

**Mr. Woolliams:** They changed the rules.

**Mr. Howard (Skeena):** I believe that on the order paper there are 69 notices of motion for the production of papers. Eight of these motions have been talked out up to now. As I say, we are looking at 69 such motions. The time available during the rest of this session for the discussion of these matters indicates that there will be little opportunity to discuss or debate these matters, let alone vote on them. Parliament will not be given an opportunity to express its opinion, through a vote, on whether certain documents should or should not be produced. That is tantamount to an abuse and misuse of the rules of procedure, and a denial of the spirit in which the rules were revised. That is why a debate of this kind is almost a futile exercise. Certainly, by its past activity the Liberal party has shown that it is not interested in debating these matters and certainly not interested in seeing them come to a vote in order that the opinion of the House may be tested. That applies particularly to the matter now before the House. All this indicates that the government treats with supersecrecy legitimate documents relating to information that is of extreme importance and value to the native Indian people.

• (5:10 p.m.)

If we look back at the reasons that were given for not acceding to the request in the first instance, we see that it is simply a matter of hiding information from the very people who will be greatly affected by this information and who will be helped if they have access to it. On March 11, 1970, I put forward a similar motion. If I am not mistaken, it was the then Parliamentary Secretary to the Prime Minister who said that the government could not agree to the tabling of the documents sought in the motion because, in the opinion of Mr. Barber, the Commissioner appointed under the Inquiries Act to look into these matters, it would not be in the best interests of the commission or the native Indian people for such documents or information to be disclosed to the Indian people. I suppose Dr. Barber, inasmuch as he is the commissioner, has the right to say that it is not in the best interest of the commission to have these documents disclosed, but it is very arrogant and overbearing for him to say that it is not in the interest of the native people to have the correspondence and documents made public.

I do not wish to get into a discussion about what I think of Dr. Barber as an individual. He distinguished himself by his absolute lack of concern for the rights of the native Indian people when on the Northwest Territories territorial council, at which time he gave no heed to the aboriginal rights of the natives of the Northwest Territories. It was presumptuous on his part to say what was and what was not in the interest of the Indian people. That was the reason given by the parliamentary secretary on March 11 last, and reiterated on November 4 when this motion was transferred for debate at the request of the government.

Dr. Barber was appointed a commissioner under Part I of the Inquiries Act on December 19, 1969. I presume that he is a royal commissioner, not an Indian land claims

### *Indian Land and Treaty Claims*

commissioner. That title is not even used in the order in council. Royal commissions are appointed under Part I of the Inquiries Act to examine certain things. Dr. Barber was appointed to inquire into and consult with authorized representatives of the Indian people and to inquire into a couple of other matters. First, he was to inquire into the performance of the terms of treaties and agreements formally entered into by representatives of the Indians and the Crown, and second, the administration of moneys and lands pursuant to schemes established by legislation for the benefit of Indians. This is followed by authority to make a report and recommendations as to what should happen with respect to these two items which I enumerated.

In substance, Dr. Barber's terms of reference are twofold. They are to inquire into whether treaties have been lived up to and to inquire into the administration of moneys and lands established by law for the benefit of Indians. Excluded from his terms of reference are native Indian people who, by virtue of history, are not covered by any formal treaties or agreements. The aboriginal land claims and hereditary right claims of the native Indians of the province of Quebec are excluded from Dr. Barber's terms of reference. The commission has no authority to examine the native Indian people of the Northwest Territories and Eskimo people who have an underlying, undeniable hereditary claim to the land and resources, something which has never been extinguished. The bulk of the native Indian people in British Columbia are not covered by treaties. Their aboriginal and hereditary rights are excluded from Dr. Barber's examination.

It is worthwhile looking at the origin of the order in council that appointed Dr. Barber as a royal commissioner. It arose in part from the white paper on Indian affairs which was introduced in this House on June 25, 1969, by the Minister of Indian Affairs and Northern Development (Mr. Chrétien). There were a number of matters proposed, including the Indian claims commission. At that time there was a commitment to the native Indian people that none of the provisions in that white paper would be introduced or put into effect unless it was agreed to by the Indian people. This has been reiterated time and again.

One of the proposals related to the establishment of an Indian claims commission. The government has stated that this commission, of which Dr. Barber is the sole commissioner, is the Indian claims commission. If that is so, this is an abrogation of the commitment made to the Indian people that this would never happen unless the Indian people agreed. It is an imposition by the government on the native Indian people without any agreement or consultation. It is contrary to the stated declarations of the Minister of Indian Affairs and Northern Development on many occasions and the stated declaration of no less a personage than the esteemed right hon. Prime Minister (Mr. Trudeau).

**Mr. Gibson:** Will the hon. member permit a question?

**Mr. Howard (Skeena):** I will be pleased to answer a question, but I wonder if the hon. member will wait until I have concluded my remarks.