

Indian Act

for Indian bands and Indian status. Indeed, sometimes in the development of this debate there has been the risk of an apparent conflict between those who were concerned about the equality of women and those who were concerned about the problems and the nature of Indian communities across the country. In fact, the issue at the base is the same. The issue is a determination to have identity respected and advanced. I think we have made a step forward in the House today, not simply with the tabling of this legislation, but also with the tone of the response by Members on all sides of the House.

If I may speak to one aspect, in concluding, of the challenge yet ahead of us, it has to do not simply with our colleagues in this House; it has to do with those millions of Canadians who over the last several years have become concerned about the question of equality for women. I hope that they too will recognize that there are other inequalities. I know they do, but I hope that in their recognition of the other inequalities that exist in Canada they will join with the Minister, the Hon. Member for Cochrane-Superior, the Hon. Member for Cowichan-Malahat-The Islands and others in the House to ensure that progress is made much more quickly than in the past in improving the status, the self-respect and the capacity to contribute to the future of Canada and the Indian people of our country.

Some Hon. Members: Hear, hear!

The Acting Speaker (Mr. Paproski): Are there questions or comments on the speech of the Right Hon. Member? If not, I will recognize the Hon. Member for Mount Royal (Mrs. Finestone) on debate.

[*Translation*]

Mrs. Sheila Finestone (Mount Royal): Mr. Speaker, I do welcome this opportunity to rise in such an important debate. I would first like to commend the Minister for his worthwhile efforts trying to reach unanimity on his redressing action. This is truly a complex situation, and I know he has travelled all around the country listening and learning. Sensibly, he has been listening to those groups that will be affected by the amendments.

In order to help us understand the reasons why these changes have to be made, I intend to make a brief historical review of the Indian Act as it has evolved since the 1860s. It is important that we should understand why it is not a well written piece of legislation. This discriminatory piece of legislation is but an attempt at assimilating our Indians into the "white" society.

Previously, there were many ways in which an Indian could forsake his rights as a band member and his status: by obtaining a university degree or by joining the Armed Forces or the Church, to name but a few. This loss of status or enfranchisement had nothing to do with the Indian culture and did not reflect Indian tradition.

The loss of status for Indian women who married non-Indians was one of the worst aspects of enfranchisement. Section 12(1)(b) discriminated against Indian women only. They would forsake their rights as band members and their cultural identity by marrying a non-Indian. There is no equivalent provision where men are concerned.

In my view, this new legislation will have three major consequences: enfranchisement will be abolished forever, sexual discrimination will cease to exist, and the status and the entitlement to membership in a band will be given back to any individual who may have lost them.

I therefore commend the Minister.

[*English*]

I listened most intently to the Minister of Indian Affairs and Northern Development (Mr. Crombie), to the Secretary of State for External Affairs (Mr. Clark) who gave an interesting exposé of the historical background with respect to international law, to other Members of the House, and in particular to my colleague from Cochrane-Superior (Mr. Penner) whose deep commitment and knowledge of the issues was most apparent. I learned even from him, from an historical perspective, of the complexity of the issue and the grave difficulties which were posed in confronting the realities of the impact of this very complex and nefarious Indian Act. The Hon. Member for Cochrane-Superior and I have had many exchanges and I appreciate his taking the time to explain the issues to me.

I must say that Section 12(1)(b), and the removal of sexual discrimination with respect to women, was my first and primary goal when I came here, and I did learn to understand and respect it in the total context of a most complicated, historical error on the part of us, the settlers of this country. The role of the Hon. Member for Cochrane-Superior was very much appreciated and acknowledged. I noted that the Minister talked about that in his introductory remarks.

After listening to the historical perspective of how the white man has imposed upon the Indian, my conclusion is that the old saying that the "law is an ass" is amply demonstrated in this particular instance.

Notions of humanism, and individual and collective rights followed in the wake of the Second World War when the condition of Canada's Indians began to cause concern. In 1946 a special joint committee of the House of Commons and the Senate, which sat until 1948, canvassed opinions on all issues with respect to the Indian Act. Originally, the joint committee had not contemplated accepting representations from Indians, which goes along with the history of how we had handled the issue from the very beginning. However, under pressure, the committee relented and during the course of the following two years representations were heard from Indian bands and associations from across Canada.

Only one woman was represented on the committee, Senator Iva Fallis, who at the very beginning of the proceedings brought up the question of Indian women losing their status. She questioned Robert Hoey, the Director of Indian Affairs,