

I have not approached this matter on a personal basis. I could have placed a lot of personal comment on the record, had I wanted to do so. I have lived a number of these things. I am proud to have been a member of the Okanagan Indian Band for over 50 years. Perhaps that is enough for me to say on the personal side. If I wished to get carried away, I could go quite far.

The basic fundamental which I wish to emphasize concerns the treatment of women—that is the basic fundamental of justice and equality of treatment for women. In my opinion, that is the paramount issue.

The only reason why Indian women lost their band membership and status under section 12(1)(b) of the Indian Act—which has now been repealed—is because they were women. The only reason why their descendants did not have band membership and status was because they were the descendants of women.

That is the central issue involved here. This bill brings back the women into band membership and status. But it gives status to first generation children only.

A number of chiefs and several of my friends with whom I have spoken are in agreement with the position I have put forward. We really would have liked all of those people brought back into membership and status—the descendants and the women together—and not split the families in the way that this bill does.

During the course of my remarks on second reading—I will not take up too much of the time of honourable senators, because a number of my thoughts have already been expressed and are already on the record—I said that I would probably vote against the bill if certain things were not done.

After giving the matter a good deal of consideration and sober second thought—and also some commitments—I now tell honourable senators that I will be prepared to let the bill go through on division. I cannot vote for it.

I am prepared to let the bill pass on division because many of the native women who are affected by the provisions of this bill, and a number of Indian organizations, have said to me “We want you to pass this bill. We do not want senators to block it. Please let it go. We will take half a loaf. Half a loaf is better than nothing. It is at least a starting point. We have been waiting for so long to get at least some kind of redress in legislation for the very dehumanizing situation that we have faced for so long.” But they also said, “We will fight on.”

The other reason I will let the bill go through on division is because of the commitment we received from the minister that court cases will be funded. From talking with Indian women and Indian organizations, there will be cases going forward, challenging the bill on the basis of its constitutionality, relating particularly to section 15 of the Charter.

The main concern of Indian women is the way that families have been split, and also the fact that discrimination against women will continue as a result of this bill. By “women,” I refer to those women who are involved today.

[Senator Marchand.]

I want to make that distinction, because in terms of the future the bill is pretty good. It does some good things. It removes the discriminatory sections where people lost their membership and status because they were educated and obtained university degrees; or because they joined the Armed Forces; or because they wanted the same rights that other citizens had, such as voting in provincial and federal elections—those kinds of things.

Those discriminatory sections have gone from the old act, and that is good. But we could have done better. We could have done better had we started from the base that I would have liked to see us start from, which is fundamental justice and equality of treatment for women.

I will not rejoice in the passage of this bill. But I hope that with diligence—and certainly there is a lot more understanding in this chamber on the issue—all of us, as parliamentarians, will watch and see how things go; that we will follow the court cases and will watch to see how individual communities welcome the people back. I hope that the reservations and the bands will welcome back their sisters, their aunts and their cousins with open arms.

I hope they will not listen to people such as Fred Cardinal of Saddle Lake, who, on CBC television, talked in terms of “Well, we might have to have Judge Colt make a decision.” I don’t know how many honourable senators saw that program, but I am sure that he does not represent very many people in the Indian community when he speaks in those terms.

I will conclude by repeating that I am prepared to let the bill go through on division.

**Hon. Willie Adams:** Honourable senators, in rising to speak in connection with Bill C-31, may I point out that when the bill was being studied in committee we heard from some very interesting witnesses. I can see that this bill will have a major effect on some of the small Indian communities. This bill does not help people return to these communities, particularly people who have been living off the reservations for a number of years. I think that many of these people will decide not to go back to the reservations, in spite of or simply because of this bill. They are out of touch with these communities, and they are not going to settle back into these communities simply because this bill has been passed.

● (1540)

As a result of this bill, there will be two controls—the Department of Indian Affairs in Ottawa and the band councils on the reserves. The review process will take a long time. There is also the possibility that some people may not be accepted into the band simply because he or she is not liked by some members of the band council. In many of these communities housing conditions are poor. How can we expect people to go back to the communities if there is no place to live? Government assistance will be necessary to build houses for those people who wish to return. Also, even though people are registered on the band lists, they may not be recognized by the band and they may have to take court action as a result. This takes money.