

Indian Act

in a manner which the band of Indians concerned feels is inequitable, there shall be an appeal to a supreme court judge of the province where the band is located.

2. That decision to appeal must be made by a recorded vote of the electors of the band at a meeting properly called for that purpose.

3. The cost of the court action must be paid by the band, and the decision of the court shall be binding on all parties concerned.

Yours very truly,

Farmers' Union of Alberta,
(Mrs.) Pansy Molen, Secretary.

I received letters like that from dozens of non-profit organizations including the Lions Club and the missionary societies of various churches and others, particularly organizations devoted to charitable works. As I say, there has been a considerable increase in interest not only in the general welfare of the Indians but in the idea that they must be given a better deal than they have been given before so they may be placed on a basis of complete equality with other citizens in this country and no longer kept in an inferior state. I think this is a matter that needs to be corrected. In many cases under the act the Indians have no appeal whatever from the decision of the minister which as I said previously, really means the decision of one of his agents frequently. In other words there is an arbitrary power which any other person who felt himself aggrieved in like circumstances could take to the courts but the Indians cannot do so. When the Indian Act is under revision I hope the minister will accept an amendment in terms such as those I have just read out. I would hope we could put it in the act at this time and to that extent we will have improved what I might call the general civic rights of Indians and placed them in a better position under the law than they occupy at the present time.

Another matter of grave concern, which has caused more uneasiness, trouble and disquiet among the Indians than anything else since the passage of the present act, is the provisions under that act by which Indians may be expelled from band membership and therefore deprived of the right to live on the reserve and to share in the ordinary care which Indians receive on reserves, including schools and medical facilities and so forth.

Mr. Pickersgill: I am sure the hon. gentleman is under a misapprehension. There is no provision in the act for expelling any Indian from band membership.

Mr. Harkness: Mr. Chairman, I am under no misapprehension whatever. There definitely is a provision of that sort and it has been acted on.

Mr. Pickersgill: What section of the act?

Mr. Harkness: As a matter of fact, a considerable number of Indians have been expelled from reserves and I believe a certain number of cases are pending at the present time. This business has lain like a heavy threat over quite a number of Indians for a number of years. As I say, it has caused more concern in the reserves in Alberta than any other single thing. More than any other matter it has caused what you might call a general suspicion of what the Department of Indian Affairs and the government might do.

I do not know why the minister rose and spoke the way he did because he knows quite well that in the Indian Act there are provisions affecting a person who does not meet the definition of the word "Indian" which was written into the act when it was last revised. Such a person may be expelled from the reserve. As I say, there are a number of cases pending and some people have been expelled. They are expelled for extremely flimsy reasons, particularly on the basis that their grandfathers took scrip back in the 1870's or 1880's. They are expelled because allegations are made by some other persons to the effect that their fathers or grandfathers were white men, and for reasons like that, which in most cases the person affected cannot disprove.

Of course there is a provision in the act that if any ten members of the particular reserve object to the membership of a particular Indian on the basis that his grandfather took scrip, or for some other reason, they may make a complaint and the case comes up and is presented to the department. The department may then order the Indian expelled from the reserve. The natural result of this of course has been to create a great deal of conflict. A few disgruntled people who dislike any member who lives on the reserve are encouraged by this provision to make a complaint against the individual. A great deal of ill will has developed and the reserves have split into factions, and things of that sort.

I think this is a bad provision and one which should be done away with. The position of these people on the reserves should be assured, as it were. It is unreasonable to allege that a man's grandfather took scrip. As a matter of fact, even if he did take it, in most cases he did not know what he was doing. He could not speak English nor could he read or write. Most of the scrip that was issued to Indians, as a matter of fact, was issued at the instigation of white men who promptly turned around and bought the scrip in order to purchase land. They probably paid the Indian \$10 or \$15 or gave him a bottle of whisky or something like that and