

status when they were told that they were no longer Indians. That was a very dehumanizing and serious act of discrimination against those Indian women. They are going to have to suffer that indignity all over again because their families cannot come back with them into band status and membership. To say that it is up to the bands to bring them back into membership does not do justice to the situation. In my view band control over membership never really was the real issue. This view is also held by most of the Indian women. Some bands I know have said they want to have that right to control membership. Who are they controlling? It is not as if there is a new group of people all of a sudden dropping out of the sky and saying, "We want to get back as members of the band." These people whom the bands will be considering for reinstatement into membership are the offspring—the children, the grandchildren and perhaps some great grandchildren—of people who were and should have been band members all along. They lost their band membership unjustly, and if women were being treated equally in this bill, as they should be, that would not be an issue. But it is an issue now and the descendants of those children will have to go on bended knee in some cases and say "Please, bands, can we come back into band membership?"

I was speaking yesterday with a lady from a particular band and she said she had already approached them about getting back. She is a first generation descendant. The band council told her that she could not come back because they do not want her back. The only reason they do not want her back is because of the particular family that she comes from. These kinds of little imperfections in Indian communities go on. If you are from a particular family and another family is in power, those women and children are going to suffer a lot again, particularly those descendants who want to get back into band membership. That is the reality of a lot of the Indian communities. In many cases there will be no problems. I hope in my own band that they will be welcomed back with open arms to a large degree.

I have been preaching hard enough to a lot of them to recognize, for God's sake, that these are your sisters, your cousins, your aunts and part of your blood.

Chief Sophie Pierre of the Kootenai Band said it very well for me. She said on behalf of her Band in terms of band membership "As long as any of the people have Kootenai blood in their veins, that is good enough for me. I want them back."

It does not matter if the number reaches 2 million, if they are entitled to band membership they should have it. Money should not be the determining factor in terms of recognizing the rights of Indian women and treating them on an equal basis. As Senator Fairbairn mentioned, in some instances there was the coincidence—at least we hope it was coincidence—that a lot of the bands with great assets were among the most vociferous in saying to the women and their descendants, "We don't want you back." I know of the pressure that was exerted in terms of the desire for control over membership. I have

some comments in that respect but I will save those until we are dealing with a bill respecting Indian band government.

● (2140)

There is an urgency and a general commitment on the part of this government and, certainly, on the part of the previous government that there should be a constitutional amendment which would provide the right to self-government. I believe it is a good commitment which I want to see lived up to, but that will be, perhaps, the subject of another debate on another bill.

Honourable senators, I may have more to say at third reading of this bill. I look forward to its examination in committee. I hope the committee has adequate time to really examine all aspects of the bill again.

However, in its present form, I find that the bill has a serious flaw. If we cannot correct that and get some other commitments, I, personally, will have no other choice but to vote against it at third reading.

**Hon. Senators:** Hear, hear.

**Senator Nurgitz:** Honourable senators—

**The Hon. the Acting Speaker:** Honourable senators, I have to inform the Senate that if the Honourable Senator Nurgitz speaks now, his speech will have the effect of closing the debate on the motion for second reading of Bill C-31.

**Senator Nurgitz:** Honourable senators, I was delighted to join with Senators Fairbairn and Marchand in this debate, both of them indicating that this was their first speech in the chamber. They hardly sounded new or unfamiliar. I fear that their long years of experience in the work they did before they came here will stand them in good stead. Perhaps if I had had their alleged inexperience, I would not have made the serious error that I did in proceeding to tell the chamber about the 10 per cent rule in dealing with "high impact" bands. As I looked at the clock, I thought I was talking much longer than I ought to and, as a result, I failed to mention that this great 10 per cent rule for "high impact" bands is one the committee in the other place considered and came to the conclusion that it was inappropriate.

As I advance that case, I wish to correct the record and indicate that there were strong negative reactions to that kind of proposal, especially from the women's non-status Indian groups. They were concerned that, for most bands, those regaining membership would have to wait for two or three years. They argued that this was unfair and unnecessary since the amendment was only supposed to be a protection for the few "high impact" bands. As a result, the government moved to delete that clause at report stage. I failed to point that out in my initial comments.

There was developed in the committee in the other place a "high impact" amendment which was more targeted. It provided that bands experiencing a membership increase over 50 per cent could only make land surrenders, distribution of Indian moneys to members, or changes to legal arrangements outside the Indian Act for the purpose of making payment to band members subject to approval by a so-called "double