

*Indian Land and Treaty Claims*

**Mr. Burton:** By then he will have forgotten what he wanted to ask.

**Mr. Howard (Skeena):** This motion seeks the exchange of correspondence between the native Indian people who have communicated with the royal commission about their hereditary and aboriginal rights, their treaty claims and the like. I am simply paraphrasing the motion. The reason for introducing the motion is not solely out of interest and concern on the part of members of our party. It is as a result of discussion with native Indian people. Naturally, we were not able to speak with every native person in Canada, but we did speak with a goodly number of leaders and chieftains. They would like to know the extent of correspondence with regard to their treaty rights and claims and aboriginal rights and claims.

Indians in one part of the country would like to know the trend of conversation and correspondence with regard to Indian people in another part. They would like to know what responses these people have received from Dr. Barber and the royal commission. They would like to see what, if anything, is happening to the claims which Indians in another part of the nation are proposing. There is the same general interest in treaty and aboriginal rights from one end of this land to the other, regardless of tribal affiliation. This is partly for information purposes. Hon. members know that bands or tribes of Indian people may not be thoroughly familiar or cognizant of the procedures to be followed. In many instances, they may not even recognize what may be classified as an aboriginal claim, even though they may have one. They may not recognize what it is or how to phrase it. They would receive guidance and assistance from seeing the correspondence which other Indian tribes, associations and other organizations have entered into with the royal commission. This is the reason for the introduction of the motion, to make this information public and available to the Indian people whose rights are being dealt with and considered. After all, it is they who will be affected by whatever recommendations the royal commission may make, and to the extent that they engage in these discussions they wish to do so in a full and complete manner.

• (5:20 p.m.)

The government itself is financing out of public funds what I believe is called a national committee on historic rights, or treaty rights, something of that sort. In any event, this is a committee of Indian people assisted by funds from the office of the Secretary of State (Mr. Pelletier) or the Privy Council, and research work into treaty rights, aboriginal rights and so forth is being undertaken by that committee in order that Indians will be in a better position to present arguments to governments with force and clarity. On the one hand, the government takes the view that it is helpful and valuable for us to use public moneys to make a grant to a committee of Indian people to do research work on historic rights and treaty rights, while on the other hand, in connection with a royal commission appointed to look into the self same thing, it denies Indians access to corre-

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spondence and information which might well be of value to them.

The opinion of Dr. Barber that it would not be in the interests of the Indian people to disclose this information is, to say the least, a presumption on his part. I do not think he should have the right to make such a finding or express such a determination, and even if he does, it seems to me the government should not accept such a position. Rather, it should take the view that the people who are in the best position to decide and determine where their best interest lies are the Indian people themselves.

We know that the Indian people *per se*, with the exception of the hon. member for Kamloops-Cariboo (Mr. Marchand) who is not at present in the chamber, are not able to attend the House and move such a motion as I have put forward. This can only be done by those who happen to get elected to this place. This is what we are trying to do to the best of our ability, to give expression to a request on the part of the Indian people that they be allowed access to these documents by moving an appropriate motion in the hope that it will be accepted by the government and that not even a hint of doubt will be expressed as to the right of Indians to obtain information about their own affairs. In other words, so that this will not be looked upon, as it is in some quarters and as I myself look upon it at the moment, as a deliberate attempt at secrecy, a deliberate attempt to circumvent the rights of Indians and deny to them rightful access to information which is of such importance to their well-being, particularly as far as treaty rights and aboriginal rights are concerned. Now, if the hon. member for Hamilton-Wentworth (Mr. Gibson) wishes to ask his question I shall attempt to answer it.

**Mr. Gibson:** I should like to ask the hon. member whether any process has been embarked upon, for example, by way of writ of *certiorari* to obtain the results he is seeking? It appears to me that the matter is now sub judice before the inquiry and that the hon. member is inviting what would amount to a further parliamentary inquiry at the same time as the commission is attempting to deal with this matter. Would the hon. member not agree that if, at the time the commissioner is trying to carry out his work, he is ordered by Parliament to do certain things it would become most difficult to deal with the question in a cohesive way? Would it not amount to unwarranted interference with the inquiry?

**Mr. Howard (Skeena):** In the first place, whether one might proceed by way of a writ of *certiorari* is beyond my knowledge. The hon. member for Hamilton-Wentworth (Mr. Gibson), who is learned in the law, will know that better than I. I am not able to say whether this procedure is available, indeed, I would not care to comment on this suggestion. I do know, however, that this royal commission is being financed by the taxpayers of Canada. The Indian people with whom I have spoken—and, naturally, I have not been able to speak with them all—feel they would like to have information with respect to the terms of reference, indeed, with respect to two matters which are of fundamental importance to