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"To Make These Tribes Understand": The Trial of Alikomiak and Tatamigana

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ABSTRACT. Alikomiak and Tatamigana were the first Inuit tried and executed for murder under Canadian law. The case was the third in a series of killings of outsiders by Inuit in the western Arctic which had begun in 1912; the first two had resulted in more lenient treatment. The trial of these two men, which took place in the summer of 1923, was in the nature of a show trial, designed by the federal government to show the Inuit that the authorities would no longer tolerate such acts of violence. It was also meant to be a demonstration to the world of Canada's sovereign rights in the Arctic, rights which had an uncertain foundation in international law. The conviction and execution of Alikomiak and Tatamigana caused controversy at the time; sentiment for clemency was based on claims (made then and subsequently) that Inuit were simple and primitive, and did not understand the principle of execution for murder. It is asserted here, however, that the sentence was entirely in keeping with Inuit custom, and that alternatives to execution suggested by those with better knowledge of the North were in some ways even harsher than capital punishment. Extracts from the capital case file and the transcripts of the trial make these points clear.

Key words: Alikomiak, Tatamigana, law enforcement, sovereignty, Inuit

RÉSUMÉ. Alikomiak et Tatamigana ont été les premiers Inuit poursuivis en justice et exécutés pour meurtre en vertu de la loi canadienne. Cette cause était la troisième d'une série de meurtres d'étrangers commis par les Inuit dans l'Arctique occidental, série qui avait débuté en 1912; les deux premiers meurtres avaient abouti à un traitement moins sévère. Le procès de ces deux hommes, qui eut lieu durant l'été de 1923, avait quelque chose d'un procès de justification, conçu par le gouvernement fédéral pour montrer aux Inuit que les autorités ne toléreraient pas plus longtemps de tels actes de violence. Il devait également confirmer au monde entier la souveraineté du Canada dans l'Arctique, souveraineté qui n'avait pas un fondement bien solide dans le droit international. À l'époque, l'accusation et l'exécution d'Alikomiak et de Tatamigana suscitèrent une controverse; les partisans de la clémence affirmèrent (à ce moment-là et par la suite) que les Inuit étaient des êtres simples et primitifs, et qu'ils ne comprenaient pas le principe d'exécution pour meurtre. On soutient ici, cependant, que la sentence était tout à fait conforme aux coutumes inuit, et que les solutions autres que l'exécution suggérées par ceux ayant une meilleure connaissance du Nord étaient sous certains aspects plus dures que la peine de mort. Des extraits d'archives du procès capital et les transcriptions de la cause font la clarté sur ces divers points.

Mots clés: Alikomiak, Tatamigana, application de la loi, souveraineté, Inuit

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In July 1923, two Inuit men, Alikomiak and Tatamigana, were tried for murder at Herschel Island, a small island just off the north coast of the Yukon Territory, in the Beaufort Sea. This uninhabited island is now the Yukon's first territorial park, but at the beginning of the century it had a lively existence as the centre of the whaling industry in the western Arctic. It had the best natural harbour for hundreds of kilometres along the Arctic coast, and because of the distance from home port in San Francisco and other west-coast cities, the ships came for voyages of two or three years, wintering at Herschel Island. Around 1895, at the industry's height, about 1000 people were resident on the island in winter, including the crews of about a dozen ships, a number of Inuit, and a missionary and his family (Bockstoce, 1977).

After repeated appeals to the federal government from W.C. Bompas, Anglican Bishop of the Yukon, who complained that the Inuit were being debauched by liquor and sexually exploited by the whalers, a two-man detachment, consisting of Sergeant F.J. Fitzgerald and a constable of the Royal North-West Mounted Police, was established on the island in the summer of 1903. Sergeant Fitzgerald, a veteran of Yukon service, spent the rest of his career at Herschel Island; he became famous as leader of the "lost patrol," in the winter of 1910–11, when he and his three companions became lost and starved to death in an attempt to set a speed record on the Fort McPherson-Dawson patrol (Morrison, 1985:133).

The whaling industry was on its last legs by 1910, and by 1914 no more whalers came north to hunt the bowhead whale.

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The Mounted Police detachment on Herschel Island was kept open, however, since its purpose in the first place was not really to watch over whalers or protect the Inuit. The post was there to show the flag—to proclaim the sovereignty of the Canadian government over the western Arctic. Because significant areas of the Arctic had been explored by non-Canadians, particularly Scandinavians, Canadian sovereignty had to be based on occupation and administration rather than on claims arising from discovery. It was for this reason that other detachments were built in the central and eastern Arctic after World War I, extending the nominal authority of Ottawa over regions as remote as the Bache Peninsula, in central eastern Ellesmere Island, which at 79˚N latitude was the most northerly police post in the history of the police, and the most northerly post office in the world at that time. Although mail delivery was only once a year, and there were only two police and an Inuit family as residents, the existence of the place was an important manifestation of sovereignty.

A crucial demonstration of sovereignty in the Canadian North was enforcing the criminal law on the indigenous people. In the Arctic, the federal government and the police were at first inclined to take a lenient view of Inuit who broke the law. The official view was, sensibly, that it was unreasonable to expect the Inuit to obey the law before they had been told what it was, and in any case, the police in particular took a benign view of the Inuit in the early contact period, finding them cheerful, helpful, and accepting of authority (Morrison, 1985).

Whatever views the Mounted Police held on the Inuit as individuals, however, their duty lay in enforcing the political will of the federal government, and it was Ottawa's wish that its sovereignty be emphasized in the Arctic through enforcement of the law. Such enforcement was not an easy task, for the distances were huge, and the land only newly discovered by Europeans—as late as 1914, members of the Canadian Arctic Expedition met groups of Inuit in the central Arctic who had never (or only very recently) met a non-Inuit (Condon, 1996:49). A third difficulty was the unusually high rate of violence and murder among the central Arctic Inuit. As Sidney Harring (1989) points out, the contact period, roughly 1910 to 1920, saw six Europeans and about forty Inuit murdered among the Copper Inuit, and all this violence took place in a community of 700.

The official attitude at first was to deal leniently with these people, but when the violence continued, the official attitude hardened. Three cases show this change. In June 1912, two explorers, H.V. Radford, an American with northern experience, and George Street, a young man from Ottawa, were killed by Inuit at the southern end of Bathurst Inlet, apparently because Radford, who was notoriously bad-tempered, had threatened and struck an Inuit man who was acting as their guide. The police sent out an expedition to investigate; the group ran into difficulties, and it was not until the winter of 1917–18, when the crime was nearly six years old, that they obtained solid information about it (Morrison, 1985: 136–137). The government accepted the fact that the Inuit, in killing these men, were simply following their own law and tradition, and the expedition to find the men responsible was more one of exploration than of punishment. They seem never to have contacted the actual killers, but did reach their families, and explained to them the error of their ways and warned them that Canadian law was now to be obeyed.

Late in 1913, two Oblate priests, Fathers Rouvière and Le Roux, were killed under similar circumstances near Bloody Falls on the Coppermine River (the site was named not for this murder, but for an incident 140 years earlier, when Samuel Hearne's Indian guides had killed a band of Inuit there). Le Roux had threatened one of the Inuit guides, and both men were killed by Sinnisiak and Uluksuk. In this case, the police located the killers fairly quickly; the episode became known in 1914, a patrol was sent out in 1915, the killers were contacted and arrested in 1916, and the men were brought south for trial in 1917. To the astonishment and chagrin of the Mounted Police and the Oblate order, there was public feeling that priests who disturbed the primitive innocence of Inuit had got what they deserved, and Sinnisiak and Uluksuk, on trial in Edmonton in the summer of 1917 for the murder of Father Rouvière, were acquitted. Only when they were subsequently tried in Calgary for the murder of Father Le Roux was a conviction obtained (Moyles, 1979).

Sinnisiak and Uluksuk were convicted of murder, but in keeping with the government's policy of educating the Inuit to obey the law, they received a light punishment. They were sentenced to life imprisonment at the police detachment at Fort Resolution, Northwest Territories, and were not confined, but were employed in doing odd jobs around the post. When the Tree River detachment was established in 1919, they were employed as dog team drivers. They were released and permitted to return to their band after two years, by which time they had acquired a certain arrogance and enough surplus goods from the police to make them rich men in their communities. As several contemporaries remarked, this episode showed bad judgement on the part of the authorities, who left an impression with the Inuit that crime was taken lightly by the government, or even rewarded (Morrison, 1985:159).

When the third set of murders occurred, therefore, the authorities were no longer in a forgiving mood, especially since one of the victims was a Mounted Policeman. The detachment at Tree River had recently been set up as a demonstration of sovereignty and the government's determination to enforce the law in the Coppermine-Coronation Gulf region (Fig. 1). The post showed the clear desire to "prevent murders of whites and to stabilize commercial and government activity in the Arctic" (Harring, 1989:7), which was what sovereignty was chiefly concerned with in that era. The Tree River post was manned by two members of the RCMP—Constable D.H. Woolams and Corporal W.A. Doak, who was in command. The three other white men there were employees of the Hudson's Bay Company, which had a post at Tree River.

In December 1921, Corporal Doak, accompanied by Inuit employees of the police, made a patrol to Kent Peninsula to

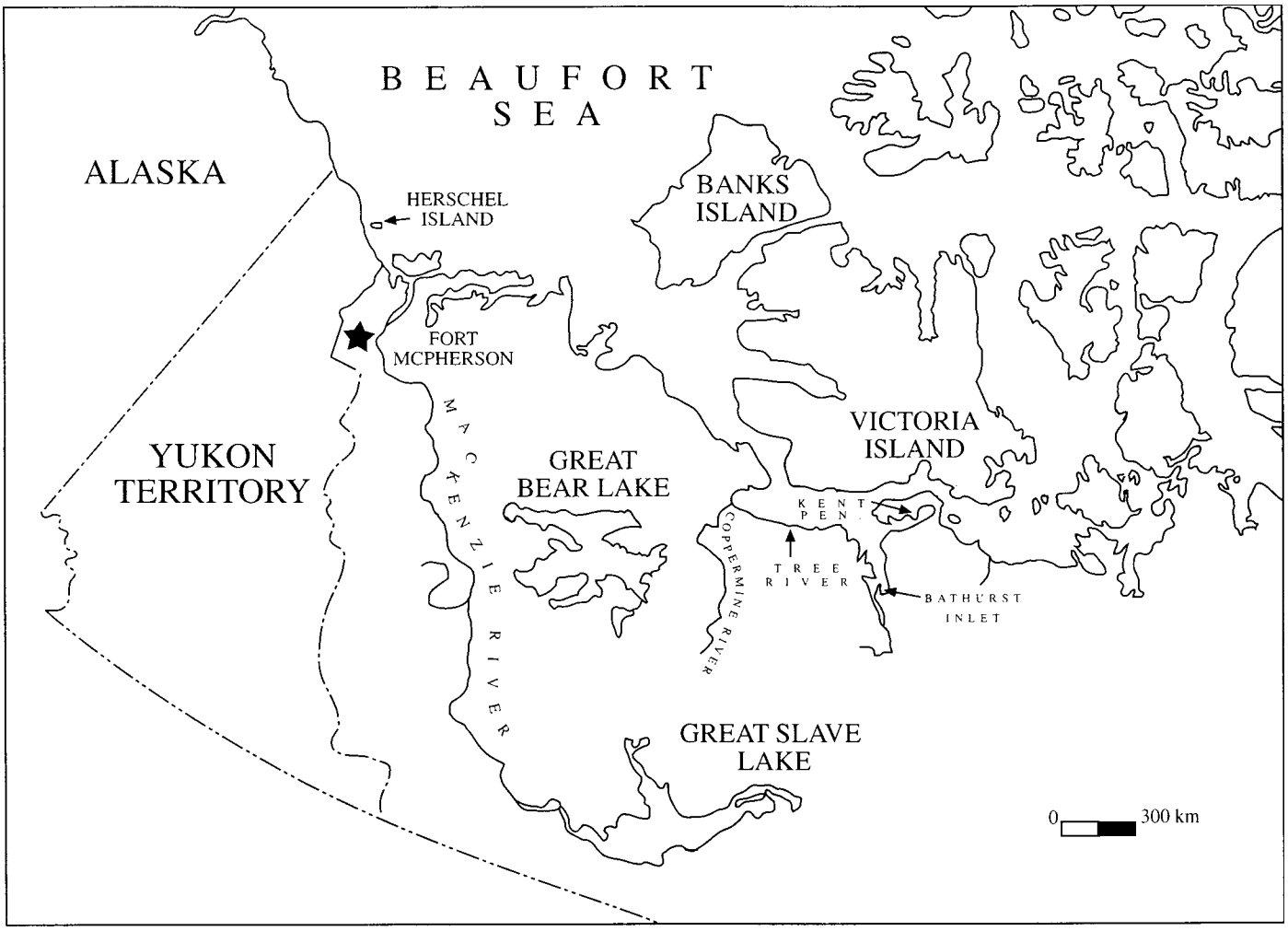

FIG. 1. Location of Tree River in the Western Arctic.

investigate a number of killings of Inuit by other Inuit (Fig. 2). After a short investigation—the community was, as always in such cases, completely cooperative and forthcoming with information—he arrested Alikomiak, a young man of sixteen or nineteen years of age (Fig. 3), and Tatamigana, a man whose age is not known. Doak returned to Tree River with the two men and Ikalukpiak, a man he had arrested at Grace Bay on the return trip for an unrelated killing. Doak and Woolams did not confine the three men—which would not have been easy, since the detachment did not possess a lock-up—but put them to work and gave them complete personal freedom. It never occurred to the two RCMP officers that the Inuit might turn on them. The police by this time had developed a contradictory view of the Inuit: they were considered primitive and violent, fond of infanticide and other forms of killing, but once brought under the control of the government, they were believed to be friendly and docile.

On the night of 1 April 1922, while Constable Woolams was off on patrol, Alikomiak shot the sleeping Corporal Doak in the upper leg, and sat for some time watching him die of blood loss. Early the next morning, he shot Otto Binder, the Hudson's Bay Company trader, who had come to call on the policeman. When Woolams returned from patrol, he seized the unresisting Alikomiak and tied him up. In the summer he and Tatamigana, along with some other Inuit, were taken to Herschel Island for trial.

Doak's murder, motivated by fear of abuse, echoed the earlier fate of the two explorers and the two priests. Binder was killed to keep him from exacting revenge for Doak, though it was later claimed that a quarrel over a woman was a contributing factor. Alikomiak's statement, made on 17 April 1923, a year after the incident, through an Inuit translator working for the police, has the ring of truth; Sinnisiak and Uluksuk had said much the same thing several years earlier:

> I was scared of Doak as he sometimes gave me little hard jobs. One time we went to haul meat and Doak made me run beside the sled with him. I rode on the sled at times and so did he. It was deep snow and I could not keep up. Doak spoke to me but I could not understand him and do not know whether he was angry with me. I was afraid he might use the dog whip on me though he never threatened or hit me with it. Doak gave me boots and lots of things to fix and

FIG. 2. Corporal W.A. Doak on patrol, 1921. National Archives of Canada, RCMP Collection, Access 1996-400, Neg. No. 880.

> I did not like it [this was women's work]. One time he gave me seal skin long boots to fix the bottoms and I had done one when he told me that I had not done it right and for me not to fix the other boot. I was mad and did not feel good inside. The next day I think I like to kill that man. The morning after I worked on the boots I went to [the] Police store house and got Agnavik's rifle … [Doak] was still asleep. … I shot him in the left buttock as I did not want to kill him right away as I wanted him to get mad. I wanted to wound him as there was [a] revolver beside his bed and I did not care if he shot me as I did not want to go west to Herschel Isl. … I did not want to go to a strange country. … I was afraid Binder would see Doak and want to kill me. … I shot to kill him. (CDSS, 1923)

If this account is true, and there is no reason to suppose it is not, Doak showed very poor judgement in his treatment of Alikomiak, and it is difficult to know why he expressed impatience with the man, or gave him women's work to do, given the fact that the earlier murder cases were well known by all members of the force—one would have thought that they would have been particularly careful to avoid the mistakes of Radford and Street, and the two Oblate fathers. Admittedly, however, Alikomiak seems to have been especially sensitive to perceived abuse, since he was never struck or even shouted at. This, at least, was the official version of events; a somewhat different story was given by the ethnographer Knud Rasmussen, who discussed the case a few years later with some Inuit from the region:

> Corporal Doak is described by all as a decent man; but he was in the habit [of] playing on the feelings of the accused Alekámiaq by assuming a brutal and terrifying manner, despite the fact that they could not speak to one another. According to what the other Eskimos told me, Alekámiaq by and by got the idea that Doak was going to kill him, so he decided to forestall him. (Rasmussen, 1932:63)

In July 1923, Alikomiak and Tatamigana were tried at Herschel Island on a number of charges, along with three other Inuit charged with lesser offences (Fig. 4). There were four trials involving the two men; they were all brief by modern standards, for all were completed in a period of four days, which included one day wasted on a mistrial. Tatamigana was tried for killing a man named Hanak and wounding another man. They were both tried separately for the murder of another Inuk named Pugnana, and Alikomiak was tried for the murder of Doak and Binder.

Sidney Harring, in his study of the case, remarks that these trials were "designed to legitimate some official policy, but were actually pre-decided" (Harring, 1989:7). In this instance, the official policy was at least as old as the Mounted Police themselves. The North-West Mounted Police were established by the government of John A. Macdonald in 1873 in response to an atrocity that had occurred in what is now southwestern Saskatchewan, where a group of drunken wolfers from Montana had murdered more than twenty Indians. What alarmed Ottawa in this case was not so much the fate of the Indians, but the notice it gave to the world of the government's powerlessness either to prevent such murders or to punish those who committed them. The North-West Mounted Police were founded to show the flag, to demonstrate Canada's sovereignty over the newly acquired prairies. The Mounted Police have been described as a semimilitary organization, but they are more accurately described as being semipolitical (Morrison, 1985:3–4). On the prairies they enforced Macdonald's "national policy"—they made sure that settlement was peaceful and orderly, that the Native people moved to their reserves in a timely fashion, and that the Canadian Pacific Railway was not delayed by workers'

FIG. 3. Alikomiak, summer 1922. National Archives of Canada, PA-102577.

strikes or Indian protests. Later, they waved the flag for the first time in the Yukon during the gold rush of 1897–98, and in the Arctic between 1903 and 1925. It was not until World War I that their duties were extended to matters such as national security—investigating putative German spies, and the like. When Doak and Binder were killed, the police were the main (indeed, the only) representatives of Canada in the Arctic, and the attack on them was an attack on Canadian sovereignty in the region—sovereignty which, because it was based on some questionable foundations, had to be all the more carefully defended. It was for these reasons that the trial of Alikomiak and Tatamigana took on some of the characteristics of a "show trial."

Thus the trials that took place at Herschel Island in July 1923 were carefully planned, both for their political impact and for logistical reasons. The island was chosen because it was easily accessible and was the only community along the Arctic coast that had buildings of any considerable size—these were left over from the whaling days. Judge Lucien Dubuc of Edmonton, who was also a stipendiary magistrate of the Northwest Territories, was sent north as judge (Fig. 5). A student of the territorial judiciary later described Dubuc as follows:

FIG. 4. Eskimo prisoners at Herschel Island. Alikomiak is fifth from the left and Tatamigana is barely visible third from the left. National Archives of Canada, RCMP Collection, Neg. No. 881.

> [He was] a compassionate individual who was suited to the task of introducing the Inuit of the Mackenzie Delta to only the broad principles of the "white man's justice." There is no evidence, however, that [he] delved extensively into Inuit customs or their mode of living. Rather he introduced the formal trappings of the white man's justice leaving it to later Magistrates … to try to apply, with sensitivity, the substance of the white man's law to the Inuit. (Price, 1986:317)

Dubuc was accompanied by T.L. Cory, solicitor for the Northwest Territories Office of the Department of the Interior, who was appointed counsel for the accused, and I.B. Howatt, counsel acting for the Crown. The jury was selected from white residents of the communities along the Mackenzie River, who travelled with the court party. Preparations were made for the likelihood of a conviction. The travel season in that region was short, and it was realized that if the verdict were guilty, it would be impossible to hang anyone for a year, until travel made it possible for the hangman to come to Herschel Island in the summer of 1924. To avoid such delay, which would have weakened the whole point of the proceedings, the hangman, Special Constable Gill, accompanied the party, and because of the shortage of suitable timber on Herschel Island, a portable gallows was taken along as well.

Private correspondence from government officials and others before the trial began made it appear that example and deterrence were the main goals. Cortland Starnes, Assistant Commissioner of the RCMP, commented that the previous policy of leniency towards Inuit who killed outsiders had not worked, and that there was a danger that these people would conclude "that crime is a thing to be rewarded by the White man." He recommended that steps be taken to "impress upon the Eskimo that such disregard for human life will not be tolerated and those found guilty of committing murder will be adequately punished" (Starnes, 1922).

Perhaps the most remarkable comment made before the trial came from the lawyer appointed to defend the accused. T.L. Cory, as solicitor for the Northwest Territories Branch, was a government employee. His employer, the Department of the Interior, was the arm of government most concerned with the establishment of peace, order, and good government in northern Canada. Moreover, W.W. Cory, the Deputy

FIG. 5. Judge Lucien Dubuc, who presided at the trial of Alikomiak and Tatamigana. National Archives of Canada, PA-019353.

Minister of the Interior, was his father. Presumably T.L. Cory was appointed for the defence partly because he drew a government salary and would not have to be paid extra for the task—Ottawa was very conscious of such costs in those distant days. Doubtless the trip to such an exotic locale appealed to him. But one would not have to be a conspiracy theorist to suppose that the main reason he was appointed was that it was expected that he would not overexert his talents on behalf of the accused, nor was he likely to make emotional post-trial statements in the press.

In September 1922, before his appointment as defence counsel, Cory wrote a memorandum to his immediate superior, O.S. Finnie, Director of the Northwest Territories Branch of the Department of the Interior, echoing Starnes's opinion that harsh public measures were required:

> The numerous murders committed by Eskimos in the last year or so, clearly indicate that kindness and clemency have not had the desired effect upon the native population and I am strongly of the opinion that a court ought to be sent into the N.W.T. in 1923 to try those accused of murder. The cases should be tried midst the accused's local surroundings where the Native will feel the influence of the law, and those found guilty should receive the utmost penalty … As kindness has failed in the past I strongly recommend that the law should take its course and those Eskimos found guilty of murder should be hanged in a place where the natives will see and recognize the outcome of taking another's life. (Cory, 1922)

A few months later, he was appointed to defend these same men.

Of the transcripts of trials that took place at Herschel Island in the summer of 1923, only the three capital cases have been found in the records: R. v. Alikomiak for the murder of Pugnana, R. v. Tatamigana for the murder of Pugnana, and R. v. Alikomiak for the murder of Otto Binder and Corporal Doak. The first two were short, almost perfunctory affairs. The facts were not in question, since the Inuit involved had made full confessions to the police soon after their arrest. Tatamigana was called as a witness to testify against Alikomiak, and vice versa. The proceedings were conducted in English, with the police translator interpreting for the benefit of the accused, and the result was never in doubt. The transcripts are fifteen and nineteen double-spaced, legal sized pages, which include charge, evidence, summation, and verdict. Both took place on the same day, 17 July, and each trial must have taken only a couple of hours. In one case the jury deliberated for nineteen minutes, and in the other case they took eight minutes to arrive at a verdict of guilty. No witnesses were called for the defence in either case, and the judge delivered a summation, which must have taken only a few minutes, to the effect that the facts were clear enough, but that he did not wish to influence the verdict.

The third murder trial, which took place the next day, was a different affair. Its transcript was longer, 51 pages, since Alikomiak was on trial for two killings (Fig. 6). As well, the judge addressed the jury at much greater length. As with the first two trials, the accused had made a full confession, no witnesses were called for the defence, and Cory's cross-examination was confined to minor points of fact. In his summation, he apparently made an impassioned plea for the accused on the grounds of his ignorance of the law, but this

was not recorded in the transcript, which says only "Mr. Cory replied on behalf of the Defence." Cory's defence has been harshly criticized by one student of the case, who characterizes it as "neither incisive nor crisp … aimless. Seemingly seduced by tangential issues, he examined on matters wholly irrelevant to the central issues of the case. To blatant hearsay he made no objection" (Price, 1991:226). It seems possible that, had Cory pursued a number of technical and jurisdictional matters, the verdict might have been different. Judge Dubuc admitted as much, commenting later that "in the hands of a less scrupulous lawyer there would probably have been an acquittal … and this expensive expedition would have ended in a gigantic fiasco and miscarriage of justice" (Price, 1991: 220). Cory, who was not in any case a criminal lawyer, knew his role, however, and no embarrassing acquittal occurred.

Judge Dubuc's address to the jury was fully recorded, and is highly interesting as evidence of the official attitude towards the case and towards the Inuit. It is clear from the record that there was no thought at all of incorporating Inuit ideas of justice into the trial, or of tempering the judicial process to northern conditions, as later judges, notably J.H. Sissons and W.G. Morrow, began to do after World War II (Eber, 1997). He began with a nod towards British justice, "which has been the envy of all other Nations, and which has conquered the admiration and respect of all the individuals and even the nations which have sought its protection." He then complimented the jury:

> Gentlemen of the North, you who live on the edge of civilization, as it were, in that "No-man's land" between the civilized and uncivilized portion of our great country, who endure all the hardships incident to this rugged country of ice and snow, with its every day privations; blazing the trail that the path may be clear and easier for those to follow. You have been selected … to listen and to weigh the evidence presented to you because you have a personal knowledge of the ways and customs of these nomads [nomadic?] and unruled Eskimo who travel these shores … You will notice that the panel chosen to help at these trials is composed of Traders, Trappers, Prospectors, Captains of Ships and moreover, some of them are married to Natives, so that it represents every phase of northern life, and thoroughly represents the sentiment of the North; that is why I expect from you a true verdict in true conformity with the evidence, having at the same time regard also to a justice which will be understood by these Eskimo. (CDSS, 1923)

He then got to the real point of his speech:

> I am further satisfied that you shall not fail to bring a correct verdict because you have not forgotten I am sure those undying principles of British fair play which go with British justice, for although you may feel that you should have some consideration for the simple mentality of these primitive people, yet you also feel that you owe a duty to your country, who extends to them its generous protection in every way.
>
> One of the victims, Otto Binder, was a northern man like yourselves, a member of the oldest trading company in the North, a Company who has been the pioneer of civilization in Western and Northern Canada, and whose kindness and benevolency to the natives in the past, and even now through its self sacrificing Agents at different posts, is, in many cases, not sufficiently appreciated.
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> The other victim, Corporal Doak, was an Officer of the Royal Canadian Mounted Police in the north, one of those lonely and fearless sentinels for Law and Order, posted somewhere on some barren and desolate point in the Polar Sea. A man whose duty was to prevent if possible, and if not, to detect and help in punishment of crime. This adds interest to this case and to the charge against the accused because we are all concerned in the protection of those silent men who traverse and patrol these lands of ice and

FIG. 6. Alikomiak. The original caption reads "This Eskimo was responsible [for killing] Doak & Otto Bender [sic] Hudson's Bay Factor." National Archives of Canada, RCMP Collection, Neg. No. 881.

snow, and who are always on guard for us; we are interested in the safeguarding of those whose duty it is to protect us. Corporal Doak[,] one of the ablest and kindest members of that distinguished Force[,] … was brutally murdered, defenceless in his sleep, in one of the most coldblooded manners known in the annals of the Force, a victim of his kindness to the accused. While he had the accused in his custody he was protecting him at the same time from his own people, who wanted retribution for an alleged previous murder.

The blood of Corporal Doak does not cry out for vengeance, and it is possible, when he turned on his death bed to look in the eye of the aggressor, that his last thought, in that moment's awakening before his eternal sleep, may have been one of Christian forgiveness; let us hope so. But at this trial the personality of the individual must be laid aside. It is your duty as Jurymen who have taken the oath as such to decide according to the evidence, and make these tribes understand that the stern but at the same time just hand of British justice extends also to these northern shores. We want it plainly understood in the minds of these people that one of our most important laws is for the protection of human life which flows from the Divine command "Thou shalt not kill."

It is all very well to plead for mercy and play on your sympathy for these uncultured tribes, but murder amongst all people…has always been a crime of the most hateful and punishable character. When such eloquent and sentimental appeals are made to you, do not forget the innocent victims Otto Binder and Corporal Doak, beloved by all those who have known them, who have been cowardly murdered. Remember that after all it is hands drenched with the blood of his own tribe and of his two white benefactors which are lifted to you to plead for mercy. Remember that this is not a court of mercy but is a Court of Justice, and mercy should be given only by a Higher Tribunal after proper representation is made to it, I mean the Governor General as representing the King.

I will now leave this view of the case which is painful to us all, but I could not let it pass in silence after the eloquent, emotional, and so sentimental appeal of the Counsel for the Defence on behalf of the accused. I am myself a man of the West, I have travelled long enough among the frontiersmen and pioneers of the North to know that under their rugged and stern appearance, there beats a heart as tender as it is human, a heart that warms up quickly to all human sufferings and weaknesses. I know how a sympathy and forgiveness that knows no bounds flows generously from those who themselves have endured so much of life's hardships and privations. I have learnt to appreciate how far a northern man will go to help a neighbour who is in trouble, but today, Gentlemen, the country is making an appeal to your honour as good Canadians to do your duty fearlessly, and you should not therefore let yourself be unduly swayed by sentiment of pity and mercy alone.

I speak now with a knowledge of what I say and for a special purpose, because it has come to my ears that some members of the Jury had already expressed before the trial ideas of mercy and acquittal unmindful no doubt of the consequences. Our Government has not undertaken this expensive Judicial Expedition to have exhibited here a mockery and travesty of Justice before these primitive people. You have a duty to perform as Jurymen, a duty to your Country and to our Laws, and a duty to yourselves. We are leaving this Island very shortly after these Trials and the result of your verdict shall fall on you who are to remain here, and it is you who shall have to bear the consequences (CDSS, 1923)

A student of the case commented about this remarkably histrionic and one-sided speech, that it was "graphic, admittedly; stirring, undoubtedly; in the nature of an unbiased and unemotional jury address, assuredly not!" (Price, 1986:317). Today it would surely lead to a successful appeal for a new trial. Dubuc went on to explain the law in the case, praise the counsel for the Crown and for the defence, and exhort the jury once again to do their duty. The jury retired, deliberated for eighteen minutes, and returned a verdict of guilty.

Although Judge Dubuc expected to leave the next day, he was delayed several weeks awaiting the steamer that would take him back up the Mackenzie River. On 11 August, the day before his departure, he sentenced both men to be hanged on 7 December. Back in Edmonton, on 22 September 1923, he wrote a report on the trials to the Secretary of State in Ottawa, in which he recommended strongly that no clemency be shown to either of the convicted men, while at the same time suggesting alternatives to traditional punishment:

Imprisonment in the North for the Eskimo is nearly impossible and is not taken seriously by them … For the Eskimo, every day of his life is a fight and struggle for food and existence under the most rigorous climatic conditions; so that, being fed and housed with the Police … is not only a reward, but an honour … Close confinement in our Penitentiaries outside would mean to them sure death within a very short time.

It is my opinion that the Criminal Code [should] be amended if possible, empowering the Judge to sentence a criminal Eskimo to imprisonment on bread and water and inflict the lash; that this form of punishment be continued in effect for a few years until these people are more civilized. To be whipped is to be treated like a dog and is to them the greatest humiliation; such a sentence would be real punishment and one they could understand. If this cannot be done, and long terms of useless goal [sic, gaol] have to continue to be administered, power should be given the Judge to see to it that the family of the men sentenced does not suffer (for they are nomads, have no chiefs, and do not live in groups and to leave their families unprovided for is to sentence them to perish. …)

With my experience and the study of the character of the Eskimo, and having in view the protection of the white

> men visiting the North country … and lastly the brutal and cowardly murder of Otto Binder and Corporal Doak, I feel it my duty, although very painful to me, to recommend most respectfully, but most earnestly, that the Law follow its course. (CDSS, 1923)

At the time, no one remarked on the significance of the fact that only Alikomiak had been condemned for killing whites; Tatamigana was sentenced for killing one of his own people. This might have been taken as an example of even-handedness on the part of the government, and is perhaps the reason, though the records are silent on the point, why Tatamigana, who had not even fired the shot that killed Pugnana, though he had plotted it with Alikomiak, was also sentenced to hang. Perhaps the government wanted to make an example of him to demonstrate that the law would protect the Inuit in the same fashion as whites.

The cases of Alikomiak and Tatamigana attracted a great deal of attention in the newspapers and amongst the public. The government received petitions and letters recommending clemency, both from members of the general public and from people with northern experience. The typical argument rested on the idea that the Inuit were primitive, childlike, and ignorant of the law; an undated letter from E. Maitland of Plummer, Ontario, expressed the idea eloquently:

> Although a woman, I am not one who favours the abolition of the death penalty … but it seems not unreasonable to sympathize with the ignorant, primitive people, standing confused and bewildered in one of our law courts, and so simple-minded and remote from the subtleties of "civilized" law proceedings that they told a straightforward tale, which practically convicted themselves. (CDSS, 1923)

Wilfred Grenfell, the medical missionary, commented publicly on the case, stating that "to hang an Eskimo for murder is the same as hanging a little child … The Eskimos are an extraordinarily intelligent people … but they are totally ignorant of law and the consequences of its violation. Ethically, the Eskimo is just like a child of seven years. You would not hang a child of seven years, would you?" (Grenfell, 1923). One wonders how much he had learned about Inuit culture during his thirty years of service on the Labrador coast.

Some Northerners also commented on the case, notably J.R. Lucas, Anglican Bishop of Mackenzie River, within whose diocese the murders had occurred and who had witnessed the trials, and I.O. Stringer, Bishop of the Yukon. Both made the argument that the condemned men should not be executed for breaking laws that they knew nothing about, and should instead suffer life imprisonment, but the government had heard these arguments in previous cases and was not prepared to yield to them again (CDSS, 1923). Bishop Lucas also made the point in a letter of 17 September 1922 to R. Dandurand, Acting Minister of Justice, that "it will not enhance the reputation of the White man among them, if they think that it was fear of meeting a similar fate that led them to take their countrymen away where it would be safe to kill them…the execution of these two men will jeopardize the lives of White men who may be living amongst the tribes of Eskimos whence these murderers came" (CDSS, 1923). W.D. Reeve, Bishop of Toronto, suggested corporal punishment as an alternative to death: "Imprisonment or banishment would not be adequate, but what about flogging? I am inclined to think that the application of the lash would have a greater moral and deterrent effect than anything else" (CDSS, 1923).

It was suggested in the press and elsewhere that Alikomiak was only 16 years old, but the police secured a statement from a trader who had known the man for six years and swore that he was at least an adolescent when he first met him. It was also suggested that Otto Binder had started the sequence of events by stealing the wife of a local Inuit, a rumour that sparked a petition from the Hamilton Ontario Local Council of Women, who sympathized with men who had "followed their own natural light in regard to right, in avenging this transgression against home and wifehood" (CDSS, 1923). This rumour was denied by the police, who presented statements from witnesses to disprove it; and even if true, it would have had little bearing on the murder of Doak.

Although the bishops and a number of others protested the sentences, the newspapers generally supported them (Morrison, 1985:160), and the government—not surprisingly given the sequence of events—refused to commute them. Accordingly, a Mounted Police patrol was sent from the northern Yukon to Herschel Island in the late fall of 1923 with the news that there was to be no mercy, and the two men went stoically to the gallows on 1 February 1924. Knud Rasmussen described their last hours:

> one evening late in winter, while following their customary occupation of making salmon nets, they were informed that they were to be hanged next morning at three o'clock. Young Alekámiaq received the news with a smile. The other man, who was somewhat older, felt as if he was choking and asked for a glass of water; having taken a drink he too was ready to meet his fate. Just before they were to be executed they gave the wife of the police sergeant some small souvenirs carved in walrus ivory, as a sign that they bore no malice towards the police. They ascended the scaffold with great calmness and met death without fear. (Rasmussen, 1932:64)

What conclusions can be drawn from this episode? The most important and the most obvious, as has been noted by other commentators (Harring, 1989; Price, 1991), is that these were clearly show trials, carefully staged for public effect. Everything about them, from the location to the sentencing, was designed to send a message that Canada's sovereignty over the region was to be enforced. The question arises, however, for whom the show was put on. To whom was the message directed? The immediate answer would seem to be to the Inuit, but for a number of reasons this seems not to be the whole truth. It is just as likely that the

government's purpose was to demonstrate to the Canadian public as a whole, as well as to the world, that the old laissez-faire attitude towards the North had ended and a new activist era had begun. It is significant that the trials of Alikomiak and Tatamigana took place at a time when the government was busily involved in establishing police posts in a number of remote spots in the Arctic for the purpose of demonstrating sovereignty, the basis for which under international law was more than a little questionable. In some places, such as the Bache Peninsula on Ellesmere Island, there were no inhabitants at all, so the demonstrations of sovereignty were confined to operating a pro forma post office, but in the western Arctic, the case under discussion here provided the opportunity for an actual criminal trial, one of the best demonstrations of sovereignty possible.

The assertion that these trials were show trials for southerners as much as or more than for the Inuit is further reinforced by the sentences themselves. Many people commented at the time and have commented since that it was wrong to hang men when they were in ignorance of Canadian law; this was the main point made by those who signed petitions asking for clemency—the convicted men were "simple," "primitive," "ignorant of the law," and so forth. But after all, the punishment for killing among the Inuit was the same as it was in the Canadian criminal code. Inuit who killed their own people could expect to be killed in return, and murder and retribution were extremely common among the Copper Inuit of that era; Rasmussen described a "small snow-hut camp of fifteen families … [containing] not a single grown man who had not been involved in a killing in some way or other" (Rasmussen, 1932:17). It was the proceedings, not the sentence, that were alien to the Inuit.

In this regard, it is surely significant that several observers who knew the Inuit well had suggested that corporal punishment would be a more appropriate punishment than would hanging. Judge Dubuc and three bishops of the Anglican church, one of whom was present at the trial, recommended punishments—life imprisonment, bread and water, flogging—which would have seemed more terrible to the Inuit than hanging. Though Dubuc was admittedly no expert, at least two of these men knew the North very well at first hand, better apparently than the government did. At first glance their advice seems merciful. But these punishments were, as these men themselves said, a far more severe penalty from the Inuit point of view than was hanging. Execution was the usual Inuit way of punishing murder, but corporal punishment was not only unusual, but as all three murder cases had demonstrated, something that the Inuit feared and resented. Being taken from their country to an unknown place and never returned was even worse; indeed, one reason Alikomiak gave for shooting Doak was that he did not want to be taken to Herschel Island for trial. The bishops and the judge were thus not simply squeamish liberals balking at a couple of salutary executions, but were, on the contrary, suggesting culturally devastating punishments which might well have had the deterrent effect the government claimed it wanted. Knowing what we do about the Inuit attitude towards physical punishment and exile makes the bishops seem much less merciful, though much more aware of Inuit culture, than were outsiders.

Why then did the government not accept the advice of the judge and the bishops and modify the punishment to something far more humiliating and perhaps more effective than hanging? Part of the reason must be that the trials were for southern consumption, and in the south a flogging followed by imprisonment at hard labour would have been seen as insufficiently harsh. The federal government had been sensitive ever since the Alaska boundary dispute of 1903 to the charge of being weak in upholding Canada's authority in the North. By hanging Alikomiak and Tatamigana, it showed Canadians that it would brook no further violence from Inuit, and it demonstrated to foreigners that the government intended to be a strong force in the region.

This case may be seen also as a precursor to the current practice of imposing culturally relevant and appropriate sentences in some criminal cases involving First Nations people, and to the use of sentencing circles in such cases. In 1923, well-informed Northerners suggested that hanging was the wrong penalty to impose on Alikomiak and Tatamigana, not because it was cruel (which was the theme of most of those who petitioned the government for mercy) but because, given the cultural context of the Inuit, it was not harsh enough, or was inappropriate. Given the fact that the trials were as much for southern as for northern consumption, this suggestion was not adopted, but the fact that it was made at all, and for the reason it was, is of considerable significance.

REFERENCES

BOCKSTOCE, J.R. 1977. Steam whaling in the western Arctic. New Bedford: Old Dartmouth Historical Society.

CDSS. 1923. Canada, Department of the Secretary of State Papers, National Archives of Canada, Capital Case File No. 24861, 1923, Report on capital case of Alikomiak and Tatamigana.

CONDON, R.G. 1996. The northern Copper Inuit. Toronto: University of Toronto Press.

CORY, T.L. 1922. Letter to O.S. Finnie, 12 September 1922, Northern Administration Branch Papers, National Archives of Canada, RG 85, v. 607, f. 2580.

EBER, D.H. 1997. Images of justice: A legal history of the Northwest Territories as traced through the Yellowknife Courthouse collection of Inuit sculpture. Montreal: McGill-Queen's University Press.

GRENFELL, W. 1923. Letter to the *Ottawa Citizen*, 22 November 1923.

HARRING, S. 1989. The rich men of the country: Canadian law in the land of the Copper Inuit, 1914–1930. Ottawa Law Review 21:1–64.

MORRISON, W.R. 1985. Showing the flag: The Mounted Police and Canadian sovereignty in the North, 1894-1925. Vancouver: University of British Columbia Press.

MOYLES, R.G. 1979. British law and Arctic men. Saskatoon: Western Producer Prairie Books.

PRICE, G. 1986. Remote justice: The Stipendiary Magistrate's Court of the Northwest Territories (1905–1955). M.A. thesis, University of Manitoba, Winnipeg.

———. 1991. The King v. Alikomiak (a.k.a. Alicomiak, a.k.a. Alekamiaq). In: Gibson, D. and Pue, W.W., eds. Glimpses of Canadian legal history. Winnipeg: Legal Research Institute of the University of Manitoba. 213–236.

RASMUSSEN, K. 1932. Intellectual culture of the Copper Eskimos. Copenhagen: Gyldendalske Boghandel.

STARNES, C. 1922. Letter to W.W. Cory, Deputy Minister of the Interior, 14 August 1922. Northern Administration Branch Papers, National Archives of Canada, RG 85, v. 607, f. 2580.