

In the course of my remarks, I may approach the subject from a different direction, namely, from the direction of those whose views I heard during the long weeks of pre-study.

I believe that my honourable friend, and other members of the committee, would agree that we can take no joy in this bill. There are no real winners here, not in politics, not in government, not in Parliament, nor among the Indian people themselves.

The minister, the Honourable David Crombie, in his speech on third reading of the bill in the other place, acknowledged the pain of imperfect compromise. He noted that dissatisfaction will greet the effort to balance what he called two "just causes:" that of women's rights, on the one hand, and of Indian self-government on the other. He urged that a spirit of generosity and reconciliation prevail among those who will have to make the personal adjustments in adapting to the new law, if this bill passes. All of us must join him in that plea.

● (2100)

Who exactly are we dealing with in this bill? At the latest count we are dealing with 581 bands which are comprised of 332,000 status Indians, 235,000 of whom are living presently on reserves. We are dealing with some 18,000 persons who will have their status and band membership reinstated as a result of the repeal of the sexual discrimination provisions in the Indian Act. We are dealing with some 50,000 children of these persons who will gain Indian status but not automatic band membership. And, finally, we are dealing with some 8,000 other Indian people who lost status because of other provisions of the act, such as joining the clergy, finishing university, accepting veterans' benefits, voting in federal elections, joining the armed forces, going away to work, and so on. It seems incredible that we have had a law on the books which prevented an Indian from being an Indian as a result of participating in these routine and often patriotic acts.

There is a great deal of hope for the future in this bill. However, one of the difficulties surrounding it from the beginning and for the present is that it deals at the same time with principles which are volatile and incompatible. First, it removes the sexual discrimination from the Indian Act in the infamous clause 12(1)(b) under which Indian women who marry non-Indian men lost their status and were struck off the band list. That status would now be restored along with band membership. Second, the bill moves toward government recognition of the rights of Indian band control over their own membership; rights which, as Senator Nurgitz pointed out, the Indians themselves have never relinquished. This, too, is a step toward self-government which itself is currently at a stalemate at the level of the Constitutional Conference.

Taken separately, one would have difficulty arguing against either of these principles. But place them together in the context of Bill C-31 and it is like mixing oil and water. In the first instance we see that sexual discrimination is not stamped out after all. In the words of one of our witnesses, the bill is transmitting the discrimination from the women to their children. The women, as I said before, who have lost their status through marriage to non-Indians will have it restored along

with membership in their band. But their children gain status only, and from age 18 must rely on the decision of the band as to whether or not they will be accepted as members. This contrasts with the case of an Indian man who has married a non-Indian woman—the wife becomes a status Indian, as do the children, and all of them are band members. What initially was hailed as the end of sexual discrimination was quickly seen as only half a step, which could result, depending on the will or the economic circumstances of the band, in dividing family units, rather than bringing them back together in the community. The bill also does not end immediately discrimination against these "12(1)(b) women" as they are called in terms of their ability to transmit their status directly beyond first generation children.

Amendments have also been rejected which would have guaranteed that re-instated women could participate in the process of establishing band membership that would ultimately affect the membership of their children. I have listened carefully to the arguments of the minister and I understand that while a major step has been achieved in the removal of discrimination against these women, imposing their children on the band membership would offend the principle of control for band councils.

The war against discrimination has been fought for many years, often in lonely battle, by Indian women—people who appeared before us such as Mary Two Axe Early and Sandra Lovelace. Was it simply a selfish fight for their own individual interests which motivated them? I shall let Gale Stacey-Moore of the Quebec Native Women's Association answer that question. She told our committee:

The fundamental reason for the movement by native women to change the discriminatory sections in the Indian Act is for the benefit of our children, who are our future.

Wally MacKay, Ontario Regional Chief of the Assembly of First Nations—which places the right of self-government at the very top of its list—told us that the Assembly of First Nations Chiefs fully supports the removal of sex discrimination from the Indian Act, but noted Bill C-31, "splits the families. It victimizes the children in that regard." He went on to say:

When we look at it (the bill) as a transitional process, once we achieve that recognition of citizenship, we will set the house in order the way it is supposed to be set in order.

There is pain in the testimony of Indian women on this issue. For some, this bill has become a hollow gesture because they do not want to risk re-establishing themselves on a reserve with children who may have an uncertain future in terms of band membership. Women like Muriel Sasakamoose, Executive Director of British Columbia's Native Women's Society, maintain that reinstatement for women and their children and grandchildren into band membership must precede the question of self-government. She contends, as do others, that this part of the bill violates the Charter of Rights. Yes, there is pain; there is anger and there is resolve to fight again, if necessary, in the courts for family reinstatement.