



Dr. Ruth Gorman,
My Golden West Building,
1509 - 8 Street, S. W.,
Calgary 3, Alberta.

*file
Indians
The departments
failure*

OCT - 1 1969

Dear Dr. Gorman:

I have read with interest your letter of August 22nd to Mr. Trudeau expressing some concern in regard to the proposed appointment of an Indian Claims Commissioner. I am happy to assure you that your concern is without foundation. The Indian people have always had access to the Courts and the appointment of the commissioner will not deny them this normal right.

As you know, from your long association with the Indians of Alberta, Indian claims and grievances range from relatively simple claims based on alleged breach of contract to quite complex claims having their origin in events of earlier times. Many of the major claims fall into the latter category and their nature, the lapse of time and the type of evidence available to support them have made it difficult for the Indians to pursue these claims successfully in the Courts. This has been a major source of Indian grievances.

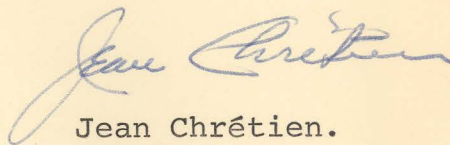
The government is anxious to settle the claims and dispel the grievances on which they are based so that events of the past will not continue to stand in the way of planning for the future. However, the government was confronted with incomplete information concerning the extent and nature of Indian claims. Additionally, there was uncertainty as to the most appropriate way or ways of having the claims considered once they became identified. It, therefore, decided to appoint a commissioner who, in consultation with representatives of the Indians, would inquire into the situation and suggest how Indian claims could best be adjudicated.

While the commissioner will have wide latitude in making recommendations it was not intended that he should ignore the normal judicial process. As the policy proposal states he will be asked to classify those claims which in his opinion might properly be brought before the Courts rather than considered in some special way. He will be making recommendations to the government rather than decisions that will be binding upon the Indians. The fact that he may report that the circumstances of a particular claim raise doubts and that it could be successfully pursued in the Courts will not prevent a band from initiating action if that is its wish.

As I said earlier, we wish to settle Indian claims to the satisfaction of all and the Commissioner will be seeking the most suitable means of achieving this objective. What means may be adopted will depend upon the outcome of his inquiry and consultation with representatives of the Indians.

Thank you for your continuing interest in the Indian people and your desire to ensure that their rights are protected.

Yours sincerely,


Jean Chrétien.

Mr Chrétien -

As we both know if provision has been made to hear the matter ~~on~~ by law by a commissioners court

~~and I believe the ^{law on paper} act so provides~~

then the ^{law} courts will not hear it ~~if a legal~~ ^{procedure has been provided.}

The section must clearly ~~be~~

state that in no way does the ~~from hearing this matter~~ ^{any matter relating to Indian claims or} courts

and an appeal to the ^{any of the} courts must

be provided for from the commissioners

findings & the cost of such an

appeal should be born by the

govern^{ment} so ^{you they} they cannot accuse the

govt. of using a "big whip" by

offering ^{Indian} them a cheaper method while

barring ^{from the} them legal rights the use of the courts
at the same time