

community and who can and who cannot live on their own lands?

The Prime Minister (Mr. Mulroney) has said that as a Conservative—indeed, I think this matter reflects the feelings of all Members of the House—there has been too much intrusion by the federal Government into the daily lives of Canadians. Indians have been a special target and victim of that heavy hand for over a century.

In removing the discrimination from the Indian Act we are starting a new relationship with the people of Indian First Nations. Walter Currie, an Indian educator, has commented on the old relationship upon which federal policy until now has been based. He said:

Unhappily, for both the white man and the Indian especially, it is not working. I wonder what would happen if Canada would accept us, would be aware of us as Indians, would accept us as a people, would share with us pride in our heritage—for it is Canada's heritage also . . . If we cannot cure the ills of today, heaven help us tomorrow.

I have tried to cure the ills of today in this Bill. I have tried to do so in a way which accepts Indian people as people with a right to determine who they are. All of this is a part of a new awakening, both on the part of Indian people, and I think increasingly on the part of non-Indian Canadians as well. Times have changed. We have all come a long way in our thinking. I know my own thinking has changed from the time when I thought we could simply eliminate discrimination from the Indian Act by putting a bold black line through Section 12(1)(b).

When the Leader of the Opposition (Mr. Turner) was Attorney General of Canada over a decade ago, he had the responsibility to defend the legal situation of the day in the Supreme Court case of Jeannette Corbière Lavell, who sought relief from the discriminatory provisions of Section 12(1)(b). Yet I am sure that he would join with me today in supporting the principles upon which this bill rests.

It has only been recently that many in my own Party have fully understood the need to respect the demand of Indian communities to determine their own membership. However, interestingly, John Diefenbaker foresaw today's legislation. In commenting the Lavell decision, he characterized the decision as unjust and retrograde. He said:

I agree with the dissenting judges. In the years ahead, the dissent of today will be the cornerstone of the future.

In 1977, Harold Cardinal, a Cree political leader in Alberta, published an essay in his book entitled *The Rebirth of Canada's Indians*. In that book he said:

Trimmed to the bare bone (our rebirth) means we must regain control over the basic decisions affecting our everyday lives, our communities, our children, our futures.

Parents must regain the right to make decisions about the lives of our children, their education, the values they grow up with, their preparation for life. We are talking about the right to make the decisions that will allow our communities to flourish—

He was making a declaration which most Canadians would regard as a given right. Surely, one of the ways in which Indian people can do that is to control the membership of their

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own First Nations and to be unburdened from the sexually discriminatory provisions of the Act.

In November, 1983 the Parliamentary Task Force on Indian Self-Government, made up of members of all Parties, made a unanimously accepted recommendation which stated:

The Committee asserts as a principle that it is the rightful jurisdiction of each Indian First Nation to determine its membership according to its own particular criteria.

In the legislation I have tabled today, that has been done.

The legislation is based on certain principles, which are the cornerstones that John Diefenbaker identified. The first principle is that discrimination based on sex should be removed from the Indian Act.

The second principle is that status under the Indian Act and band membership will be restored to those whose status and band membership were lost as a result of discrimination in the Indian Act.

The third principle is that no one should gain or lose their status as a result of marriage.

The fourth principle is that persons who have acquired rights should not lose those rights.

The fifth principle is that Indian First Nations which desire to do so will be able to determine their own membership. Those are the principles of the Bill.

It is clear that there is little disagreement on the first principle. Sexually discriminatory sections should be removed from the Indian Act. Where there is disagreement, it is on the question of reinstatement of those persons who have been affected in the past by the discriminatory provisions. Some say there should be no reinstatement in any way, shape or form. On the other hand, there are others who want reinstatement to revert to Confederation, giving Indian status and band membership to anyone with any degree of Indian ancestry.

This legislation achieves balance and rests comfortably and fairly on the principle that those persons who lost status and membership should have their status and membership restored. While there are some who would draw the line there, in my view fairness also demands that the first-generation descendants of those who were wronged by discriminatory legislation should have status under the Indian Act so that they will be eligible for individual benefits provided by the federal Government. However, their relationship with respect to membership and residency should be determined by the relationship with the Indian communities to which they belong.

This legislation also wipes out forever the concept of enfranchisement, which forced many Indian people to give up their status and band membership against their will. Incredibly, in the past some people lost their Indian status simply as a result of the fact that they enlisted in the Armed Forces, received a university education, or became a member of the clergy. When I told that to my neighbours in Toronto, they could hardly believe that this was the law of the land.