing into a certain societies... designating certain  
22 societies as growth societies and other societies as subsistence  
23 societies. And this was all prompted by Rosita Worl, who is from  
24 one of the most materialistic growth cultures, I think, that the  
25 world has ever produced. And if one says, well, all right, but  
the northwest coast was an absolutely peculiar phenomenon, in  
truth it was not.

MR. BERGER: Up here that is the  
southeast.

(TAPE 4, SIDE A)

MR. SANDERS: I'm sorry. I just,  
I can't geographically cope with that. That's why we call it the  
panhandle, I suppose, it's because it resolves what direction you

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1 look at it from. But, so those societies, however they are  
2 described geographically, certainly do not fit this kind of  
3 model. And one says, well, it's the hunting and trapping, it's  
4 the real migratory hunter communities which have turned into the  
5 anti-growth groups. That is, indeed, not true in terms... in  
6 fact, the early history of white contact in Western Canada, is  
7 all involved with the fur trade, in which the Native economies  
8 moved very rapidly into a production for external sale. So that  
9 the classifying of European societies as being growth and the  
10 indigenous societies of North America as being subsistence, in  
11 the sense of not being growth societies, I think is simply  
12 inaccurate.

13 We do, however, have a very, a very pervasive image in  
14 North America, and some other parts of the world, at the present  
15 time, that Native groups are anti-development. And I think to  
16 understand that, given that it is not part of the historic  
17 culture of indigenous populations, one has to understand the  
18 nature of development in peripheral areas. The only areas that  
19 we are dealing now in which there is substantial populations, are  
20 peripheral areas in terms of the European economies which have  
21 been established in North America. And therefore, these are very  
22 dependent upon the booms and busts and factors from outside.  
23 They also have, in terms of locally based economies, typically, a  
24 sort of limited range. You relied on the front page of my  
25 newspaper, I will rely on, I think it's about page 8, which is  
talking about the trapping economy in Rae, in the Northwest  
Territories, in which they are talking about the dependency of  
the community on this. That in terms of the range of activities  
which is possible, this which is indeed a, even in your terms, a  
growth activity, it is land based production for external sale.  
It is something that the community is fighting to sustain because  
it is, in fact, the only kind of growth industry which is  
currently possible for that community to develop. The image of

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1 resistance has been resistance to outside development, which has,  
2 in many instances, destabilized local economies, and because of  
3 its temporary nature, has lead to not even being able to go back  
4 to the economies which pre-dated the boom. And therefore, in the  
5 end, impoverishing the communities and not strengthening them in  
any way.

6 MR. BERGER: Thank you, Doug.  
7 Sandy and Oren, did either of you have your hands up? I... no.  
8 Yes, Oren Young.

9 MR. YOUNG: Yes. I just wanted to  
10 add a comment to the same string of comments. That certainly the  
11 Alaska case doesn't justify any dicotomy between some notion of  
12 development, even industrial development and some continued  
13 emphasis on subsistence activities. There are many instances, in  
14 Alaska, of development kinds of activities, not only carried out  
15 under the aegis of Native communities, but done so in a way that  
16 has offered some prospect for control and benefit. And so, for  
example, you have things like the Kuparik industrial complex,  
which is a wholly Native constructed facility and Native managed  
facility, provided for the use and operation of the oil and gas  
industry.

17 Similarly, they've got things like the proposed  
18 development of the Red Dog Mine, whatever it's future may turn  
19 out to be, it's a very interesting, conceptually very interesting  
20 situation, as far as the NANA Region and the NANA Corporation is  
21 concerned. A corporation which is certainly not insensitive to  
22 much more, so to say, traditional ways, but has thought of this  
23 as a possibility, constructive combination of some kind that they  
24 could do that would be compatible, to a high degree, with the  
25 continuation of a distinctive sort of existence and way of life.  
The NANA Corporation is also a partner in several bidding  
consortia in the off shore development situation. There are, of  
course, many examples that go in different directions. But I

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1 think any easy generalizations, with respect to any kind of a  
2 dicotomy, along these lines are certainly not warranted.

3 And, in fact, one of the things that strikes me as most  
4 interesting is that, in all probability, some forms of economic  
5 development, which are income producing, are in fact, at least in  
6 the Alaska case, a necessary condition for the successful  
7 continuation of more "traditional subsistence practices", because  
8 for better or worse, subsistence itself, over the last 50 years,  
9 has undergone a process of capital intensification. One can't  
10 engage very easily, in most situations, in these more traditional  
11 subsistence practices without having a relatively considerable  
12 regular cash fund to sustain what's needed for subsistence, the  
13 type of subsistence that's available at the present time. Not  
14 that there's anything bad about that. I don't mean to say  
15 anything bad about that, it's aimless to say to that there is  
16 something wrong with it, but I think it's a reality that  
17 subsistence itself is a somewhat different kind of a practice and  
18 process requiring somewhat different kinds of technologies and  
19 resources, than would have been the case at some previous period  
20 of time. And any sort of recommendation that doesn't recognize  
21 that and provide for some kind sort of a combined or mixed  
22 economy which would make available the resources needed to  
23 continue to sustain the subsistence practices which I agree, are  
24 of great fundamental importance and need to be sustained, would,  
25 I think, miss the boat.

MR. BERGER: Mr. Goldwin, you just wanted to intervene before we go on to Rosita, I think.

MR. GOLDWIN: I just want to respond to some of the things that have been said.

MR. DAVIS: (OFF MIKE)

MR. BERGER: All right, Sandy Davis.

MR. DAVIS: Very quickly, I think



1 you have to look at the gross problem in relation to the debt  
2 problem. The debt problem, d-e-b-t, the debt problem. That is,  
3 how do you finance growth? Brazil, I should think one can take  
4 as an example, it had one of the highest growth rates in the  
5 world in the early '70s, it now has the highest debt payment in  
6 the world. It created enormous political crisis, thankfully for  
7 the military government of Brazil, and has brought about some  
8 fundamental political changes. But it is also strapped by the  
9 international monetary fund, which then becomes a control  
10 mechanism over its politics. Somebody, Charlie Edwardson, just  
11 brought me some data on debt here in Alaska. In the last 10  
12 years North Slope Borough is \$1.2 billion in debt. I may be  
13 wrong on these figures, but they're Charlie's figures. And the  
14 parts of Alaska are \$.9 billion dollars in debt, which is \$2  
15 billion in debt of Alaska Native village and regional  
16 corporations over a decade. The debt is one thing, but what is  
17 going to be the implications in terms of the local social  
18 structure when you have so much debt? What it is going to do to  
19 the local people who are going to have to somehow resolve that  
20 debt because they are now dependent on other institutions?

16 MR. BERGER: Mr. Goodwin.  
17 Goldwin, I'm sorry, Mr. Goldwin. Forgive me.

18 MR. GOLDWIN: Well, most of the  
19 comments made either in criticism or opposition to what I've  
20 said, has seemed to me, only to confirm the point I made. And  
21 let me start with Oren Young's remarks. He spoke of subsistence  
22 way of life and the need to finance it, and therefore, that it  
23 has to exist somehow compatibly with the aspects of a growth  
24 economy, using the very terms that I've used. Now, I didn't  
25 mean, and I certainly think anywhere we are likely to find, now,  
purely subsistence economies, although there may be some here and  
there. That there is something that can be spoken of as a growth  
economy, there is no doubt, and that there is something that can

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1 be spoken as subsistence economy, there is no doubt. Whether it  
2 exists purely in any place, is a different question. And the  
3 point of my remarks is, that in a place like Alaska, where there  
4 are people who want to have, to maintain a society and a culture  
5 which is related to a subsistence way of life, that there has to  
6 be a recognition of the existence and power of the worldwide  
7 growth doctrine and growth behavior. And figure out, if  
8 possible, ways to make the two compatible in some kind of  
9 combination of the sort that you are describing.

10 Now, someone says, growth efforts are not always  
11 successful. Of course. In fact, debt is one of the things that  
12 has happened through excessive growth and excessive allegiance to  
13 the idea, and growth makes follies possible on a scale that no  
14 one ever dreamt of in a subsistence economy. And if you say it's  
15 disruptive, that's my whole point. That this idea of growth as a  
16 major purpose of national life, just a few centuries old now, has  
17 transformed the world and is one of the most disruptive doctrines  
18 that has ever been formulated. It has changed human behavior and  
19 the character of societies, not necessarily for the better, but I  
20 have not been advocating it. I have only been trying to repeat  
21 the importance of understanding what those forces we're dealing  
22 with and why the results are so often different from the  
23 intentions and the expectations.

18 MR. BERGER: Rosita.

19 MS. WORL: I don't know which one  
20 I wanted to comment to right now. I feel like I am back in  
21 graduate school, when I was studying American Indian policy. And  
22 one of the things that really occurred to me was that... I mean,  
23 the world, as far as I was concerned, revolved Tlingit, the real  
24 people. And I was really very surprised when I left my domain  
25 and went to Harvard and found out that there were other people  
who were like me, there were other tribes who were undergoing the  
same kinds of things we, as Tlingit people and Alaska Native

1 people, were encountering. And as I began my studies on American  
2 Indian policy, it became very clear that there was this, was this  
3 relationship to an American economic policy, an American growth  
4 mentality, an American expansionist policy. So, it became very  
5 important for me, then, to understand, you know, that kind of a  
6 relationship between Native land and the need for economic  
7 development. You know, I have no answers insofar as, you know,  
8 what does it mean for the ultimate survival of Native people.

9           However, I think you're right, absolutely right, we  
10 need to look at how that mixes. And you are right, there are no  
11 true pure subsistence economies. In Alaska we have mixed  
12 economies, we have mixed economies that involve both subsistence  
13 and a cash economy. But it translates, the cash economy  
14 translates very differently, culturally, into the Native  
15 societies. When they adopt cash or they adopt a growth value  
16 system into a Native subsistence economic system, it works very  
17 differently than when you're working in just a monetary or a cash  
18 economy. And the thing that I think Native people are looking  
19 for is a balance, whatever a delicate balance of this cash and a  
20 subsistence economy. So, it translates into a position that I  
21 would just like to expand from Sheldon's is that, Native people  
22 in Alaska, at least some Native people in some groups, have taken  
23 strong positions to protect their environment, even though they  
24 want to participate in development insofar as the jobs, the  
25 wages, the incomes that they need to protect or to continue their  
subsistence lifestyle and the cultural values that are associated  
with it. Those people have drawn upon the National Environmental  
Policy Act, ANILCA, and other pieces of legislation to protect  
their environment. I just returned from a trip in the North  
Slope, where I sat with 90-some whaling captains who were  
reviewing stipulations, OSC stipulations, and trying to figure  
out how they could strengthen those stipulations to make sure  
that oil development would not adversely affect the biological,

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1 the whale habitat. And so, I mean, that is part of our problem.

2 MR. BERGER: I think that it's  
3 time that we adjourned, but I'll give Hugh Brody the last word  
4 and then tomorrow we'll carry on with some of the other subjects.  
5 But, Hugh, we'll just give you a minute or two and then we'll  
6 have to adjourn.

7 MR. BRODY: I'll be quick Tom. A  
8 thought that has grown out of the last few things I've heard.  
9 And I would like to say that I am sorry I wasn't here this  
10 afternoon, but I am afraid I had some very bad news from home,  
11 which means I shall have to leave here first thing tomorrow  
12 morning. So, I seized this opportunity to have a few words. My  
13 few words are really very simple. The configuration of  
14 circumstances implied by a lot of what has been said in the last  
15 20 minutes is very striking. Namely that, on the Native side,  
16 there is not a wholistic or simply traditional economic life.  
17 It's actually very complicated. And it is a mixture of  
18 subsistence and growth, if you will use those terms. Equally, on  
19 the other side, on the non-Native side, there is not the  
20 wholistic value set up that is often said to be there. And there  
21 is, perhaps, there has always been the opposition to our values  
22 expressed articulately within our values.

23 One of the paradoxes of a growing, developed economy or  
24 a paradox of a capitalist economy is that it has it's own  
25 antagonists within it. There have always been, since the  
earliest screams of protest against growth, those who express  
very forcefully, what they felt to be terribly wrong with growth.  
Striking examples from Europe would include the cottages in the  
18th century, who were decreed to be unsuitable, if they  
remained, rather they were decreed to be improper and degenerate  
if they continue to cultivate their gardens, because gardens  
rendered you self-sufficient, and therefore, not entirely  
vulnerable to the demands of a growth economy. The Irish have

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1 always been savaged by British ideology as degenerate and  
2 backward peoples, for having clung on to land, for having clung  
3 on to community. Very strikingly, in the last year, in England,  
4 the miners have fought for community, for family, for the right  
5 to stay in a particular place and not be forced by the logic of  
6 growth to go elsewhere. Each of those groups and many hundreds  
7 of others, in European history, have spoken well and forcefully  
8 against growth.

9 What's striking about the coincidence of circumstances,  
10 it seems to me, in the North, is that whereas in many other  
11 places there was a kind of hopelessness to the screams of  
12 protest, because the land was going to be taken from those people  
13 willy nilly, the logic of growth, the brutality of the growers  
14 were irresistible. For quite obvious reasons, which Robert  
15 Goldwin spoke of just before lunch. In the North, the land is  
16 not necessarily going to be taken from people. The growers don't  
17 want the land itself unmasked, they might want its resources,  
18 they might want some control of it, but they don't want the land.  
19 The climate is such that the land can be protected. At the same  
20 time, there is a Native population in the North which is large  
21 and closely in touch with its resources and its cultures. A  
22 Native population that has developed a mixed and complexed  
23 economy. And there is, also, in relation to the North, a  
24 passionate concern among non-Native people to protect anti-growth  
25 values, if you will. Environmentalism finds a proper place for  
its concerns in the North. Environmentalism is not confined to a  
tiny minority of eccentric wives. It's something like a mass  
phenomenon. A breach, perhaps, in the side of the great ship  
growth. A preoccupation with place, with extended family, with  
alternative ways of living, is something that many, many white  
people now share. That preoccupation, or that complex of  
preoccupations can, again, find in the North and the Native  
peoples of the North and in the demands that the Native peoples

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1 of the North make of us, a chance for very real expression.  
2 All this means, and this is my simple point, all this  
3 means that in the North, unlike almost anywhere else in the  
4 developed world, there is a staggering opportunity for justice.  
5 That is to say, that it is possible, one can conceive of, it is  
6 quite easily a possibility where Native people and white  
7 developers effect a co-existence. It wouldn't be easy to  
8 negotiate precise terms of the co-existence, but it is possible.  
9 It is not sort of a wild romanticism or absurd fantasy to imagine  
10 that Northern Canada and Alaska and Greenland and, indeed, parts  
11 of Siberia, for all we know, they don't let us know much, could  
12 be places where Europeans finally do deliver some justice to the  
13 demands of the aboriginal population because they can do so with  
14 enlightened self-interest. In other words, we can serve our  
15 purposes by making sure that the Native people have their  
16 sovereignty because they will harbor the values that many people  
17 care about very deeply, and they will protect the land in a way  
18 in which the growers never will. And perhaps, paradoxically,  
19 they will protect the land for the growers in the end. And I  
20 think that the worst thing that one often hears in discussions of  
21 this kind, is a kind of intellectualistic fatalism, whereby we  
22 sit back and say, actually they're all doomed. It's a terrible  
23 thing. They do have a system, they do have a culture, they did  
24 have a culture, but actually they've all had it. And fatalism,  
25 of course, is self-verifying, self-justifying and self-verifying.  
We bring to pass what we predict is bound to come to pass. But  
it is not bound to come to pass in the North and we shouldn't be  
fatalistic. There are no good reasons for fatalism. The  
analogies with Lower-48, with here and there and elsewhere, are  
wrong, precisely because we are talking about the North. I hope  
that in the next few days, and I hope that Tom Berger in his  
report, will fight... all of us here, all of you here, will fight  
for and Tom will fight for, the articulation of the remarkable

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1 possibility that does, it seems to me, exist in the North. Thank  
2 you.

(APPLAUSE)

3 MR. BERGER: Thank you. That's a  
4 good note on which to end the afternoon's discussion. And I know  
5 I speak for all of us, Hugh, in saying how glad we are that you  
6 are able to come, even for a day. How sorry we are that you are  
7 having to leave, and sorrier still to learn something of the  
8 reasons for your departure. Well, we'll adjourn now and I  
9 welcome you all back at 9:00 a.m. tomorrow.

(HEARING ADJOURNS)

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