

the Bill as good as it can possibly be. It is essential, however, for all of us in the House and for the Canadian people to recognize that what we are doing today is not all that progressive or noble at all. We have created heartbreak and misery through our intolerable meddling and tinkering. With this Bill we continue down that same wretched path. We want to feel good. I understand that. We intend to do our best. We want to remove the sex discrimination, but in so doing there are shortfalls and ill side effects.

We will console ourselves by saying that we consulted widely and did our best. There can be no argument there. However, Mr. Speaker, let all Members, the people of Canada, especially the women, and the provincial Governments know that we continue to fail the Indian people of this country. We will continue to do so until we recognize the right of Indian people to manage, direct and control their own affairs within the Canadian Confederation.

● (1250)

In drafting this Bill, the Minister has tried to do his best and he deserves all the credit for that effort. However, the answer to the dilemma lies elsewhere, which he knows full well. I say to him and to his Government and to all the Premiers of the provinces of Canada: let there be no more failure at the constitutional table because that is where these problems can ultimately be solved in a lasting way.

**Mr. Jim Manly (Cowichan-Malahat-The Islands):** Mr. Speaker, I appreciate this opportunity to speak to this Bill. First, I would like to extend my thanks to the Minister for his courtesy in ensuring that I, as critic for the NDP, received a copy of the Bill at least as early as the press. I would also like to say that I believe that Bill C-31 represents a major improvement over Bill C-47 that was before the last Parliament. Our committee was able to outline some of the failures in the previous Bill and I am pleased to see that improvements have been included.

Let me stress the importance of this Bill to a wide range of people. This Bill is important to those Indian women and men who lost status and membership in their band and now will have the opportunity to regain it. These people include women who lost status through Section 12(1)(b) of the Indian Act, their children who lost status through Section 109(2) of the Indian Act, people who were unfairly enfranchised when they were in the army or had to be enfranchised in order to seek employment. The Bill is important for those who were affected by the provisions that went back to the 1920s which enfranchised anyone who had a university education or a profession.

The Bill is very important to those who now have an opportunity to regain status. It is also very important to the children of these people who will have the opportunity to regain Indian status and the possibility of being accepted into band membership for the first time. The Bill is important to Indian bands because it recognizes their right to make basic decisions about their own membership. Finally, the Bill is very important to the Canadian people as a whole. Canadians have been embarrassed by the international attention that has been

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drawn to us because of the sexual discrimination that has been written into the Indian Act.

It is important that this Bill is drafted properly in view of the poor legislation that was drafted last spring. It is also important for us to be realistic about what we can and cannot do as legislators when dealing with this Bill. Let me use the Lubicon people in northern Alberta as an example. During the last four or five years a great deal of oil activity has been intruding into their trapping and hunting areas. What used to be a wilderness is now criss-crossed and honeycombed with roads, seismic lines, pumping stations and other activities. No matter what Parliament does to try to bring justice to the Lubicon people, there is no way that we can restore the pristine nature of their homeland. Similarly, we can look at Meares Island which is the home of the Ahousat and Clayoquot peoples. They are faced with the possibility that that area might be logged and we must realize that once the trees are gone no Act of Parliament can bring them back.

How much more is this the situation when we are dealing not just with land and the environment but with the history of a people? The discrimination against Indian people, particularly against Indian women, has a long and shameful history. All Canadians share in that collective shame. Section 12(1)(b) is the legal embodiment of a romantic myth which has some very real economic overtones. In North America that romantic myth goes back at least as far as Captain John Smith and his rescue by Pocahontas when he was about to be executed. It is said that Pocahontas laid her head upon his and saved him.

Many people are not quite so familiar with some of the other accounts of Captain John Smith's rather fanciful history of Virginia in which he tells the story of how Indian people brought food and saved the entire colony from starving to death. We tend to gloss over later accounts of how the colonists seized the land. John Smith actually proposed to make Indian people slaves.

The point I am emphasizing is that among many European males, a romantic attachment to an Indian woman also had a very real economic attachment to Indian land. This commercial attachment is something that Indian people were aware of as well. Indian people had their own view of what was happening and they wanted some means to protect themselves and their lands.

In connection with the Lavall and Bedard case before the Supreme Court, Harold Cardinal explained some of the concerns of the Indian Association of Alberta in his book entitled *The Rebirth of Canada's Indians*. I noted that the Minister also quoted from this book. On page 109 Mr. Cardinal wrote:

We were terribly concerned over what effect such a decision would have on reserves as the collective home of Indian people. We did not follow nor did we want, a system of private ownership, because we felt that this would rip apart our reserve communities in short order.

Another valid concern was that if the women were successful in their suits, our reserves would be opened for settlement by white men, allowing them, through marriage to Indians, to gain ownership of Indian lands. A number of other questions were raised: