

Indian Act

member of the band, but a child born in a mixed marriage where the mother is an Indian but the father is not will not be a member of the band. Maybe that fits with the Hon. Member's concept of justice and equality, but it does not fit mine.

I say again what I said before, as far as I am concerned every person living in Canada regardless of race, colour, creed, age or any of the other things we have talked about is entitled to equal treatment and equal rights. It could also be another group. If a band can vary that, then I am opposed to it.

Mr. Penner: Read the Royal Proclamation of 1763.

Hon. David Crombie (Minister of Indian Affairs and Northern Development): Mr. Speaker, I have enjoyed the debate with respect to this motion so far. I know how Members can feel so strongly about it. We have enjoyed the debate on the organizing principles of the Bill as well. I might say, Mr. Speaker, as Motion No. 40 standing in the name of the Hon. Member for Kenora-Rainy River (Mr. Parry) is now being withdrawn with unanimous consent, that I would seek unanimous consent to withdraw Motion No. 41 standing in my name because it stands in my name only because the Hon. Member for Kenora-Rainy River has Motion No. 40 standing in his name. If the Hon. Member for Kenora-Rainy River withdraws his motion, I would like to withdraw mine.

Mr. Jim Manly (Cowichan-Malahat-The Islands): Mr. Speaker, I am quite willing to give my permission to the Minister and to my colleague to withdraw their motions.

I would like to make a short comment about the concern raised by the Hon. Member for Cochrane-Superior (Mr. Penner) who said there was some contradiction between my position on Motion No. 37 which we just dealt with and the position taken by my colleague, the Hon. Member for Kenora-Rainy River (Mr. Parry). I do not think there is any contradiction.

Motions Nos. 40 and 41 were withdrawn out of a concern that if a similar clause were not put in every single bit of legislation that affected aboriginal people, then the guarantee of aboriginal rights in our constitution would simply wither on the vine. If we include that guarantee in some pieces of legislation and not in others, the courts might feel that they had open season on aboriginal rights. It is on that basis that my colleague and the Minister withdrew Motions Nos. 40 and 41.

● (1630)

The question with regard to Motion No. 37 was quite different. The Hon. Member for Cochrane-Superior made the argument that aboriginal rights were outside the Charter of Rights and Freedoms and that the Charter should not be impinging upon any aboriginal rights. He saw the whole question of membership as being one of those rights, as I do, but I believe that it is a right which should pertain to all Indian people, including those who are being reinstated. They should have that right guaranteed to them. No one should have the right to take it away from them, including any band

council. They need the protection of the Charter. Aboriginal peoples need the protection of the Charter of Rights and Freedoms even though their specific aboriginal rights are outside the Charter. Therefore, I think it was important to mention this in the Bill, and I do not see any contradiction between supporting Motion No. 37 as we do and withdrawing Motion No. 40 as we do.

Mr. Keith Penner (Cochrane-Superior): Mr. Speaker, we in this Party give unanimous consent to the Minister withdrawing Motion No. 41. I listened carefully to the arguments of the Hon. Member for Winnipeg North (Mr. Orlikow) and the Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly). I think the Hon. Member for Notre-Dame-de-Grâce-Lachine East (Mr. Allmand) said it all. If the two Members of the New Democratic Party who just spoke want to review how the British Empire was dismantled and decolonized, they can do so. However, the following questions have been asked: How can we allow these people to govern their own lives and to manage their own affairs if we do not give them our marvellous, wonderful British tradition; how will they ever manage without our institutions and guidelines?

The Indian people of Canada can manage, govern and control their own affairs without us imposing upon them all the good things we think we have developed for ourselves. Good things they are, but they are good things for us. Let us not decide so arbitrarily that these are such good things for them. Perhaps we should turn it around and ask: What good things can they impinge upon us? Would that not be a nice change of atmosphere? What would happen if they brought a law into this Chamber saying that they have developed some good things in their several thousands of years of occupying and living on this continent? Perhaps they would like to impinge some of their laws, rights and freedoms on us. I can imagine the tremendous protest there would be. They would be asked: "By what right do you do that? We are sovereign and independent; you cannot come in here and impose your laws on us". However, when it is turned around, and because we are dealing with a minority, we do it in the name of self-righteousness, and we ought to be ashamed of ourselves.

Mr. Ian Waddell (Vancouver-Kingsway): Mr. Speaker, I will be very short in my response.

Mr. Crombie: You are short.

Mr. Waddell: Yes, I am short; that is true. I have listened to those Liberal Members, both of whom I respect a great deal, giving us a rough time for our position on the Bill. I just remind them that during the period of time when we discussed that particular clause in the Constitution, the Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly) and some of the rest of us put our political necks and the neck of our Party on the line. We went out on the farthest limb in terms of our support. Our whole support for the Constitution was around that particular clause. I ask them to remember that. I do not think we have to apologize. They were on the back-benches of