

*Indian Act*

with respect to the inequities created by the enfranchisement of Indian women. From Hoey's evidence, it would seem that he saw the Indian Act as an Act which deprived the people of their human rights. I think he was perfectly right. Nevertheless, he believed that, given the existence of such discrimination, it should be based on blood quantum since, as he pointed out, an Indian could have a white mother and a white grandmother and still be legally an Indian. I believe it was called the double mother clause. This question has disturbed him, he said, and he questioned the moral authority of Parliament to deprive persons of 50 per cent or more white blood of their full rights of Canadian citizenship. He believed that a fairer definition would be "An Indian is a person with 50 per cent or more native or Indian blood".

• (1440)

With respect to an Indian woman who loses her status through marrying a non-Indian pursuant to the statute, Mr. Robert Hoey stated that a problem occurred when she returned to the reserve having been deserted by her husband or immediately following her husband's death. She is no longer an Indian in the statutory sense, nor is she the responsibility of the Indian Affairs branch. Indeed, it can be said that the money voted for by Parliament is voted on the distinct understanding that it is for the welfare of Indians and cannot be spent for the relief of white citizens. Senator Fallis, who sounds to me like an intelligent woman—I see we have a few of her followers in the gallery—said, and I quote:

Am I correct in understanding from what you said a moment ago that if an Indian woman marries a white man, she ceases to be an Indian, yet she is not a white woman? If her husband deserts her, or dies, she is left destitute and there is no one to look after her? That does not apply in the case where an Indian marries a white woman. It seems unjust to the Indian woman who marries a white man because neither the white people nor the Indians want her.

Mr. Hoey described this as an "awkward problem" and went on to other matters. We were still going on to other matters until the Minister's Bill was tabled today.

With respect to the Indian testimony and representations made before the committee, almost without exception the Indian bands and associations called for the abolition of involuntary enfranchisement. Representation of such sentiment comes from the submission of the Indian Association of Alberta to the joint committee, and I quote:

When the treaties were signed, the white man was content to leave it entirely to the discretion of the Indian chiefs and their councillors to determine who was to enjoy the treaty rights. It is necessary that those matters be determined by Indians themselves according to the customs and traditions of Indian bands.

The Native Brotherhood of British Columbia stated that a woman who lost her status through marriage, or was deserted or widowed, should be allowed to rejoin her band with her children. This Bill reverses a very serious blot on Canada's international human rights record—which was alluded to earlier—brought by the Sandra Lovelace case to the United Nations, and takes the necessary steps in restoring status to the Indian women who lost them as a result of Section 12(1)(b). It wipes out the concept of enfranchisement forever. It ends sexist discrimination, for the most part. But no legislative action, Mr. Speaker, can replace the emotional hardship

and the loss of dignity and identity which resulted from enfranchisement.

I received representations from many Indian groups, both men and women. I listened to what they had to say and was deeply moved by much of the hardship and heartache which they have lived through over the past many years. My memory goes back to the early 1970s, to the key role played in bringing this issue, which was a non-issue, for the most part, to the fore by the late Senator Therese Casgrain—and I pay her due homage today—and by Mary Two-Axe Early, who should be named a senator, in my view. I only regret that Madam Casgrain did not live to see one of her major causes on flagrant discrimination against women wiped off the statute book. I rejoice with all of those Indian women leaders who must consider today a victory, even though imperfect.

I applaud the Minister's action in repealing Section 12(1)(b) but I cannot support his restoration of status to the women but not to their children. His effort to restore Indian identity is somewhat negated by his potential division of the family.

Let us look for a moment at the 1981 statistics on native women. According to the census there are 248,815 native women in Canada, of which 70 per cent are under 30 years of age. That is compared to 50 per cent for the non-native female population. I am sure that the Minister is aware of those figures. Perhaps the most important observation is the high proportion of single parent families headed by native women. Specifically, 17 per cent of native families fall into this category as opposed to just over 9 per cent of non-native families. It is this group which is most likely to wish to return to the reserve where they could get support from other family members and the community as a whole. The right of those children to return has been removed, leaving that decision in the hands of the band, as I understand it. If I am incorrect, I hope I will be corrected because I consider that matter to be very serious.

The Minister has not really permitted, as I understand it, the reintegration into the Indian culture and identity for this particular group of children except upon request by those children to the band and upon the band's decision to accept their request. No woman could really consider going back to her reserve without her children. This group is most likely to wish to return to the reserve. If I have not explained my concern in the fullest sense of the word, I would like to know about it.

I notice the Minister's concern about the existing levels of social services on the reserves which he described as "appalling and inferior". I am hopeful that the vigorous and effective measures which the Minister enunciated to free up funds will result in the situation being cleared up and we will see serious improvement of a substantive nature.

The Minister's proposals do go a long way to removing the discriminatory sections of the Indian Act. However, I wanted to ask the Minister if he has not now created three categories of Indians; those who live on the reserve, those who choose to live off the reserve and those who have status but may want to live on the reserve. In the past this has been a relatively small