

The minister has written this week to all Indian chiefs across the country. A toll-free telephone number will be maintained so that anyone seeking explanations can call in. Public service material will be provided to all areas of the media. Departmental officials will travel to the bands offering whatever personal assistance is asked for. Of great importance, the government will actively seek the help of Indian groups which have steeped themselves in this issue for many years. These groups will be asked to play a key role in the process. And finally, the minister himself intends to take to the road to give his personal explanation some time in the fall.

If the bill passes, during the two years following Royal Assent, as Senator Watt has said, bands will establish their membership codes to give practical application to the provisions of the new law. The minister is obliged at that time to report back to Parliament for a review of the process by committees of both houses. There will be an opportunity given in writing to Senator Watt to propose amendments to correct flaws at that time.

As of today, many of the fears, anxieties and hostilities surrounding this bill have not been diminished. They are not diminished in the minds of the families who protest the fact that, even though women discriminated against under paragraph 12(1)(b) of the current Indian Act for marrying non-Indian men will regain their status and band membership, their children will not be admitted automatically back into the bands.

This is one issue that has caused tremendous personal and emotional sadness and grief to some of my colleagues.

And the anxieties are not diminished, either, in the minds of those bands which equally resent the fact that, while recognizing Indian control over band membership for the future, the government is imposing the membership of a potential of thousands of "12(1)(b)" women on the bands right now.

However, this bill has now come through our parliamentary system, and this is its last stop. It is time for us to decide. Basically, we are being asked to decide four things:

(1) Will we cast aside forever the intolerable sexual discrimination provisions of the Indian Act?

(2) Will we restore the rights of status and band membership to those women who have suffered under that discrimination?

(3) Will we restore status to those other Indians who have lost it for a number of untenable reasons in the past, such as voting, entering military service, graduating from university, or simply being absent when the band lists were drawn up?

(4) Will we take a first major step on the road to Indian self-government by recognizing the rights of bands to determine their own membership?

Honourable senators, I suggest that these four points are worthy of support.

The compromises required to enact historic change inevitably distress as many people as they please. In reflecting on this bill, I recalled an occasion a few years ago when my friend, the

Right Honourable Pierre Elliott Trudeau, was besieged by journalists after the Constitution Act, 1982, passed through Parliament.

How did he feel on that historic day, they asked—perhaps expecting to hear an expression of elation, of relief, or of great personal achievement. Instead, he was quiet and subdued. He took no great personal joy from what many regarded as a great historic moment in Canada. And why? Because he remembered where he had started from. He remembered what the initial hopes had been for all Canadians in a perfect world, and how step by step some were eroded and even lost in the process of compromise, and would remain for other Canadians to fight for in future constitutional battles.

However, the basic principles were not lost and we gained not only a patriated Constitution but our Charter of Rights and Freedoms. Indeed, without it there might not have been the same impetus for the bill that we have before us today. As with the Constitution, this bill, too, is a product of compromises.

Honourable senators, I should like to conclude with this thought: When dealing with difficult issues, the bargaining process, of necessity, often focuses on the worst possible result in order to negotiate the best possible deal.

With Bill C-31, on occasion the debate has focused on such extreme premises as:

—The government will not live up to its end of the deal;  
or

—All the women and their descendants will want to come back to band membership and many will want to live on the reserves, thus disrupting the material, social and cultural stability of Indian communities; or

—The band councils will use their power to reject many new applicants for membership, rather than welcoming them back, and thus cause grievous divisions among families.

Honourable senators, let us hope that there will be little extreme rhetoric and no extreme action.

Should this bill pass and become law, I believe all of us in this chamber would plead that all of those involved should suspend their pre-judgment and let the process of adjustment and reconciliation begin in good faith, with open minds and generous hearts.

● (1530)

**Hon. Len Marchand:** Honourable senators, as a parliamentarian, both in the other place and now here, there has not been an issue that has been closer to me, nor one about which I felt more strongly.

First, I should like to thank honourable senators who have expressed understanding of the issue, particularly following my remarks on second reading. I should like to pay particular tribute to Senator Nurgitz, and also to Senator Fairbairn who has just spoken on the issue with great sensitivity.

This is not an easy matter to deal with. As Senator Watt said in the course of his remarks, there are many aspects to it.