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REPORT
OF THE
INDIAN ACT
CONSULTATION MEETING

WINNIPEG, MANITOBA
DECEMBER 18, 19 AND 20, 1968

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DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

Table of Contents

Wednesday, December 18, 1968

Opening remarks by Mr. Courchene and the Honourable Jean Chrétien	1
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Thursday, December 19, 1968

Part I Submission of the Manitoba Indian Brotherhood.	3
A. Education.	4
B. Local Government	5
C. Social and Economic Development.	7
D. Civil Rights	11
Remarks by the Honourable Jean Chrétien	13
Questioning of Minister by delegates.	14
Part II Submission of the Manitoba Indian Brotherhood Legal Considerations.	20
Part III of Submission re recognition of Treaties	26
Remarks by the Honourable Jean Chrétien	28
Questioning of Minister by delegates.	29

Friday, December 20, 1968

Discussion on Taxes	36
Discussion re mortgaging to raise money	38
Discussion on application of Provincial laws.	38
Discussion on mentally incompetent Indians.	39
Discussion on membership.	40
Discussion on possession of land.	45
Discussion on Health Services and remarks by Dr. M. DeKovan, Director of Indian and Northern Health Services for Manitoba. . .	47
Discussion on hospitalization with Mr. V. Baird, Manitoba Hospital Commission.	50
Adjournment	52

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HELD AT
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Wednesday - December 18, 1968.

Chairman Mr. Dave Courchene - (President - Manitoba Indian Brotherhood) Ladies and Gentlemen: "First of all I'd like to say welcome to the Minister. There is no doubt we have been anticipating his arrival here with mixed feelings. We hope that in tomorrow's presentation that he will not be able to say, after the presentation, 'that we don't know what Indian people want.' There is also no doubt in my mind that he has already heard what the Manitoba Indians have been saying. We have proposed, at your request, that we will meet the Minister informally for the rest of the afternoon till 4:30 and from there we'll convene to the Provencher room on the ground floor. We will have cocktails together with the Minister and I hope that each and every delegate will have the opportunity to talk to the Minister. Those of our delegates who are unable to speak English, I hope you will use your field consultants, from the Organization to be able to interpret for you so that you will get a chance to speak to our Minister. I think this is the first time, in my lifetime anyway, that I have had the opportunity - on a number of occasions now - to meet the Minister of Indian Affairs and Northern Development. To me, it seems that we are starting to get involved and I am sure the future for the Indian people of Manitoba is only starting. We have a long way to go yet, but I am sure that if we work as partners and in unity, that we will achieve for the Indian people of Manitoba the recognition and also achieve their aspirations as they are being requested through our delegates here.

"So, with no further ado, I give you the Minister of Indian Affairs - Mr. Jean Chrétien."

Mr. Chrétien: "Thank you Chief Courchene. Delegates. I was not prepared to make a speech to you this afternoon. Coming in the car Dave told me it was just informal; you will meet the people, and so on; so I am taken by surprise a bit - but anyway, I am very, very happy to be in Manitoba. I am very much impressed by what you are doing in Manitoba; you are getting well organized and you want to participate and you want to look into your problems and as your President told me many, many times - what you want, and I know I will know that better tomorrow, but part of it is that you are ready to take your own future in your hands I think it is a good direction and I welcome the step by your Association.

I know that these consultations are very important for you but they are even more important for us. As Mr. Courchene said, it is the first time that the Indian population of Canada has the opportunity to express their views for their own future. Over the last hundred years there were many Indian Acts that governed your affairs and this is the first time you have had the occasion to say something about it. It is the first round of consultation. It is the last meeting of the first round of consultations, and I am very happy because in most of these meetings I was very much impressed by the quality of the presentation and the level of the discussion. I know that particularly in this Province, you did a lot of homework before coming to these consultations and I want to thank you for that, and congratulate you for that. I think it is very, very important that you get involved. It is quite a difficult process because it is really the first time that you have this opportunity.

Travelling across the country I found that these meetings were

Thursday - December 19, 1968

very good and the quality of the people who participated in the discussions were very good, and do you know if we were to have meetings of representatives of municipalities coming from many Provinces it would even be difficult to have the same level of discussions as the level of the discussions we have had in the other consultations and that we will have here in Winnipeg.

I said many, many times that the consultations are very important for the government, because they will permit the Indian people of Canada to state their views on the problems that they face as a group in our society. And it is going to help us to make the new Indian Act, really the Indian Act made in collaboration with the elected authorities that I represent and the Indian population. I know it is going to be quite difficult as there is not only one area or one problem for the Indians in Canada; there are many. But at least we will get your feelings and receive from you the direction in which we have to go.

I think that in our society in Canada there is a place for every one of us. In Canadian society we want the people to be part of our society, to be good Canadians and at the same time be themselves. I am one of the minority groups in Canada, I am a French-speaking Canadian. I think I am not any less good a Canadian because I am French speaking. I think that I can share in the responsibilities and advantages of being Canadian. I think it is possible for the Indian people of Canada to be good citizens of the land; to be good Canadians, and at the same time keep their own culture, their own characteristics - because you have a wonderful history. You often tell us, and I agree, that you were here before we arrived and it is an historical fact. Your history is part of Canadian history. You have to be proud of your background and your group. You have to develop leadership - you have to develop leaders that will permit your people to have a choice in this society. It is what I would like to give the Indian people of Canada and I know it is important for any group to have the opportunity to make choices and in order to do that we have to give some facilities, like education and economic opportunities and so on. If we can do that for the Indian people of Canada I know that they will be happy to be good citizens of the land, to share in both the advantages and the responsibilities of being Canadians and to keep, at the same time, their tradition, culture and be proud of their background.

I have nothing more to say this afternoon; I just want to be very informal. I hope that I will have the occasion to shake hands with you. I am bilingual but probably if I use my mother language some of you will not understand me and if you use your own language I will perhaps not understand you; but we can communicate anyway, through interpreters. I am very glad to be in Manitoba and because, in the past, the association of the French and the Indians in Manitoba has probably been quite close. Many of you bear French names and to you I will say a few words in French.

Thank you very much. I hope we will shake hands together. Your President was nice enough to organize cocktails and I will meet you there too. I will be with you all day tomorrow in order to look into our problems and try to find solutions.

Thank you very much."

Chairman Courchene declared the meeting adjourned.

Chairman Dave Courchene resumed the meeting by saying that in their presentation the Indians asked the government to be partners and they were starting this partnership this morning by having the Minister sit with them at their side of the table rather than on the other side. He then read Part I of the Submission of the Manitoba Indian Brotherhood, and asked the Minister to comment on this part of their submission.

SUBMISSION OF THE MANITOBA INDIAN BROTHERHOOD

Part I

"It is with confidence based on an extensive consultation with the Indian people of the Province of Manitoba that the Manitoba Indian Brotherhood presents its suggestions concerning new legislation for the Indian people of Canada. The Manitoba Indian Brotherhood, Executive and Consultative Staff have toured the entire province and have held five area meetings thereby consulting with many representatives of all the Indian bands in Manitoba.

One fact emerges most clearly. The Indian people need and demand legislation that will reverse their present status from so-called protected wards of the federal government to equal citizenship of all other Canadians. Therefore, the Indian Act must in its present form be abolished - it is merely a catalogue of restrictions - and be replaced with legislation that will provide opportunity.

Whatever the new legislation is called, it must be much more than a mere revision of the old Act. The Indian people demand the destruction of all the old barriers and the provision by enlightened government action of sufficient opportunities so that the Indians in control of their own destiny can take their proper place in the Canadian Mosaic.

New legislation must carefully ensure educational and economic opportunity. It must provide for decentralization of power and authority comparable to standard municipal government authority at the local level. And, equally as important, the new legislation must be enforced by an administration that views its role as corollary, secondary, and mainly advisory.

The Indian people, in no way different than other Canadian citizens, desire to control their own destiny within the context of local circumstances.

Anything less is discriminatory and suggests inferiority. Anything less will perpetuate the second-class citizenship of the Indian people.

The first step in the creative process - is not merely an amendment of present legislation - it is the restoration of trust, crumbled by year of neglect and actual abrogation of treaty agreements.

The treaty rights of the Indians of all of Canada must be restored. The value of such action in dollars and cents may be miniscule, and if such be the case it will be a small price to pay to regain lost confidence. The Indian people made a covenant with the Canadian government. The promises of the past must be respected so that the future can be built on a foundation of confidence.

A. EDUCATION

The future of Canadian Indians will depend on the level of education attainable by its young people as well as its adults. The present adult generation cannot be forgotten or sacrificed. If an appropriate education and orientation program is implemented for the adult generation it will support the efforts now being expended to secure a bias in favour of maximizing educational opportunity by the young people.

The acquisition of skills and intelligence must be enforced at all levels.

To secure this objective the Manitoba Indian Brotherhood has a specific proposal: The federal government must establish a National Indian School Trustee Association made up of representatives from each province.

Such Association would assure that text books used to educate Indian people places Indian history in its proper perspective. Also, such an Association could act as a co-ordinating body for efforts to orient the people of many of our more remote reserves. Finally, it will act as a pressure group to insure that in all cases where Reserve Indians attend provincial schools, the parents have a voice in the selection of local School Trustees. The present situation results in disinterest by both parent and pupil. Also, it is a slight to the Indian parents of Canada.

The Manitoba Indian Brotherhood proposes that as a condition of grants to pay provincial authorities for the use by Indian children of their schools a proportional representation of Indian people be elected to Trustee positions.

The National Indian School Trustee Association might also have the authority to review text books used by both Indian and white students to determine if there is a bias or discrimination against aboriginal peoples in Canada.

To augment the above proposals it is suggested that the federal government initiate an intensive program to train Indians as

teachers. The influence of the teacher on a child's desire and propensity to learn cannot be minimized, and therefore, a program to train Indians as teachers must be a matter of high priority.

Coupled with an increase in the number of Indian teachers the federal government must insure the opportunity for all capable Indian students to continue as far as is possible in their education. All students who are eligible, not only the most intelligent, must be assisted.

Therefore, a bursary program for post-secondary education of all sorts - general, university, and vocational, must be established.

Also, special high school programs must be planned for Indian students in order to reduce the drastically high drop-out rate.

And, finally, wherever and whenever possible, the federal government must construct high schools on reserves primarily for Indian children, but open to all children in the geographical vicinity who wish to attend.

The Manitoba Indian Brotherhood also presents the following items to be implemented in support of the above articulated educational program:

- (1) An improved program of guidance counselling with a minimum rate of one counsellor per 100 children.
- (2) A school transportation program financed by government and operated by Indian personnel in the areas affected by the requirement of such service, and
- (3) An orientation program financed by government grant and operated by provincial Indian associations.

B. LOCAL GOVERNMENT

The practices of democracy are first learned at the local level. Also, position without authority merely results in futility. It is of paramount concern to the Indian people that local affairs be within the control of the local governments of the Indian Reserves.

Much more authority - synonymous with municipalities in comparable circumstances - must be given to band councils. This includes control over band funds.

If some higher authority be needed to determine provincial or national priorities and general monetary commitments, the Manitoba Indian Brotherhood proposes the creation of an Indian Municipal Authority either at the federal level or preferably at each provincial level. Such a body - modeled on provincial municipal boards - would have supervisory authority over major projects and planning schemes for individual reserves. A "Municipal Act" for reserves should be considered.

It is proposed that the government of the reserves have powers similar to those enjoyed by municipal councils. This is essential if the Indian people are to achieve the necessary apparatus to train its own leadership and integrate so far as is appropriate and desired by Indians into general social fabric.

Social mobility cannot be achieved if the various structures of both white and Indian communities are not similar in essential aspects.

To achieve parity in both the substance as well as the form of structure new programs will be needed.

Firstly, there must be a training program for Chiefs and Councilors. These Indian leaders must be acquainted with the opportunities available for their Reserves. Also, they must be taught the essentials of self-government in order to become self-reliant.

To reinforce this educational proposal it is submitted that the terms of office should be extended. Both Chief and Council ought to serve for four-year terms that would overlap requiring elections every two years.

For the purposes of efficiency and localizing responsibility Band Councils should have a minimum of four Councillors and a maximum of six Councillors.

Also, the equipment necessary to ensure an efficient operation, offices and office equipment, must be supplied.

Finally, to attract the best people on the reserve to these positions adequate salaries ought to be paid.

It is further suggested that the Indian agents be the civil servants not the civil masters of the Indian people. Therefore, the appointment and continuity in service of such persons must be with the advice and consent of the band councils.

The authority envisaged at the local level is an integral facet of the Manitoba position concerning decentralization of Department authority and decision making.

One aspect of decentralization will be the control by the Indian leadership of local community development personnel.

Presently the federal government supports the provincially appointed community development officers to the extent that their work involves Indian people. The Manitoba Indian Brotherhood proposes that its organization be involved in the selection of such resource personnel and have control of their work in the Indian community. This project could be initiated immediately without any new legislation.

If the federal government is sincere in its representations concerning decentralization and the involvement of the Department into an advisory and consultative branch for the use and benefit of Indian people then this small step should be taken immediately.

C SOCIAL AND ECONOMIC DEVELOPMENT

The future advancement of Indian people can be directly related to the social and economic environment in which they live. Social and economic development are inter-dependent and inter-related to such an extent that it is impossible to have one without the other.

Indian reserves, as presently constituted, are pockets of social and economic poverty that through the years have become increasingly dependent on welfare-oriented government programs.

To upset the present situation requires the development of progressive programs leading to increased Indian involvement in his own affairs and the creation of a climate within which Indian aspirations can grow and levels of achievement can be attained.

To do this, there needs to be a concerted effort in the areas of community improvement, economic opportunity and social development.

Dealing with community improvement, it must be noted that there is a lack of inter-dependence between people. The Indian is generally not only dependent on the state for his sustenance, but is also dependent on external sources for his commercial services and many of his social and recreational facilities. Inter-dependence in non-Indian society is largely created through the need to associate with one another to acquire the necessities of life and to provide for social and recreational facilities.

It is through this dependence and involvement with each other that unified community actions occur. There is therefore a need to establish social and recreational cores around which community programs can evolve. Provision of such facilities as adult education centres, skating rinks and recreational facilities and commercial centres, where practicable, should have priority in terms of community improvement.

To provide such facilities and services would be to recognize the need for social involvement and through involvement should come a better understanding of individual worth and the development of communal objectives.

A second factor with respect to community improvement is the need for up-grading standards of housing and sanitary facilities.

Housing standards in terms of both quality and quantity do not meet the minimum housing requirements of the National Building Code. The numbers of people accommodated would under most

circumstances be classified as over-crowding. The fact that legislative provisions exist in the existing Indian Act (Section 72 Subsection 1, sub sub-section J) through which the Governor-in-Council could make regulations concerning over-crowding of buildings on Indian reserves considered as dwellings, and the fact that such regulations have never been made would seem to indicate a deliberate attempt on the part of government to ignore the facts as they exist. This would also seem to reflect a pre-occupation on the part of Government, with budgetary considerations as opposed to a recognition of the dignity of man and the worth of the individual.

Impact of inadequate housing on the social environment and its effect on the family unit can be crucial to the development of progressive ideals. This effect is particularly significant on the young who are now part of the competitive integrated education system that requires a concerted effort to maintain educational standings.

Overcrowded conditions and the resultant lack of privacy creates internal family stress and tends to defeat the fundamental purpose of better education.

The maintenance of substandard facilities, overcrowded conditions and a lack of comparable sanitary services provided to non-Indian communities of like size will do little to facilitate the social integration of Indian people.

In terms of economic development, many Indian reserves and the areas in which they are located offer opportunity for the development of economic projects designed to provide employment opportunity for Indian people. The lack of exploitation of such opportunities reflects, to a large extent, the lack of creative programming on the part of the Department of Indian Affairs and Northern Development. Again there has been a pre-occupation with budgetary considerations that transcends the need for the social and economic advancement of our people. Continued welfare oriented projects deny Indians the opportunity to establish their own levels of accomplishment and at the same time creates an ever-growing pyramid of fixed administrative cost factors.

There is a need today for a dynamic new approach to economic opportunity, a need that has been recognized by Indians for some time. The limiting factor is not, as some would suggest, the lack of ability or enthusiasm on the part of Indian people, but more accurately, it reflects an attitude of Government that is based largely on an expectancy of failure and a preservation of the right to decide for Indian people what is best for them.

Indians today seek equality and equal opportunity, to relate to and use the facilities of society, both public and private, to establish their own goals and to create their own opportunities.

The major impediment to the achievement of such equality has been a lack of the capital required in order to make use of conventional facilities. What Indians want in terms of financial resources is a bridge between their capital lack of equity or down payment, the finances and the facilities of the conventional institutions who provide financial resources for the development of opportunity.

A second factor that inhibits Indian participation in the economic life of the community at large has been his inability to obtain adequate technical assistance. The present provision of technical assistance has been oriented towards the public sector of our society, the sector that has generally proven to be the least successful in the development and exploitation of opportunity. Indians seek increasing involvement with and assistance from the private business interests of the country.

It follows that increased community involvement and higher levels of economic achievement will require more intensive efforts towards social development of people. Increasing responsibility for reserve administration creates the need for increasing understanding by the people at large of the community in which they live and their relationship to it. The areas pertaining to community improvement, education or economic opportunity are conditioned by social development. People grow in a social atmosphere conducive to their development. The Indian reserve's social climate has to improve if we want people to avail themselves and benefit from the above-mentioned areas.

Social development is a process by which people can link and realize their interdependency, the need to work together and the need to visualize and understand that a proper social climate in a community is a prerequisite to any development.

In consideration of any new amendments to the Indian Act, the following statements of desires by Indian people are provided for the purpose of inclusion within the framework of the Act and to demonstrate the need for an Act that is permissive, rather than restrictive, an Act that will enable Indians to establish their own goals and create their own levels of achievement.

Community Improvement - there should be a reappraisal of housing standards and facilities. Regulations under the Act as provided for in Section 72, Subsection 1, Subsub-section J, with respect of overcrowding, should be put into effect immediately establishing minimum standards in accordance with the National Building Commission.

The Government of Canada should recognize the need for social and recreational involvement and should make provision for such facilities as are required in order to develop a cultural core around which community activities can evolve.

The Government should recognize the need for public services on reserves that are comparable to the services of other urban communities within the Province. The provision of such services are of social significance if Indians are to achieve mobility and seek economic opportunity beyond the confines of their reserve. It is easier to move latterly, socially, than to move vertically.

The Government should establish immediately a development fund that is capitalized initially at 100 million dollars. The purpose of such fund should be to budget the down payment or equity gap that prohibits Indians from using conventional sources of financial resources.

The fund should be de-centralized regionally and be operated by representatives of the Department of Indian Affairs and Northern Development and Indian people within the region in question. The provision of downpayment or equity loans should be on the basis of extended terms with the fund taking a secondary position to any primary lender.

In order to provide the maximum opportunity for industrial development and thus employment opportunity, it is requested that Indian reserves be designated under the ADA legislation, notwithstanding the fact that the area in which they are located is not so designated.

It is requested that the Department of Indian Affairs and Northern Development make available through appropriations, money for the purpose of employing professional economic development services, whether on behalf of a band or on behalf of an individual. It is further requested that the authority to commit such funds be delegated to the regional and district levels.

SOCIAL DEVELOPMENT

With increasing involvement in self-government and administration, there is a need for the establishment of training centres for band councils and band members. It is intended that such training centres be located on Indian reserves and that they be operated by Indian people.

Community development programs, as presently constituted, are not meeting the needs and expectations of Indian people. It is therefore requested that community development programs should be operated by the recognized provincial Indian organizations. All funds presently committed to this program should be redirected, by way of grant, to the Provincial organizations.

In order to improve the health and social standards of the community provision should be made for the training and employment of Indian health and social workers on every reserve.

In order to improve communications with Indian people and particularly with respect to providing information on existing and new programs for the use and benefit of Indian people it is requested that the publication of a newspaper within each region be undertaken. It is suggested that such a publication could be produced under the auspices of the provincial organizations and the cost of same should be borne by the Department of Indian Affairs and Northern Development. Such publications should be multi-lingual.

In recognition of a public debt owed to those who, through privation and hardship, find themselves occupationally obsolete or whose lack of education and age prohibit them from obtaining employment, the government of Canada should provide a program of guaranteed income. No man who through no fault of his own finds himself in the aforementioned category should be made to suffer the continued indignity of living on welfare.

In areas where the government of Canada provides grants to local hospital boards on behalf of Indian people it should be considered that such grants are made in lieu of taxation and thus Indian people should be entitled to representation on local hospital boards.

With respect to medical services, notwithstanding that payment for such services is made by the government of Canada on behalf of Indian people, Indians should have the right of a free choice with respect to the doctors they choose to use.

That there be established at regional level a cultural and social development program provided with an appropriation of one million dollars. The purpose being to advance the social and cultural development of Indian people.

D. CIVIL RIGHTS

The Manitoba position on civil rights can be stated simply and without equivocation. The Indian must have the same rights and same opportunities as all Canadians.

The Indian must not be regarded as a person of inferior mentality whether he is selling his produce or enjoying an alcoholic beverage. The law in the field of civil liberties must be applied similarly and equally for all.

However, opportunity means more than merely destroying restrictive barriers. Opportunity in all aspects of contemporary Canadian life requires the immediate availability of capital resources.

Schools are not open to all if some cannot afford tuition and maintenance while at classes. Further, job opportunities are not open to those who cannot afford to acquire the necessary skills;

and, the opportunity to participate in the life of the general community is not available to people without orientation and the resources to provide adequate incomes other than by subsidies or welfare.

To give the Indian people a voice in the political process the Reserves must be recognized as unique spheres of both federal authority and homogenous population.

Therefore, it would be quite consistent with democratic principles to group Reserves in appropriate numbers into political constituencies for the purpose of electing both federal Members of Parliament and provincial legislators.

This is not a syndicalist suggestion, rather it is a proposal based on the unique status of Reserves in the Canadian context.

The Indian people stand at the threshold of exceptional opportunity. The tragedy to date is that they have been left standing there for so very long.

It is now that a government committed to the review of old laws and the enactment of legislation to honour its commitments and obligations to the Indian people must act.

The claims of the Indian people have the roots in the injustices of the past, but are based on the realities of the present. The status of a Canadian Indian compares unfavourably with the status of the Negro in the United States. Surely Canadian cities need not be burned and looted to evidence discontent and neglect.

The statistics concerning Indian life expectancy and poverty plead the case for immediate government action.

The solution is not merely to revise an Act that seems to have its spiritual home in Rhodesia or South Africa. The legislation affecting Indian people must be changed by removing restrictions and creating opportunity.

It would be too easy to compare amounts presently spent on Indians to other government expenditures. However, the government might compare the standard enjoyed in countries receiving foreign aid to those endured by Indians living in the Canadian North.

Indian people demand enabling legislation so that the next time the Act is revised it might be abolished; so that next time the Act is investigated the Indian people will not be typified as a group outside the main stream; so that next time the Indian people will be equal citizens both politically and economically; so that next time the Indian people will not supply so many of the residents of our gaols; because next time - there will be no

next time.

All of which is respectfully submitted by the Manitoba Indian Brotherhood.

The above statements and recommendations with respect to possible amendments to the Indian Act are made with the understanding that any amendments whatsoever will be discussed further with Indian people prior to any submission to Parliament.

Jean Chrétien - "Thank you Chief Courchene. First I want to thank you for the very good presentation that you made this morning. It is certainly one of the best presentations I have seen since travelling across the country for these consultations. It is very obvious that you have spent a lot of time in thinking of the problems and I am personally very much impressed by many of the points that you have raised and some of the statements that you have made in the presentation. I am particularly impressed by the statement in which you say that you want for the Indian people of Manitoba equal opportunity, equal status with the other people in the Province or in the Country. I am in agreement entirely with this. I don't think there is a place in Canada for second-class citizens. I have said, over and over again, that we can be of different backgrounds but we can share both in the advantages and responsibilities of being Canadian. In order to achieve it, you make some specific proposals, and I cannot tell you today, and you do not expect me, today, to say what it will be in practice, but most of the recommendations you are making are along the way the government would like to change the new Indian Act. You say, perhaps the next time there will be no more Indian Act. I hope this will be possible one day, because it is the only way that you, who are really the first citizens of this land, will be part of the country. You say you want your reserves to become kind of municipalities. I agree with it. I think that you should at the band level and reserve level, have the opportunity to make local decisions.

One of the problems that we will always face is the fact, as you say in your brief, that all the money that is involved in the promotion of the programs for the Indian people are coming from the Federal government. I think, as you mentioned in the brief, that you are part of the Province and as you so eloquently state, you pay some taxes at the Provincial level and that you should be entitled to the same services from the Provincial government and others. I think that should be a goal. It is something that cannot be done right away, but I think you should have the same opportunities and you should have access to the same facilities and same services as any other citizen in the country or in the Province.

You referred to education and I know that you agree that education is the 'key' and with a good education the Indian boys and girls will have more mobility and they will be able to find jobs in the trades that they will have chosen. But I think we have to do some education of the public, because as you said, there is no difference in the abilities of the Indian people on anything; they are just like others and as I say, the language, religion and colour of the skin make no difference on a human being. What is important is the six, seven or eight inches above the shoulder, and I understand that the stuff inside is all the same colour for everyone of us, whether we speak French, English, or Indian, whether we are white, yellow, black or brown. It is all the same

and I think the people should understand that.

You referred to the problem of history and that we should correct some of the misinterpretations that we find in our history books. I can tell you that I wrote letters to the different Education Ministers in August to invite them to correct in the textbooks some of the errors that have been made in our textbooks many times. The usual one being that in the old days when there was a victory by the whites it was called a victory, but when the Indians were winning a fight, it was a massacre. I think that a war is a war, and personally, I think that we should correct a lot of these things and change some of the wording we used too.

You spoke about the selection of local school trustees. Unfortunately, this is not under our responsibility. We try to help the Indian student to enter the same school system as the other citizens of the Province. We have made a lot of progress on this in the last few years; and now almost 60% of all pupils of Indian origin are going to the same schools as the other children in the provinces, and we hope it is going to develop like that. In many Provinces in Canada, Indian representatives are accepted on the School Boards, but unfortunately there is a word used in Canada; that is autonomy and it is not my business and I will not comment on it. But I can report that in other places it is possible. I will not comment more than that.

I think it is a very good presentation and your approach is one that has pleased me very, very much. I also think it is a good development that the Indian people in the Provinces are better organized. It makes our work a bit easier because there are people with whom we can talk. I think that it has been certainly proven today with this serious presentation, that you are willing to be positive and to take your own future into your own hands. You can be sure I will do everything possible to ensure that Indians living in any Province will be full citizens of the land. Thank you very much for this presentation. I know you have two or three more briefs to present to me today and I am at your disposal. Later, as I understand it there will be an opportunity for the delegates to ask questions. But I must tell you that I did not come here to talk ... I came here to listen. Usually it was a reverse situation but now I am here on the spot and I will let you talk. It is going to help me make up my mind on many of the issues."

Chairman Dave Courchene thanked the Minister and suggested to the delegates that they might like to question the Minister on the first part of the submission which had already been read, and to deal with the other two parts in the afternoon. After the delegates agreed with this suggestion, the Chairman opened the floor for questions.

Mr. Alfred Cook read Section 32 (i) of the Act and asked the Minister what would the Indians do if he were to tell them that they were not allowed to sell these items. What would they live on in the meantime?

Jean Chrétien - "It's a legal question. I am the Minister, not the lawyer of the Department. But the way I understand the clause it seems to protect the Indians in some particulars. If you read the second part of the section it says that "the Minister may, at any time, by order, exempt

the band and the members thereof, from the operation of this section and may revoke any such order." I think that if you find that Section 32 does not apply to your Band it is very easy. You only have to pass a resolution, and I can tell you that I will cause you no difficulty whatever in giving you permission not to be obliged to follow this section."

Mr. Alfred Cook said that Section 32 should be abolished. The Indians were human beings who were capable of selling these items on their own, without having to go to the Minister to get his approval. He then asked a question in the Cree language in regard to Indian lands and treaties.

Chairman Dave Courchene said that these subjects would be dealt with in the afternoon and suggested that Mr. Cook should ask these questions at that time.

Mr. Alfred Cook agreed and asked the Minister a question about treaty monies. He wanted to know why the Indians, who had been paying on the old treaties for the last hundred years through royalties, had to do so now, when they had so little, and at the time when the government was saying that it was helping the Indians. He said that when they asked for something, the government had no money, the Indians were paying for their treaties, they were paying taxes on everything they bought except the land, and the government took from them whenever it felt like it. He asked why should they keep on paying these royalties.

Jean Chrétien said, "It's quite a technical question, the royalties on furs and you can understand that I am not too familiar with that, the prices, and so on. In fact, if I understand what you mean, is that you should not pay any royalties on these things and that I understand it is a problem that varies from Province to Province. I cannot comment on the spot on that but I will take notice of your presentation of it and we'll see what we can do about it."

Mr. Cook said that he did not mean that they should not pay these monies but wanted to know why they were paying it.

Jean Chrétien - "I understand that you pay that and as you mention in your presentation that you are paying all sorts of taxes. It's true that you pay the same taxes as others but you don't pay income tax on money earned on the Reserve and you don't pay taxes on your land, but all the indirect taxes you pay the same as any others. I think in terms of money with the Federal government that we turn back all the money that is spent on the Reserve for the Indian people within the Province. It comes from the Federal government, and part of the taxes you pay, most of the direct taxes are in the hands of the Provincial government. As I said I will take notice of your question and see what we can do about it."

Mr. Phillip Bignell said that going through the first part of the Submission he noticed the word 'unique' several times. He thought that this uniqueness of the Indian people could be a lot of help to them - this was not a question but only an observation. He said that whatever the Indians did there would be no basic change in their present government - it would only be an extension of their government system and this uniqueness to

present-day standards and values. He said that the Minister was in an enviable position of being the Minister today when the history of Canada was being made, when the history was being re-written.

Jean Chrétien - "Thank you Sir. I know these consultations are very important and that this is the first time we are in consultation with the Indian people of Canada. In the presentation, Mr. Courchene said that he hoped we will have other consultations, and I can tell you the intentions of the government are, after the first round of consultation, to prepare a new Indian Act. But before getting parliament to study the new Indian Act we will send the Indian Act to the Indian people and have a second round of consultation. Because certainly we would like to have your views incorporated, to give you the feeling that you have participated for the first time in the elaboration of the new policies, and I think that these consultations are very useful for it. I am quite confident with the new Indian Act you will get the feeling you have really participated. I know there will not be unanimous view because on all the questions we have put to the Indian people during the consultations we have had some extreme views. Just to give you an example, on the question of what should be done with the Indian girls who marry a white man, there are some Indians who say that if she decided to marry a white man we don't want to see her anymore. There are others who say if you are born Indian ... you die Indian. So it is two extreme views and the government will have to make a decision on that; so it is very obvious that not everyone will agree if they stick to their positions, but certainly we will have to make a decision. We will know better by the end of the consultations what the majority of the Indians want and it will be the view of the majority that will be incorporated into the Indian Act as it is the only democratic process we can follow on all the problems."

Mr. A.E. Thompson - "I see that we are given the opportunity to ask a question or so. I have a very important matter which is going to delay me tomorrow morning, in regard to one of my members, who sustained an accident while riding home and was almost killed. She has to go to court tomorrow with the government, I don't know which, Provincial or Federal, I can't say. They are going to compel her to pay the hospitalization. This poor woman lived on our Reserve and was taken away from her home to be hospitalized. She is lucky she is alive today. Now she has to go to court. The compensation is not coming to her as far as I am concerned. She should have been compensated for the injury sustained. Her lawyer will be fighting the case tomorrow morning and I will be absent from the meeting tomorrow morning. What submissions I have to make I will make this afternoon. But the Minister being here, I will address this question to you this morning. Is there any assistance coming to my member on that charge laid against her to pay the hospitalization bill? She was taken away from our reserve, right at home and I presume she is not entitled to pay that hospital bill. It should come out of the insurance and should be paid from the fund for people who sustain injuries of that nature. I wish you would give me all the assistance that the poor woman be given the chance not to pay the hospital bill because she is a treaty Indian and I think it is really coming to all Indians to get free hospitalization, care and so on. Can I get my answer?"

Jean Chrétien - "I cannot comment on that as it is a specific problem of which I was not aware before. You understand, too, that the problem of hospitalization and medicare for the Indian people is under the Department of Health & Welfare and I am not the Minister responsible for it. But I will look into the matter. I have here with me today, a representative of the Department of Health & Welfare - he is in the room and he has certainly understood what you said. I will see him after the meeting and will ask him to talk to you about this specific problem. I will try to help you, you can be sure."

Mr. Gordon Lathlin wanted to know how the new Act would be assembled. He said that the delegates who would attend the meeting in Ottawa should be well-informed about this before they went to that meeting. He added that the Minister should be questioning the Submission of the Indians, and should ask the Indians about some of the points contained therein.

Jean Chrétien - "There will be a meeting in Ottawa next month of the representatives of all the consultations. We have as you understand, asked in the booklet sent to all the Indians in Canada, 34 questions. We have asked in the consultations that the Indians make their views known on all these questions. But the problems of the Indians in Manitoba are not the same as the Indians in B.C. or in the N.W.T. or the Maritimes. In order to get an exchange of views on these questions from every part of the country, we will have in Ottawa the representatives of all the consultations. During the few days they will exchange their views in order to try to understand the position of Indians in other parts of the country. This confrontation of ideas will be very helpful for us and it is why we will have the meeting in January - just to get the people from all parts of the country, at least a few representatives, to discuss ideas in order to help us make up our minds.

You ask me to question your brief. I would be in a much better position if I had seen it before. I just received it. I read it with you. You have had a lot of discussion. I wrote down some points. This brief, in my view, is quite clear. You have expressed your views to me. You will see if I understand what you mean and you will see if we are ready to implement these things when we come out with the policy. What we want to know, is your feeling. In the last analysis it is going to be the government who will make a decision, because it is the way we proceed. It is the Parliament of Canada which will present the new Indian Act and approve the new Indian Act. I am going around to get your feelings and views. So, as I said this brief is a very good one. I cannot tell you I will agree with everything and I cannot tell you that everything you recommended can be implemented in the new policies; but I must admit it is one of the best briefs, if not the best, that we have received during the consultations. Many of the points you have raised, I am in agreement, but when we come up with the new policies you will see if it implements your recommendations. I cannot, at this time, question your brief and say that this part is not acceptable to the government because we have not made up our minds on these things, and if we had made up our minds we would not have come for consultations.

We want to have your views and your expression of views and it is why I told you I have come here to listen. I expressed some of my thoughts on some of the problems; on your status within Canadian society; that education is important; that I am in agreement to improve the local-government. I am very pleased with the idea that the band and the reserve should be considered a kind of municipality. I think it is a step in the right direction because it is going to permit the Indians to have better leadership at the local level. You have some Chiefs and Councils elected by the people and you ask us to give these councils and chiefs more authority to make decisions at the band level. I think this is a step in the right direction because it will give the opportunity to the Indians to develop leadership and to take their own future into their own hands.

Over the last 100 years all the decisions were made by the Department of Indian Affairs, and you were waiting to see what the Federal government was going to do for you. Now you want to be participants, and the way to do that is to give more authority to those at the band level, and I am in agreement with that. But one of the technical problems that I will have to face is that there are some bands who are well-organized, well-developed and quite sophisticated; there are others who are less sophisticated. I think when you speak in your brief about permissive law, it is an idea that pleased me. I think we should offer some opportunities, some alternatives and it's going to be the Indians, with us, who will decide at which level a band can administer its own affairs.

Everyone agrees, for example, that the Indians who live in B.C. and in the city of Vancouver do not have the same problem and the same development as those who live in the Yukon or the N.W.T. so we will have to keep in the new Indian Act a lot of flexibility in order to adjust to the different situations.

There is not just one Indian problem in Canada, there are hundreds; because the problems are not the same. There are some reserves where there is good potential for economic development. There are other reserves where there is no potential, or almost nothing, so we'll have to keep some flexibility, and whenever it is possible to do some economic development in a reserve we should do it. In farming, for example, I think it is an area where we can improve the situation very much; because some of the land owned by the Indian people, in many of the western provinces, is quite good for agricultural purposes and what we have seen in the past, on many occasions, is that the Indians have just leased their land to some white farmers. The reason for that sometimes was that they did not have the capital, money, to develop their own agricultural facilities. Lately, in Ottawa, we have made some changes in the Farm Credit Corporation Act and will make some changes in the Farm Machinery Syndicate Act in order to permit the Indian farmers to have access to the same money market as the white farmer, and in your brief you refer to that problem. You say that we should have the Indian man on the same level as any other man, in order to develop business or farming and so on; and I am in agreement with this.

I think that we have to make sure that Indians have access to the same money market as other citizens. But, there are some technical problems; like the fact that you cannot mortgage your land because you have a concept of ownership that is different than the white man which creates some problems. Your approach is different from the approach followed by the business community, and

I think the government should develop new mechanism and I think the businessman should change too a bit, and should try to find ways and means to adjust to the Indian's needs. They have a social problem - it's not a problem that should lie only on the government, it should be something that all the community should try to adjust to. The problem you often face is when the white man asks the Indian people to adjust to the white man, but I think that the white man should also adjust to the Indian way of life. You know it is a different mentality, different approach and sometimes perhaps it is a good approach. I heard a story I often use to prove it. When I was in the north last summer I met a white man who was in business and who hires some Eskimo people to work for him. He had a problem with one of the Eskimos. The Eskimo was a very good worker, but there was only one thing wrong with him. He used to arrive at 10 o'clock in the morning to work while the others were starting at 8. So the boss called him up and said you're a very good man, but you know here we start to work at 8 o'clock in the morning, and you should be here at 8 o'clock. The Eskimo replied, "I could never be there at 8 o'clock". The boss asked "Why?" and he said "because I get up at 9." It's funny but the man realized the situation and adjusted to the Eskimo and agreed he should be there at 10 and work two hours after the others; and it has worked out very well, and he has a very good man.

If you want the people who have lived for centuries in a certain way to adjust in one, two or three months to a different situation you cannot succeed. In many instances, you take people who have had no contact with the electronic age in which we live now and we ask them to adjust in a few hours and sometimes it will take generations. The businessman, the government or any institution should try to adjust to the Indian or Eskimo situation; not just ask the Indian people to adjust to our way. I think I had in my speech one day a phrase by a Chief in B.C. who was explaining it should be a two-way process. He was using the old process of making canoes where they were, I don't know the word in English, fretting (rubbing) the two parts to make sure they would adjust, and both parts had to give way a bit, and I think this is a process we should follow in order to make the adjustment possible."

Mr. Alfred Cook asked the Minister whether or not he disagreed with some of the things which were presented in their submission and which would benefit the Indian people. He said that he based his question on the Minister's remark that he would not be able to agree with all the points of view presented by the Indians.

Jean Chrétien - "I said I don't know if I will agree, or not agree. I didn't say I agree with everything. I cannot tell you that because it's a presentation. You know, you create the ideal situation. There are all sorts of implications, legal implications - monetary implication and so on. I don't say I will agree or disagree. I say that there are a lot of things I am inclined to agree with, on some perhaps, I will disagree. When you have to make decisions it is your responsibility, and I would be very irresponsible to say right on the spot that I agree with everything. You do not expect that from me. You know that, or you hope, that I am a responsible man so I will have to study that and have my experts study that, but I can tell you that I like the spirit of the brief."

Chairman Courchene adjourned the meeting until 2:00 p.m. He told the delegates that they would then deal with Parts II and III of their Submission.

Chairman, Dave Courchene, convened the afternoon session at 2:30 p.m. and introduced Mr. G. L. Molgat, leader of the opposition in the Manitoba Legislature, and Mr. E. B. Osler, Member of Parliament for Winnipeg South Centre.

Mr. Molgat spoke briefly to the delegates and said that he represented two Bands in his constituency and commended the conference on the revival of the Indian population of the Province, which started at a communications conference last year.

He extended his congratulations from every Manitoban and said that although the Province did not have direct responsibility for Treaty Indians it had a share in this responsibility as Province for their well-being and future. He added the Province had a very direct responsibility for non-Treaty Indians. He recognized the Province had to take further action in regard to Indians.

Mr. E. B. Osler spoke briefly to the delegates concerning the good insights outlined in the brief, that had resulted from the morning presentation. He said that Louis Riel, some 98 years ago in a similar situation, had hammered out the Manitoba Act on behalf of 15,000 people, which brought Manitoba as a British Colony into Confederation, and that he had done such good work that the Manitoba Act still applied. He urged the delegates present, to therefore keep their sights high, to keep on trying and to catch up upon the 90 odd years that had slipped by.

Mr. Dave Courchene said that the meeting would reconvene on Friday, December 20th, 1968, at 9:00 a.m. to clarify with the delegates what the future would be.

He then read Part II of the Indian Brotherhood of Manitoba's submission to the Government of Canada, followed by Part III of the submission.

PART II

LEGAL CONSIDERATIONS

There are five treaties in existence in the area known as the Province of Manitoba. Treaty number one was made and concluded on the 3rd of August, 1871. Treaty number two was made and concluded on the 21st of August, 1871. Treaty number three was made on the 3rd day of October, 1873. Treaty number four was made on the 15th of September, 1875, and Treaty number five was made and concluded at Berens River on the 20th day of September, 1875.

The meeting between the Government officials and the Indians in Treaty number one were held in Lower Fort Garry. At that meeting, as in all subsequent meetings, preceding the execution of the said Treaties, the Government officials advised the Indians that it was the Government's intention to open up the land to the west for the purposes of settlement and immigration and that was the land that the Government now wished to have transferred to it by the Indians in exchange for the Government's undertakings and benefits which were to accrue to the Indians. The preamble to the Treaties suggest that there should be peace and goodwill between the Indians and Her Majesty in exchange for certain allowances upon which the Indians could count and receive year by year through Her

Majesty's bounty and benevolence. Treaty number one dealt with the Chipawan and Swampy Cree Tribes of Indians inhabiting the lands to be ceded, released and surrendered to the Crown and her successors and the geography of the specific area referred in the Treaty number one was outlined.

Treaty number two was executed at Manitoba Post and affected the Swan Creek and Lake Manitoba Indians, the Little Long Ears and the Indians of Fairford. This Treaty as well as all the other Treaties was allegedly executed by the Chiefs representing these group of Indians apparently selected on the request of Her Majesty to so represent.

Treaty Number three was convened at the north west angle of the Lake of the Woods and affected the Saulteaux tribes of the Ojibbeway Indians inhabiting the area described in the said treaty. They too were requested to choose representatives by the Crown for the execution of the said treaty.

Treaty number four was executed at Qu'Appelle Lakes and affected the Cree, Saulteaux and other Indians inhabiting that area described in the said treaty. The treaty specifically in its preamble, as in the other treaties, sets forth that Her Majesty the Queen, through her representatives have requested the Indians in the area to choose Chiefs to represent them for the purpose of negotiating the terms of the said Treaty. This is most significant and will be dealt with later.

Treaty number five was executed at Norway House in Manitoba and affected the Saulteaux and Swampy Cree tribes of Indians inhabiting that area ceded.

From reading these Treaties it is apparent that:

1. The officials representing the Government full well knew the value of the land requested to be ceded to the Crown;
2. That they were aware that the Indian was not able to communicate with them;
3. That the Indian had no counsel;
4. That the Indian was impressed by the pomp and ceremony and the authority of the officials;
5. That they were dealing with uneducated people;
6. That the respect and the ceremony with which the officials were dealing with the Indians lulled the Indians into a passive mood;
7. That a father image was being advanced by the authorities;
8. That the Indians, although it is alleged were explained the terms of the Treaties, really did not know or understand fully the meaning and implications;
9. That the alleged consideration that was being advanced by the Government to the Indians in exchange for the ceded land was not

totally appreciated by the Indians nor could they understand the concept of binding their heirs and executors, administrators and assigns to these documents;

10. That forever and a day it will be obvious to all who read the said Treaties and the history of their making, that the officials of Her Majesty the Queen committed a legal fraud in a very sophisticated manner upon unsophisticated, unsuspecting, illiterate, uninformed natives.

The Indians occupying these aboriginal lands enjoyed and considered that they had sovereign rights to these territories. It is obvious that Her Majesty the Queen in dealing with the Indians in respect to these lands has well recognized their undisputed sovereign rights. The fact that the Indians were referred to as "Her Majesty's loyal subjects" throughout the terms of the Treaties does not change or alter de jure right and ownership of these lands by the Indians.

The Treaties preceded the Indian Act by many years. The Indian Act is legislation passed by the representatives of the people and becomes the law of the land. At present it is the wish and desire of all the Indian people of Canada to revise or relegislate the Indian Act. The Indian Act, as it is presently constituted is discriminatory, restrictive and prejudicial to the human and civil rights of the Indian people. The Indian people are all Canadian citizens and have the same rights, privileges, or should have the same rights and privileges as all other Canadian citizens. It is obvious on reading the Indian Act that the Government has made the Indian people their wards. The Indian people want emancipation. They are not all ignorant, uninformed and uneducated natives who would be prepared to surrender all of their rights for a handful of coins.

The Treaties allegedly gave the Indians of this area certain "privileges". These alleged benefits or privileges, in exchange for the lands that were ceded to the Queen are subject, however, to the Indian Act. It is the Indian Act that sets out the mechanics and the limitations following from the Treaties.

In addition to the Indian Act there is other legislation which limits the rights of the Indians, such as the Liquor Act, the School Act and other legislation.

It is time that the Indian is recognized as having all the rights of the white citizens, including the right to self-administration.

Her Majesty the Queen made the Indians certain promises. There is a strong feeling and conviction among Indians, and justifiably so, that these promises have not been carried out. Let me for a moment, with respect, point out the main areas of contention.

- (a) Hunting and Fishing Rights - The Migratory Birds Convention Act, in effect has abrogated the Indians unalienable right to hunt food for his subsistence and has placed restrictions on this right.

The Migratory Birds Convention Act should be amended to exempt Indians from the provisions of the said Act so as to carry out the full intentions of the promises made by Her Majesty the Queen to the Indians in negotiations leading up to the treaties.

- (b) Lands have been taken from the Indians by Orders-in-Council without consent and/or adequate compensation. Such Orders-in-Council passed are arbitrary and inconsistent with the true and full intent of Her Majesty's promises to set aside and reserve land in exchange for the ceding of the territories taken. This implies that these lands set aside should not be taken or expropriated so as to cut down or chip away the Indian's reserve rights.
- (c) In respect to the area of education, the Indians rights to pursue his education in any educational institution in Canada has not been given effect to and should be formally set out in appropriate legislation. As well the Indian child should have the full right guaranteed by appropriate legislation to be entitled to enrol in a kindergarten on or off reserves without restriction.
- (d) Medical services - In this area every Indian on or off reserves should have full and adequate and immediate medical and health services without limitation.

In addition to the last forementioned subjects there are many areas involving the Indian's legal rights which the Indian feels should be retained out of the present Indian Act and included in the Indian Act to follow, particularly:

- (a) Section 86 - all inclusive - taxation;
- (b) All of Section 88 - except as it applies to personal property;
- (c) Section 87 - legal rights;
- (d) Section 51 in total;
- (e) Section 3 (1) and 3 (2) but amend Section 3 (2) by adding after "department" in the third line the following, "Or a regional director at the Provincial level..."
- (f) Section 15 (1) (a) (b), Section 15 (4) and (5), Section 17, Section 29, Section 37, Section 38 (1) (2) and Section 39 (1) to (4) inclusive;
- (g) Sections 51, 52, 53, 54, 55. Section 56, this section should be simplified;
- (h) Section 89 (1), (2), (3), Section 91, Section 107, Section 111 and Section 112. Section 113, but this section should include wording which indicates that the agreements should be at the request and consent of the band.

There are many sections in the present Indian Act which are arbitrary, oppressive, discriminatory and restrictive and contrary to the International Declaration of Human Rights. The Indians submit with respect, that it is necessary to delete these sections from the Act either totally or shift the substance of the matters dealt with in this section out of the administrative control of the federal authorities and place it at the local level, either with the regional director or the band in question. By so doing, this will decentralize the authority at the federal administrative level and give more meaningful control to the administration of the Indian rights at the local level. This should become more meaningful to the Indian and matters necessary to be dealt with can be done more expeditiously with the decision to do and complete such matters being dictated by the particular needs of the said band. The sections about to be referred to, where requested to be dealt with at the local level, can therefore be dealt with by a regional director where it is of such a nature as to require departmental sanction, or, otherwise by the band council, if, it is in respect to internal administration. The following sections should therefore be transferred and dealt with at a local level, namely:

- (a) Section 7 (1) and (2);
- (b) Sections 9, 10, 11, 12 and 13.
- (c) Section 14 but substitute that the women should be a member for five years. (This is necessary because of the possibility of desertion by the husband.)
- (d) Section 15 (2) (a) and 15 (3) (a) and (b).
- (e) Section 16;
- (f) Section 18 and 18 (2) except in Section 18 delete "Governor and council's authority."
- (g) Section 19.
- (h) Section 20 (1) except that "with approval of Minister" should be deleted.
- (i) Sections 21, 22, 23, 24, 25, 26, 27 and 28.
- (j) Sections 32, 33 and 34;
- (k) Section 40 except "superintendent or other officer" should be deleted and substituted by "chief and council" in line 3 and "shall. . . or refusal" in lines 4, 5 and 6 should be deleted.
- (l) Sections 57 to 68.
- (m) Sections 72, 73, 74, 78, 79, 81, 92, 110, 114.

The following sections of the Indian Act should be deleted completely:

- (a) Section 20 (2), (3), (4), (5), and (6).
- (b) 30, and 31, 35 to 39 (5);
- (c) 42 to 49 all inclusive; Section 70, Section 82 to 85 inclusive, Section 90, Section 93 to 106 inclusive, Section 108 and 109, Section 115 to 123 inclusive.

The following sections should be deleted and redrafted in accordance with the manner in which the election of chiefs and counsellors are suggested in this brief. Section 80 should be deleted as it stands in its present form and should be redrafted so that the intent to decentralize departmental administration authority is effected.

It should therefore become obvious that the Indian wishes to participate in the administration of his own affairs and that he should be consulted and his consent obtained to matters which particularly affect his welfare and his proprietary rights. The Lands Claim Commission is being set up to deal with the Indians' complaint respecting the taking of land and other rights. The Indian wishes to have the right and privilege to be represented in the Lands Claim Commission and to participate equally with the federal authority in assessing and awarding compensation to Indians who have otherwise had their land and other rights alienated.

In addition there is need for provincial recognition of the fact that the Indian are tax paying residents either directly or indirectly for which they get very little provincial services in return. Accordingly the Indians of Manitoba believe that the federal government should not be expected to bear 100% of the cost of extending provincial services to Indian communities.

Section 91 of the British North America Act gives the federal government the legislation in respect to the Indians, and land reserved for the Indian. The Indians as well believe that they should have the right to seat a representative from the National Organization at the Constitutional Conference.

As indicated earlier we made reference to the treaties and the promises made by Her Majesty the Queen to the Indians. The Indians must be a consenting party to any change or variation affecting their rights. Any abrogation or variation of their rights is illegal. The Indians therefore reiterate their lawful right to:

- (a) Prior consultation;
- (b) Representation; and
- (c) Consent to all and any Federal-Provincial agreements respecting service to Indian communities.

Honour, decency and self-righteousness should prevail in a state as intelligent and enlightened as our Canada. Justice and righteousness should prevail to protect the individual's basic inherent rights and freedoms. The Indian has suffered and sustained great hardship over the years as a result of discrimination, economic deprivation and denial of social and educational privileges. We are now living in an era of great scientific and technological advancement heretofore unheard of. The whole of the social structure is being upgraded. The individual is forever seeking to express himself and bring his thinking into perspective so that it can be understood and communicated to others. The Indian living on the reserve is no different than the white man living in the cities. He too wants recognition and fulfilment. He too wants social, educational and economic opportunity. His potential is as great as the white man. This country of ours has untold natural resources and it is submitted that living in the backwoods of our undeveloped areas are young men and women who are capable of being doctors, lawyers, teachers, businessmen and statesman. Millions of dollars leave the country in foreign aid assistance. We do not ask for charity but for opportunity. It is time that the Indian's rights were recognized and that he be given an opportunity through proper channels to govern his own community just as the white man does through his municipal councils. It is not presently expected that the Indian native of Northern Manitoba is going to be able to qualify for university entrance with his present educational achievements, but by being given the opportunity, through secondary and high school facilities, he, with proper motivation and recognition, will at least have the opportunity to do so.

The Indian does not have equality of opportunity and it is only through efforts to recognize the problems that face us and by taking proper steps to bring about change will the Indian ever find his proper place in the community as a productive citizen.

PART III

You will recall that earlier in this part we set out what we believed were the ten most significant points in considering whether or not the Indians who signed Treaties Nos. 1-5 executed those treaties with full knowledge and understanding. As indicated earlier, it is obvious to all who read those treaties that the representatives of Her Majesty the Queen took advantage of the situation. It is obvious that this transaction between the Crown and the Indians in question is an unconscionable transaction and is subject to being set aside at the instance of the Indians. The law today recognizes that when two parties enter into an agreement, they both must have a full understanding and knowledge of the subject matter being transacted, and the consideration ought to be realistic in the light of that subject matter. The officials of the Crown obviously were short-sighted in thinking they would be able to carry off this deal. The unfortunate aspect of this is that it has taken nearly a century, during which the Indians of Manitoba have suffered great hardship, economically, socially and psychologically before this inequitable, unconscionable and unforgivable transaction can be revised.

These treaties must be renegotiated. The terms of the treaties must

be considered as symbolic in nature and must be extended and interpreted in the light of present social and economic standards. To renegotiate the treaties does not necessarily mean to rewrite the treaties nor does it mean to repudiate the treaties. The treaties today are in a sense, symbolic and are evidence of the promises made by the Queen to the Indian in exchange for the ceded land. A promise by the Government and a carrying out of that promise to give economic and financial assistance to the Indian so that he may better be able to advance his economic position in the community, would be a carrying out of one of the terms of the treaties. A promise and a carrying out of that promise by the Government that every child will have the right to a full education with all facilities made available to him for that purpose, is a carrying out of one of the terms of the treaties. A guarantee that every Indian will have full and adequate and immediate medical treatment as and when required, is a carrying out of one of the terms of those treaties. To renegotiate those treaties means to reach agreement, to carry out the full meaning and intent of the promises given by the representatives of the Queen, as interpreted, and as understood by the Indians. To successfully renegotiate those treaties is to bring about a legal commitment by the Government that the true intent and tenure of those treaties will be carried out.

There are five Treaties in Manitoba, one of which extends into Saskatchewan, one into Ontario and one into the Territories. Substantively, the five Treaties are basically the same with some variation in each of them. The Manitoba Brotherhood has resolved that without, in any way, repudiating each of their rights to the respective treaties, for purposes of unity and clarity, the treaties can be documented as one and that in carrying out the provisions of the treaties in their renegotiated form, both administratively and substantively, every Indian throughout the Province of Manitoba is to be treated on an equal basis and this as well applies to the Sioux Tribe of Indians who, although are registered Indians under the terms of the Indian Act, have not entered into any treaty formally.

Any subsequent legislation must reflect the principles outlined in the renegotiation and amalgamation of the said treaties.

It is obvious from what you have heard and from what you have seen at this meeting that without adequate professional assistance in the legal, economic and social fields, our point of view could not have been adequately and clearly made. It is necessary therefore, that the Federal Government recognize the need for assistance in these areas so that these critical matters now facing us can be resolved with conscience and justice.

We are indeed fortunate to have the Honourable Mr. Jean Chrétien as our Minister. He is a man of deep understanding of the needs and aspirations of our people and is intent on bringing about an understanding of our problems. He recognizes that there must be understanding between the red man and the white man and that there must be acceptance of each other's point of view, that we are all Canadian citizens first, and there must be equality among people. I would like to take this opportunity at this time to acknowledge the appreciation of the Indian people of Manitoba to the Honourable Minister for journeying to Winnipeg to be here with us and to listen to our submission. We look forward to meeting with you, Sir, again, preceding your submission of the draft of the new Indian Act to Parliament so that the areas that we have outlined in our submissions can be considered and interpreted into appropriate legislation, all of which is respectfully submitted.

The Minister of Indian Affairs, Mr. Chrétien, expressed his appreciation for the kind words of the Brotherhood, and mentioned that he was impressed with the quality of their presentation and the time spent in its preparation. He said there would be another meeting with the Indians of Manitoba. He stated that he had come to Manitoba two months ago to meet with the executive of the Brotherhood to have a frank and encouraging discussion with them at that time, and that it was also true for the present meeting. He stressed that the implications of the presentation were very deep and recognized that it expressed the views of all the different groups that formed the Indian community in Manitoba. He mentioned that he had to return to Ottawa in the evening to be present for the last day of the Parliamentary Session, but would answer questions after the coffee break. He then thanked Mr. Osler and Mr. Molgat for coming to the meeting and for spending much time at the conference.

Chairman: D. Courchene called the meeting to order. He advised that the Minister had agreed to remain for this session to answer questions from the floor not necessarily limited to the revisions of the Act. He requested the delegates to give their name and community they represent each time they speak.

Mr. Alfred Cook enquired as to the process involved in passing the new Indian Act.

Hon. Jean Chrétien "The process will be this one. That next month we will have the representatives of all the consultations coming to Ottawa just to exchange views from people from one part of the country with the people of the other part of the country. After that we will draft the new Indian Act and we will table the Indian Act in the House of Commons. It will be specific proposals for a new Indian Act. After that we will send the Indian Act to every Band and all the Indians who are interested in it and we'll give you some time to study the new Indian Act. We will have a second round of consultation with the Indians in the probably same form that we have right now. It's not decided yet. After that it will go in the House of Commons where all the Members of Parliament will have to vote on it. All the Members of Parliament, 264 Members of Parliament, will make their views known about it and they will vote on the Bill as an entity on each of the clauses."

Mr. Alfred Cook noted that this would not give the Indians the right to vote on its adoption.

Hon. Jean Chrétien "The Indian Act is a law of the Parliament of Canada so it's going to be the elected representatives of the people of Canada who will vote in the last analysis. But you for the first time, the Indian people of Canada, will have the opportunity to express your views on two different occasions before Parliament approves the Indian Act. This is the first occasion and there will be a second occasion in the next year. So, it is the first time that we consult the Indian people on that and the new Indian Act will reflect the views that have been expressed in all the consultations. But, the fact is that the Indian Act is and the new Indian Act will be a law of the Canadian Parliament and in our system of Parliament it is the elected Members in the House of Commons who vote on these things to make the law of the land."

Mr. Gordon Lathlin enquired how the development fund would be distributed, if approved. He believed that it should not be related only to farming and every Band should have an opportunity to make use of it for development purposes. It should not be restricted to regions.

Hon. Jean Chrétien replied "I spoke about the change we made in the Farm Credit Corporation Act and the Farm Machinery Syndicate Act. But, it was just an illustration of what we want to do to give the Indian people access to the same money market as other farmers. I was giving the example of the farmers. But, when we talk about the development fund that's one of the projects that I am working on right now. It will need some legislation I think. It's an idea you know. The policy is not definitely formulated on that so I cannot talk too much.

But, the purpose of the fund will be to help the Indians to develop other economic units in the Reserve, not only farming. It could be used, I hope for tourism or other kinds of business in order to permit the Indians to develop some business of their own and to permit them to earn their living properly and not rely on social security. But, it's a plan that we are considering, I cannot give you more. I am just telling you the way that we are thinking, the line of thinking that we have for such a fund. Are you satisfied with that? It's not only for farming, I just used farming as an example of an area where we have moved this year since I've been there because even if we are reviewing the Indian Act when there is an opportunity to go ahead in some good program we should go."

Mr. Vernon Grieses (Translation from Cree) noted that in his area farming, except for potato growing, and this was not good when the seed was late, was not too successful. He believed that the economy of the area must be improved including the potato crop but also perhaps timbering by way of a saw mill and tourism. He believed improvements in the economy was necessary if the Band was to be successful.

Hon. Jean Chrétien "I understood that you wanted to explain the economic situation in your part of the country. I know you have some specific problems with farming. The departmental officials have noted your representations. I am quite glad that you said that you would like to find other ways of economic development to make sure that your people get a decent living. I must tell you that it is the spirit that I like. It's not a passive attitude. It's a positive one and we will look forward to helping you to find new ways and means to develop the economic potential of your reserve."

Mrs. Harriet Blackbird showed to the delegates the medal presented by Queen Victoria at the time the Treaty was signed. She noted that the Queen promised to keep the Treaty as long as the sun shines, the green grass grows, and the water flows, and shall treat the Indians the same as she treated the white children. She questioned whether this was being done. She noted that her nephew who lived on the reserve was required to pay his medicare premiums. She also questioned the matter of the hunting rights and the necessity for licences when in fact hunting was for food. She inquired whether the leasing rent could be increased as it bore a poor relationship to the income from leased land. She requested grants to permit the Indian people to operate school transportation facilities. She asked that the allowances paid for foster children be increased in respect to board, room, and clothing. She believed that rent received for farm lands should be paid directly to the individual and not to band funds.

Hon. Jean Chrétien "Thank you madam, I understand that you raised many questions. You spoke about the Treaty rights. I think that this question has been discussed before as it is mentioned in your presentation. We will establish an Indian Claims Commission that will study all the claims that the Indian people can have in respect to their Treaties that have been signed between the Queen of the time and the Indian people. You will have the occasion to make your representation there and it is the wish of the government to respect the intent of all these Treaties. You spoke about the problems of one of your sons, if I

understand, regarding medicine. You know it's quite a technical question. There was a question this morning about that too. I am not responsible for Indian Health Services. It is the Minister of National Health and Welfare who looks after that but we have here in the hall Doctor DeKoven and he will meet you after the meeting and you could explain your problem to him. You mentioned the problem of the hunting rights. It is a problem that is coming up in all the discussions. I am working on that and I hope I will have something to announce in a few weeks or a few months but I would like a few weeks on that in order to tell you and tell the Canadian public what we want to do with it. As far as farming is concerned you said that when you lease your land you would like the money to go straight to the individual rather than to band funds. You know we have to act according to the Indian Act. I am advised that it is legally possible for individuals whose lands are leased get the money directly. So, if you have a problem I think you should talk to your area administrator or the district administrator and he can probably solve that problem. But, I am advised that if it is Band land it cannot be done but if it is privately held land you can do that."

Mr. A.E. Thompson noted that his Band had held meetings and made submissions regarding the Indian Act including the following - "Section 5, adoption - "a child born to a Treaty Indian woman out of wedlock shall remain and be entitled to be a Treaty member regardless of who the father may be, should it be a Treaty Indian or a non-Treaty. An Indian adopting a white child shall be entitled to bring that child into Treaty. When a white person adopts a Treaty child that child shall remain in Treaty until 21. At this age, he or she can choose if they wish to remain in Treaty."

Hon. Jean Chrétien "It's a very complex problem. Who is a Band member and who should be a Band member and so on. In the booklet that we distributed to you "Choosing a Path" we have asked these questions. In all the consultations that we have had up to now, the Indians made many representations and there is not unanimity on this problem. There are some people who are quite tough on that line and others who are less tough. I hope that tomorrow it is one of the questions you will discuss with my officials. They have been at all of the consultations and there is quite a division on this, I must tell you. When a girl marries a white man she loses her Indian status and some people, some Indians say that she should never come back because she decided to marry a white man and it is the end of her as an Indian. There are others who say that when you are born an Indian you die an Indian. I think that it is one of the difficult problems that we face and I would like to thank you for expressing your views on this. It is the same thing with adoptions. When an Indian family adopts a white boy, the views of the Indians on these problems vary very much from one Band or group to another. I hope that you will express your views on these problems in order to help us to make up our minds for the new Indian Act."

Mr. Joe Ross (Translation from Cree) noted that the cost of living in the North was extremely high but the return from trapping was not. He believed that although this may not be the responsibility of the Indian Affairs Branch they should ensure that a study is made of the living cost. He also noted that in many cases people in the North were living under very poor conditions. He invited the Minister to visit the area to see for himself. He believed that their living conditions should also be investigated.

Hon. Jean Chrétien "You said that I should visit and see the conditions. I would like to visit your reserve. I have been the Minister for five months and I have visited at least twenty Reserves and in some I must tell you I found the conditions were very very bad. Rather than visit the best of the reserves I asked the people to bring me to the worst places. I have been in some areas in the North West Territories where it was quite bad and it was a first hand experience for me. I understand your problems. It's always difficult for a man elected to look into the problems to see these difficult situations and I must tell you that the condition of living of some people in some of the northern reserves are very very bad and it's certainly one of if not the worst social problem we have in Canada. Mr. Courchene, the last two times he met me, urged me to come some time into the northern part of Manitoba. We aim to visit some of the reserves. I visited the Churchill area and I found that, things were not too nice to see in some cases. I would like to visit your reserves some time and I hope that during my term as Minister of Indian Affairs and Northern Development I will visit the northern part of Manitoba and I hope next summer. It is true that you say that the price for your trapping is not too good and at the same time when you go to the stores you find the price quite high - some times three times more than the price you will pay elsewhere. It is the problems you face when you have to deal with communications between the cities and these remote areas. I appreciated your comments on that and I am aware of this problem and I know that you want a better deal. We hope that with the new policies and the new programs we will improve the living conditions of the people who live really in the north where it's quite bad. I thank you for your comment and I will keep them in mind."

Mr. Miles Kirness noted that he was speaking for the interlake area. He advised that lands were owned and farmed on the Reserve by Indians who pay many of the taxes such as on machinery, cigarettes, telephones, hydro, etc., whereas the Treaties indicated that taxes were not to be applicable to Indians. He believed that this should be corrected. He also noted that there had been no compensation for the land taken for highways through the Reserve. He advised that the Indians pay full insurance premiums for their cars, both on and off the Reserve, but if an accident happens on the Reserve they are advised by the insurance companies that they cannot claim for it. He also mentioned the matter of hunting, fishing, trapping, land, and royalties, for which the Indian is not properly treated.

Hon. Jean Chrétien "Thank you. You made representations on taxation of Indians. You say that you pay taxes. You don't pay income tax on the reserve for the money you earn on the reserve and you don't pay tax on your land but you are obliged to pay all the other taxes. Most of the tax that you referred to, unfortunately or fortunately, are not paid to our Government, they are paid to the provincial government. You know, I was pleased by one part of your brief, on page 9, section 2, where you said in your brief, "In addition there is need for provincial recognition of the fact that the Indians are tax paying residents either directly or indirectly for which they get very little provincial service in return." So, I hope that it will be noted by the provincial authorities. All the money that is spent for the Indians, almost all the money, comes from the federal treasury. And when I say that you should be full citizen of the province I have that in mind too. If you have to pay taxes you should receive some services. If you were to receive some services from the provincial authorities I will have perhaps a bit more money for a new program."

Mr. Mathew Scribe inquired whether the new Indian Act would give the Bands authority or power on their Reserve without Ministerial approval.

Hon. Jean Chrétien "You know when I talk about decentralization and when I talk about making possible for the Indian people to make their own decisions I mean it and it's going to be reflected in the Indian Act. How we will do that I don't know because it's just to give you an example. Right now I am the Minister and I have to approve all the projects. One day in my office I received a visit from a chief who had a project to lease part of his land and I had some doubt about the wisdom of the deal but I said if it was their wish I should agree because it's what they want. I told them that I didn't find it too good but if it was the unanimous view of the Band I will go along. But I warned them that I was not that sure that it was that good. Right after them I received another delegation coming from another part of the country. They came to see me and they said ten years ago the Minister agreed to let us make a deal and they have leased their land for 90 years at that time. They came to see me to know if I could not stop that because they were no longer happy with it. So it's the kind of dilemma in which I am. It was very obvious, it was on the same day. I think that we should let the Indians make their own decisions. But, it's implied that in doing that they can make good and bad decisions. So, it is possible that we will be obliged to find a way so that some of the Bands will have complete authority and others will not. It will depend on them because in some places they are sophisticated enough to make the right decisions most of the time. But, I am afraid that in other places we may have to protect them against sometimes bad speculators who can come around. It's one of the dilemmas in which we find ourselves. Personally, I would rather let the Indians make their own decisions. The nicest thing about it is that I will not have these documents that I have to sign. I am not too good as a colonialist, you know, being from my background. I don't like to see documents coming on my desk when an Indian wants to borrow a couple of thousand dollars from C. M. H. C. I have to sign the document now. I hope that we will make changes to give more authority to the Band level in order to permit you to make a decision. But we will have to keep some flexibility because as I said there is not one Indian problem, the situation varies very much from those who are very sophisticated and those who have not been in contact with the modern process up to now."

Chairman D. Courchene believed the Brotherhood statement backed up the suggestion that the Chiefs and Councils must be able to obtain the necessary management skills and such things which will be needed when the Indians take over responsibilities. The submission also indicated that the Bands must have access to professional people such as consultants, lawyers, etc.

Hon. Jean Chrétien noted that in some regions training courses for band managers have been started particularly in accounting and management. He noted that if this had not started yet in Manitoba it undoubtedly would begin very soon.

Mr. Alfred Cook inquired why payment for leased land is made to the Band when the clearing, fencing, and other such work on the land was done by an individual Indian.

Hon. Jean Chrétien "You know it's one of the problems we face in reviewing the Indian Act. The basis for the ownership in the past, you know, the traditional way of ownership in the Indian community is much different than what we have in white society. Now we see the conflicting attitude where, within the Band, the people want to own the land. There are some techniques that can be used in order to make sure the man who developed the land has some title to that land. I think

that it is possible through section twenty of the Indian Act. But you know it is quite different from the way that we, white people, own land and it is something that we have to look into because it implies many problems, like for example: you cannot mortgage your land in order to borrow money, The white man can do that. We are looking into it and I appreciate your comment on that."

Chairman, D. Courchene noted that he had just been advised that there was a course for Chief and Councillors for the south-west corner of the province in the third week of January - Oak Lake, Birdtail, and Oak River.

Mr. James Shannacappo advised that he would like to have a community development program started on his Reserve. He said that he had made a basic agreement with the supervisor for a revolving cattle herd and community development which apparently had been stopped by the local Indian Agent. He suggested that the Indian should be able to vote for the local Indian Agent every four years which may cause them to give more assistance to and campaign on the Reserve. He noted that some years ago the Band was permitted to obtain seneca root from the national park which was a source of income. He said that this had now been prohibited.

Hon. Jean Chrétien "Thank you Chief Shannacappo. It's almost as difficult for me to pronounce your name than for you to pronounce mine. You know everywhere I go they pronounce my name in a very different manner and sometimes it sounds very very bad, you know, in French. So thank you Chief, you explained the problems that you face on your Reserve. You want to improve your farming facilities and I agree with you that you should improve the techniques and make that possible for the Indians to get the machinery that is needed and the money that is needed to get the business on a good operating base. I mentioned earlier that we have done something in terms of legislation to improve it and we hope that we'll have other techniques developed to help you in order to make a living out of farming operations whenever it is possible. You spoke about the Band election. You said that you elected a Chief every two or three years and you would like to elect the Indian Agent I see some problem with this. It will be a bit difficult but I understand, however, you would like to be in a position to say something sometime about your Band Agent. If he is that bad you can tell us. We'll try to do something about it. This is what I noted from your remark and I know that all the problems that you have raised will be noted by our administration in Manitoba and they will look at what they can do in order to improve the situation. In terms of making decisions on who should be there and so on, I am advised that my Director, Mr. Connelly, is consulting the Brotherhood sometimes about the personnel, if they are good and no good and so on. With a good organization your views will be even more important in these decisions in the future. I understand that Seneca is a little plant. Mr. Connelly tells me that he will follow that up, he will write to you."

Chairman, D. Courchene said that in order to give the delegates time to talk individually with the Minister the meeting would be adjourned. He thanked the delegates for their comments and the work they had done on the Reserve and at the meeting. He advised that there would be a session

on the following morning. He believed that if the Indian people continued in the present trend they would soon catch up to society. He added that the work to date was only the beginning. He extended thanks to the Minister and his staff on behalf of the Indian people of Manitoba for their contribution to the success of the meeting. He believed that without the co-operation extended there would not be the unity which had existed. He believed that there was now a team of the Indian people, the Federal and Provincial governments. He added that there was still a lot of work to do. He extended thanks to Mr. Molgat and Mr. Osler for attending the meeting. He advised that the Minister had accepted in principle decentralization of authority asked for by the Manitoba Brotherhood.

The meeting adjourned at 4:50 p.m.

Friday, December 20, 1968

Chairman Dave Courchene opened the meeting at 9:20 a.m.

Mr. John Sioux said that the meeting was very important to the Indian people of Manitoba who were now united and presented a unified body. He said that more area meetings would be held; as the Minister said previously, their brief was one of the best presented at the consultation meetings and Mr. Sioux explained that this was so because all the people involved worked hard in its preparation. He thanked all the people involved and especially Mr. Dave Courchene, for his contribution as the President of the Manitoba Indian Brotherhood.

Chairman Dave Courchene said that he had to leave the meeting and asked one of their lawyers, Mr. Paul Walsh, to take over the chair and to discuss the legal aspects presented in the Brief.

Chairman Paul Walsh said that Part I of the Brief contained many new ideas that they wanted to see included in the new Act. On page 6 of Part II there was a long list of Section numbers concerning what the Indians wanted to change in the present Act. He proposed to go through these Sections and to ask for comments from the delegates; however, he first asked the Departmental officials if they had any questions or comments in relation to Part I of the Brief.

Mr. Fairholm said that he thought that it would be useful to start off first with Part II of the Brief and then deal with some of the principles set out in Part I.

Chairman Paul Walsh agreed and proceeded with Section 86 of the present Act dealing with taxation; he said that the position taken in the Brief was that this Section should be left intact. He then asked the delegates to present their comments on this subject.

Mr. Alfred Cook asked whether those Indians who were unable to make their living on their reserves and who went outside to fish and trap would have to pay taxes on their small income made in this way.

Mr. Poupore replied that as it stood now, the exemption from taxation applied only to income earned on the reserve - that was the way the legislation was at the present time.

Chairman Paul Walsh added that there was no taxation on the first \$1,000 for a single, \$2,000 for a married person and the Indian in question would have to be very fortunate to make enough money that he would have to pay some income tax.

Mr. Miles Kirkness said that there was a certain amount of taxes that was taken out of the reserves. If the farmers sold the wheat out of the reserve, the Indians did not get any benefit out of their own land. Insofar as fishing was concerned, most of the Indians had to go out of the reserve to fish and they were taxed in the same way as other commercial fishermen and they had to pay taxes as anyone else on all the equipment, such as nets, outboard motors, etc. that they needed. Farmers on the reserves had also to pay the full tax on tractors and other pieces of farm equipment just as any other white man outside

the reserves. He said that according to their original treaties, the Indians were not supposed to be the same as white men. A settlement was needed that would give these Indians a much better deal.

Mr. John Sioux said that the reserves should get the same services as the municipalities on the outside were getting - such as the maintenance of roads.

Chairman Paul Walsh said that it was a fact that Indians paid every type of tax except income tax. He wondered whether the Indians would have enough money to pay any tax if they had to pay income tax. The provincial government was saying right now that it was unable to give the Indians services because they did not pay all the taxes that were paid by the white people. If the Indians were to be obliged to pay income tax, if they earned enough money, he asked whether it would be much of a concession in order to get the services of the provincial government. He had talked to a Provincial Minister who told him that if the Indians paid taxes like any other citizen of the Province, they would get all the services given to other citizens. And yet the only tax that the Indians did not pay was the Income Tax of which the Province got a 27% rebate plus another 6% that it levied itself. He then asked if there actually were people on the reserves that would pay income tax because they earned more than \$2,100; if there were such people then this matter should be looked into, but if there were not then it would be no concession to give it up.

Mr. John Sioux said that there were people on his reserve who earned enough money to pay the income tax but at the end of each year they were refunded all that they paid in taxes during the year.

Chairman Paul Walsh suggested that somebody should move a motion that the Manitoba Indian Brotherhood conduct a survey of all the reserves in Manitoba to find out how much money was made by Indians on the reserves for the purposes of finding out whether or not Section 86 should be kept in the Act.

Mr. Alfred Cook said that he spent forty years among the Indians in Northern Manitoba and he never came across any Indians who were able to make money on the reserve.

Mr. Alfred Cook moved a motion seconded by Mr. John Sioux, that the Manitoba Indian Brotherhood conduct a survey of all the reserves in Manitoba to find out how much money was made by Indians on the reserves for the purposes of finding out whether or not Section 86 should be kept in the Act.

The question having been called, all the delegates voted unanimously in favour of the motion, and the motion carried.

Mr. Fairholm remarked that it was because of Section 86, that the Indian people who worked on the reserves and earned enough to come within the terms of the Canada Pension Plan were not able to contribute to the Canada Pension Plan at the present time unless they happened to be public servants contributing under the Superannuation Act. The reason for this fact was that under the Canada Pension Plan the income was the amount declared under the Income Tax Act, which determined how much one had to pay into the Plan and how much benefit one got out of it. At the present time, therefore, the Indian Act prevented the Indian people working on the reserves from entering the Canada Pension Plan.

Chairman Paul Walsh said that there were people at area meetings who expressed their desire to be able to pay into the Canada Pension Plan on what their taxable income would have been if they were non-Indians; he said that

that this was not brought up in the Brief because there was no unanimity on this subject.

On Mr. Rufus Prince's suggestion, the delegates took a vote on whether or not Section 86 should be kept in the Act until the survey had been completed at which time the final decision would be reached: 15 delegates voted in favour, none was against and 3 delegates abstained.

Chairman Paul Walsh then asked the delegates for their comments in regard to Section 88. He explained that the proposal of the Manitoba Indians in this regard was that this Section should remain the way it was but only for real property which meant land; the Indians should be able to mortgage their chattels in order to be able to raise money.

Mr. Alfred Cook said that an Indian farmer should be able to mortgage his land in order to be able to get the farm machinery. He added that there were farmers who had nothing to mortgage except the land.

Mr. Poupore asked Mr. Alfred Cook whether it would be fair to say that he would agree that an individual who wanted to farm could mortgage his interest in the land provided it was done in such a way that if he could not pay the mortgage and was going to lose the land, it did not go out of the reserve - he would lose it, it could go to another member of the band but never to any non-Indian.

Mr. Alfred Cook replied that this was exactly what he had in mind. He added however, that where Indian farmers needed farm machinery, the government should enable them to obtain loans provided that it would see to it that these loans were used for that purpose.

Chairman Paul Walsh said that Mr. Jean Chrétien had mentioned the day before that the Farm Credit Corporation Act was being amended to allow Indians to raise money on the security of their land; he therefore suggested to leave out the problem of land which was being taken care of under that Act. He then asked the delegates if they were in favour of allowing Indians to mortgage their chattels (anything that was not land).

Mr. Alfred Cook repeated his point that there were Indians who had nothing to mortgage except their land.

Mr. Miles Kirkness said that in order to get farm machinery an Indian farmer should just deal with his Band Council to mortgage anything he had on the reserve; if he then could not make the payments on the loan, the Band itself could take over and pay back because the land would then also be his.

Chairman Paul Walsh asked those delegates who were in favour of retaining Section 88 except for personal property, to raise their hands. All the delegates were in favour of this question.

Chairman Paul Walsh then proceeded with Section 87. He said that this Section was highly technical and provided that if the provincial laws did not contradict any federal laws they applied so far as Indians were concerned. He said that five days could be spent on discussions about implication of this Section and asked the Departmental officials whether or not they had any comments.

Mr. Fairholm said that he had just one point to make - that this Section also made in some respects the provincial law subject to the terms of the Treaty.

Chairman Paul Walsh then moved on to Section 51 concerning mentally incompetent Indians and felt that there was no controversy on that subject.

Mr. Poupore remarked that the way the things were at present, the Minister had this responsibility but the Department had undertaken through informal arrangements with the provinces that people who actually looked after the mentally incompetent, were quite often officials of the provincial governments acting as agents of the Minister.

Mr. Lawrence Whitehead mentioned that he believed that Section 51 caused difficulties in some areas when this informal agreement with the Province was being put into effect. He said that he recalled one case in Northern Manitoba where an Indian was being moved back and forth until he had to go in a hospital because of the uncertainty under whose jurisdiction he fell. He then asked the Departmental officials for an explanation of this informal arrangement that had been made in regard to mentally incompetent Indians and their treatment.

Mr. Fairholm said that a person could only be declared mentally incompetent under the law of the Province. He said that he was not sure of the practice in Manitoba but in some of the provinces a certificate issued by at least two doctors and a court order were required to have a person declared to be mentally incompetent. Once a person was declared to be mentally incompetent, then and only then, if he had any property, that property had to be administered. It might only be his old age pension cheque and almost in every province of Canada there was an Administrator of the property of mentally incompetents. They were quite often in the mental institution operated by the Province concerned. The arrangement had been that this person in the Province looked after any property that a mentally incompetent person might have. In most of the cases the only property involved was an old age security cheque; when the land was involved it was a little different matter.

Mr. Samuel McKay said that he had two cases of mentally incompetent persons on his reserve who were not being looked after properly. He felt that the doctor did not try to help them in any way, they were very poor, they got no rations, clothing or any form of help. He said that he would like to ask the government to do something for these two persons.

Chairman Paul Walsh thanked Chief McKay and told him that his representation was now recorded and would be looked into.

Mr. Lawrence Whitehead said that Section 51 dealt only with the estate and property of mentally incompetent Indians; he suggested that it should also make provisions for the treatment of these Indians so that they could receive the necessary help, and it should clearly be stated that the government was responsible for the provision of such treatment.

Chairman Paul Walsh told the delegates that they should bring up individual cases involving mentally incompetent persons to Mr. Dave Courchene, Mr. Pollack or himself after the meeting; he stressed the point that this meeting discussed an overall picture. He then suggested they deal with those Sections

that the Manitoba Indians wanted to delete since the other Sections which they wanted to retain did not cause too much difficulties; he started with Section 7 (1) and (2).

Mr. Fairholm asked for the clarification of the term "local level" used in the Brief (Part II); did it mean a Band, a district, a region or any other body?

Chairman Paul Walsh replied that at present it would be the Band, but that depended on the program in question. Certain programs that the Manitoba Indian Brotherhood envisaged being transferred to the local level, such as community development offices, would be at the provincial level. He said that he was sorry that he was unable to give a straight answer on that point but he felt that each Section would have to speak for itself.

Mr. Poupore said that Sections 7 (1) and (2), 9, 10, 11, 12 and 13 were generally called the "Membership" Sections; he wondered, since the Brief spoke about these Sections being transferred and dealt with at a local level, if it was the intent there that, for example, the Band Council would decide who fitted under these Sections or would it be the Band Council that would decide what these Sections should say. In other words - who would decide the rules for membership and who would administer those rules? Was it intended that it be the Band Council that would administer rules that were made at Ottawa or at the region or was it up to the Band to make the rules and to administer them themselves.

Chairman Paul Walsh replied that it appeared that for the purpose of membership and legislation the rules ought to apply equally at least in the Province and probably across Canada and consequently the Act would decide what the rules of membership were but each Band would apply these rules. In this way a person who had a grievance could appeal to whatever appeal authorities were envisaged. It would certainly happen that one Band could be very tough and not admit a certain person while on the same basis another Band would let that person in. The individual person should have rights that were clearly spelled out as to whether he could get in the band or whether he could not; so uniformity was therefore important. However, the Band Councils should be allowed to sit in as judges of first instance on the issue.

Mr. Alfred Cook read Section 7 of the Act and said that it was confusing - he wanted to know who the registrar was - the Band or the Chief?

Chairman Paul Walsh replied that the change that they would like to see would be to replace the word "The Registrar" by "The Band Council". He said that they did not like the Section and they wanted to change it to allow the Act to set out the rules but the Band to decide if the person conformed with the rules.

Mr. Fairholm replied further to Mr. Cook by explaining that the Registrar had to act in accordance with what the Act said. He just was not at liberty to tell the person that he was off if he was really entitled to be on. He had to act within the rules laid out just as the Band Council would have to act within the rules.

Mr. Poupore added that the only authority that the registrar had was that set out in Section 11 which said who was entitled to be an Indian and in Section 12 which said who was not entitled to be an Indian.

Chairman Paul Walsh remarked that he thought that the delegates were in favour of having the rules set out in the Act and the decisions made by the Band Councils.

Mr. Fairholm asked the delegates if they considered the rules, now set out in the Act, to be satisfactory. He said that this was the point, if the present rules were going to be ones that the Band Councils would decide upon; otherwise what rules would the delegates want?

Chairman Paul Walsh said that he believed that they made some representations in their Brief concerning these rules.

Mr. Charlie Anderson said that the reason why he said that the rules were not satisfactory was the fact that he had a granddaughter who was not a Treaty Indian just because of these rules. She was born out of wedlock but was his son's daughter. His son then married the girl but because of these rules this child was not an Indian. He said that the rules were therefore wrong. His son was a Treaty Indian, his wife who had originally been a non-Indian, became an Indian when she married him, yet their child was not.

Mr. Fairholm said that he would like to pursue this point a little further because he felt that it was an important one. He said that quite often when two people had lived in common-law relationship and have had a child, but were married later, if they acknowledged that the child was their own, under laws of some Provinces (he said that he was not sure whether this was the case in Manitoba) that child could be legitimized as of the date of its birth. He said that the case brought up by Mr. Anderson should be looked at, and that it could well be that an application form would have to be made to the provincial registrar to get the child legitimized as of the date of her birth. If that were the case, Mr. Fairholm said the child would probably be in membership. He said that he was not certain about the facts but suggested that this case should be looked at.

Mr. Alfred Cook said that it was rather a complicated affair that a woman who was a Treaty Indian had children who were not considered to be Treaty Indians.

Mr. Poupore asked Mr. Cook if he meant that a child who had an Indian parent should be considered to be an Indian until the child was 21 years of age and then the child could make up his or her own mind and to say whether or not he or she wanted to remain an Indian.

Chairman Paul Walsh said that this was the position of the Manitoba Indians.

Mr. Poupore then asked what the delegates would suggest be done in the case of an Indian child adopted by non-Indian parents: would the child remain a band member until he or she reached the age of 21?

Chairman Paul Walsh replied that it was the feeling of the Manitoba

Indians that the option should be with the child at 21.

Mr. Poupore then asked about an Indian couple who adopted a non-Indian child; would this child become an Indian because he or she was adopted? He said that he knew that this child did not become an Indian at the present time but the question was whether this child should become an Indian?

Mr. Alfred Cook said he knew cases of white children who were adopted. He said that he was unable to answer whether or not such a child should become a Treaty member. But an Indian child who was adopted by white parents should remain an Indian.

Chairman Paul Walsh said that it was the feeling of the Manitoba group that the Section concerning who was an Indian and who was not an Indian should be as wide as possible so that anyone who had any claim at all to being an Indian could present his case and if the children mentioned earlier wanted to be Indians it should be their decision at the age of 21. He said that an adopted child was in a very bad position growing up to the age of 21 on a reserve, being treated as an Indian and then being told that he or she was not an Indian any more. He felt that an allowance should be made in such cases to let the child make the decision about his or her status; if he or she had grown up from the age of infancy to 21 years on a reserve and wanted to be an Indian, the band concerned would be quite happy to have that person to continue on as an Indian. He then asked the delegates if they had any dissenting opinion on this subject.

There were no dissenting opinions.

Chairman Paul Walsh suggested that it perhaps was not necessary to bring this issue to a vote because the opinions already expressed here would give guidance both to the federal representatives and to the Indian Brotherhood.

He then moved on to item (b) of Part II of the Brief which dealt with Sections 9, 10, 11, 12 and 13 of the Act. He said that the position of the Manitoba Indian Brotherhood in its Brief was that whatever rules were adopted, the Band Council ought to have initially the jurisdiction, the power and the authority to decide whether the person fitted within the rules or not, and then if the party did not like the decision, he should have the right of appeal in ordinary legal ways either to a provincial authority or to a county court judge.

Since there were no comments on this item, Chairman Walsh moved on to item (c) concerning Section 14. He said that their Brief stated that because of various sociological circumstances that resulted in high rate of desertion, a woman should be a member of the band even though she married out of it for 5 years. This would go a long way to rectifying the difficulty of one of the band members marrying a woman, deserting her and suddenly his band being stuck with a welfare problem that was imported onto the reserve - it should really be the problem of the woman's reserve of origin.

Mr. Fairholm asked what would happen in a case of an Indian woman who married a person who was a non-Indian. Would the woman in this case still retain membership for the 5 years, and if she were deserted would she continue to remain a member or was the 5-year period a sort of cut-off date? Widows and divorcees would fall into this category as well.

Chairman Paul Walsh replied that they envisaged the 5-year period as being a cut-off date or a cushion, so that until the 5-year period had elapsed the woman would still be a member of her band of origin. After the 5 years she was a part of her husband's band if during that 5 years the husband had not deserted or not divorced her. If any event transpired such as desertion, divorce or death, then she would revert to her band of origin for the purposes of receiving whatever assistance would be necessary. Her children would go with her. If she were a white woman she would have come from a situation of no band into a situation of being an Indian - in which case there would be only one possible band of which she could be a member. He said that Section 14 saw the possibility of two bands having a problem and each of them trying to pass it on the other. It was for this situation that the Manitoba Indians wanted the 5-year cushion; a white woman, however, would be the problem of the band as soon as she married; there would not be any reverting back to the white community.

Mr. Alfred Cook asked where in the Act it was stated that an Indian woman who married an Indian from another band would automatically become a member of her husband's band but her children would remain members of the band of her origin. He added that he remembered reading it somewhere and he thought it was in the Act.

Chairman Paul Walsh said that no such provision was contained in the Indian Act.

Mr. Poupore said that her children were members of her husband's band, and she was also a member of her husband's band. The children generally followed their father's band membership, if their mother was married; if the woman was not married, her children, unless they were protested and it was shown that the father was a non-Indian, would be members of her band.

Mr. Alfred Cook then asked a question involving step-children. He brought up the case of a widower who had children and who married a woman from another band who also had children; she became a member of her husband's band but what would happen to the children?

Mr. Poupore replied that they would stay in the band they were in.

Mr. Alfred Cook (Bloodvein Band) asked if it meant that she could just leave her children to someone else, then it was the government's responsibility that she could throw away her children.

Mr. Poupore replied that there was a difference between the responsibility to care for and support children and their memberships in the band. Those were two different things. A parent was always responsible for his or her child.

Mr. Alfred Cook said that this Section should be amended because when the woman in the case he had brought up, would become a member of her husband's band, her children should automatically follow her.

Mr. Fairholm said that the two governing Sections on this subject were Section 14 that dealt with a woman who married and Section 10 which said that when the man had a wife and children, they all went with him. However, when there were cases of women who already had children and who married men with

children, then there were difficulties involved. The question of their age would also make the matters more complex - if they were over 21 or were already married and set up on their own, then they were not affected by what their parents did but if they were younger then this was not so.

Mr. Alfred Cook said that when a man married a woman from another band who had children, this woman was good enough for him to be his wife and he should also be good enough to accept her children and adopt them as his own personal children instead of leaving them on her reserve for somebody else to care for.

Break

Friday, December 20, 1968

Mr. Walsh said that due to problems in translation, the northern Indian group would meet with Mr. Lawrence Whitehead and others who spoke Cree, at noon to arrange for some of the ideas expressed by the delegates to be translated for them and answer some of their questions at a special meeting later in the day.

(Translated into Cree by Mr. Cook).

The meeting then turned to a consideration of those Sections to be deleted and in particular Section 20 (2) (3) (4) (5) and (6) re possession of land on reserves.

Mr. Walsh, acting chairman said that it was the intent and policy of the Manitoba group to delete Section 20 (2) (3) (4) (5) and (6). He said one problem was - who should own the reserve land? Should it be transferred back to the Indians, tax implications could result, etc. Even a transfer of the land back for limited purposes, would raise the question of what the individual rights of Indians on the reserves would be. Mr. Walsh asked for opinions re owning, transferring and keeping the land.

Mr. Rufus Prince, Band Administrator of the Long Plain band said that he didn't believe in certificates of possession but individuals should be given a certificate of usership only.

Mr. Harvey Pollock said that the purpose of deleting subsections (2) to (6) was so that the band would have greater control over the possession of the land, as it applied to each individual band member. He said this was a complicated matter and would need further consideration by Mr. Walsh and himself in working out whether or not there could be other legislation that could substitute for the subsections set out in Section 20 of the Indian Act.

Mr. Alfred Cook agreed it was complicated and that when the treaty was made, there were promises of land to be given to them; to live on it and to use it for their own benefit. He wondered if he were to acquire his land outright, whether he would have to pay tax and if he should not pay the tax, whether the land would be confiscated, even if it was contrary to the provisions of their treaty.

Mr. Poupore said Section 20 dealt with the right of the individual as opposed to the right of the band. Within the band, certain members could seek to acquire certain rights. He said a certificate of possession was merely evidence that a band had allotted a piece of land on the reserve to a band member.

Mr. Lawrence Whitehead said that many Indians wished to have title to their land without governmental taxation but taking into consideration that taxation by the band for administration of services with respect to local government might be necessary. Indians should hold the land themselves, free from taxes, according to the treaties.

Mr. Fairholm wondered if the band were to manage the land, whether it would give to an individual a specific parcel of land to call his own as long as the piece of land was used for the specific purpose established by the band council or would the band consider the piece of land as band land with the individual having only temporary use of it.

Mr. Whitehead said the mechanics of such a matter should be handled at the local level, since at present such participation was limited by the present Indian Act.

Mr. Cook asked if Indians were to own their land as private citizens, would the government tax it, or would the land be tax exempt by virtue of the treaty.

Mr. Poupore said that at present, it was not possible for treaty Indians to own their own land as private citizens. He suggested that if it was the feeling of the meeting that band members should own their own land as private citizens, it might be possible that such land could be taxed, but it would in the long run, be a matter for Parliament and the provincial legislatures to decide upon. Reserve land at present was considered to be held by the band in common, so that all band members shared in it equally, and was not taxable.

Mr. Cook said that if they were to own their land outright, they should be exempt from paying tax on the land if they could not afford to pay. He mentioned if one made \$10,000 on the land then he should pay taxes, but he was worried as to what would happen if they lost their land because of non-payment of tax.

Mr. Poupore said he could not answer if the rules were changed like that.

Mr. Cook reiterated that if they made enough money to pay the tax, they wouldn't object.

Mr. Philip Bignell suggested that Section 20 should remain as is but be more flexible so that the band could administer their own land as the band advanced and not be hindered by Ministerial decisions.

Mr. Steve McKay spoke about a complaint he had with regard to health in his community. He said that at the nursing station, the nurses did not help the sick. When a person came to see the nurses, the person was sent home and told he was not sick. The nursing station was referred to as a drinking place since the nurses often held parties when they come. (Translated from Cree)

Mr. J.B. Carroll, Minister of Welfare was introduced and brought greetings from the province. He said that the province was most interested in the present discussions and wanted to help in any way possible to improve the position of Indian people in the province and to help Indian people to achieve their legitimate goals. He looked forward to the kind of discussions they had had in the past when problems had arisen. He said he could not give the meeting assurance that the government of Manitoba could solve their problems, nor could the Minister of Indian Affairs or his associates, but there was definitely good will in the province for the things the delegates were trying to accomplish for their band membership.

Dr. Morris DeKovan, Director of Indian and Northern Health services for Manitoba was then asked to address the delegates. He said that the Honourable John C. Munro, Minister of National Health and Welfare was not able to be present, but that he was representing Mr. Munro and would report back to the Minister in detail, matters which might concern him such as those sections of the submission of the Manitoba Brotherhood pertaining to health, as well as information he had gleaned from private talks with delegates and chiefs. He said that complete provision of medical services was under consideration, and would include a review as to who was entitled to medical treatment. He said Mr. Munro and officials had visited many remote Indian settlements in Northern Manitoba and Saskatchewan to see how the Indian people lived and what their problems were. They did not visit all the communities they wanted to because of weather conditions. They did, however, visit Nelson House, Brochet, Split Lake, Shomattawa, Churchill, and La Ronge in northern Saskatchewan. In many places, the Minister was made aware of inadequate services for the Indian people, because of a shortage of doctors, nurses, dentists, community health workers, and drug dispensers. He noted there were communities of about 50 people who never see doctors or nurses and had no radios so that emergency flights could be made. Mr. Munro, he said, was determined to upgrade the quality and quantity of medical services. In Winnipeg, the Minister had met with university people to supply teams of specialists and general practitioners with adequate wages so that better services could be provided. Norway House with 10,000 people had only two doctors - the minimum should be four with two dentists - one based at Norway House and the other travelling to surrounding reserves.

Dr. DeKovan said that there was now a dentist at Le Pas with a backlog of work that would last 3 years. There was no dentist in southern Manitoba for some while, and the Department of Health was willing to hire them by the day or by the job. The solution was to pay a sufficiently high enough salary so that the dentists would be able to work full time. He said the Minister understood that. He stated that Cross Lake should have 3 nurses where there

were only 2. At Brochet with 620 persons, there was no nursing station and a nurse came only for one week a month. It was hoped a station could be established with a full time nurse.

Dr. DeKovan said a survey of every Indian band and community had been conducted at the request of the Minister and this contained the population of the band or community, the occupation of the Indians, the approximate number supporting themselves, how many don't, how much nursing care they got, how often the nurse came, how many nurses, how often a doctor came, how far they were from a doctor, how far they were from a hospital, what it would cost to go to a hospital, and/or a doctor, by plane or train, or bus etc., summer, winter, etc. and whether there were community Indian health workers. These were Indian persons trained for 5 months in public health, who trained their own people and raised health standards. They would take a refresher course once a year. In areas where there were 50 to 100 people and no doctor, then a dispenser who could hand out drugs, was required. Such person had to have a radio so that he could speak directly to a doctor for instructions. He said the Minister had agreed to consider the above proposals and that more funds would be made available for the task.

Dr. DeKovan said that he told the Minister where he thought services were adequate and where they were inadequate, and that by next year he hoped that medical services were twice as good as at present.

With regard to Mr. McKay's complaint, Dr. DeKovan said that he never knew what went on at the nursing stations until they got a complaint since they didn't have sufficient staff to investigate all the stations. He said he would write Dr. Abraham who was in charge of the station at Cross Lake and ask for a complete report on the matter.

Mr. Tom Eagle speaking from the audience, wondered if hospitals in remote areas were available to everyone and, in particular, the Metis? He said that one year ago at Berens River, a girl was refused admission to the hospital because she was Metis and that should not be so, especially as such hospitals were supported by the federal government.

Dr. DeKovan agreed in principle and said that the Federal Department of Health had an agreement with the provincial government that north of 53° latitude the Department would provide public health and medical services to Metis, Indians, and white people. South of 53° they would be the responsibility of the provincial government.

At present, he said, the nurse could not admit anyone who was not a registered treaty Indian at Berens River because of certain federal regulations.

Mr. Whitehead suggested Mr. Tom Eagle take up this matter with The Manitoba Metis Federation since no one should be denied health services that could mean life or death because of certain regulations. He said the Brotherhood would support him in this important respect.

Chairman Walsh said the meeting would reconvene at 2:00 p.m. to clear off any remaining matters of concern to the delegates. He stressed that the meeting was not open to discussion by observers but only for official delegates.

Chairman Paul Walsh called the meeting to order. He noted that some questions had been raised respecting health services. He said that Mr. V. Baird, the solicitor for the Manitoba Hospital Commission was present and would answer questions related to that program.

Mr. V. Baird advised that in respect to the question of hospitalization the Provincial government pays the hospital bill. The premium for these services is paid either by working man through deductions from his salary, or in the case of an indigent Indian by the Federal Government. Every person in Manitoba is obligated to meet the laws of the province providing it is not excepted by any treaty or by an Act of the government of Canada. He gave an example to indicate that where a person is injured by another party and a judge or settlement grants damages plus the amount paid for medical and hospital costs this must be used to pay these bills and the Commission was not responsible for paying them. He added that in this way nothing was in fact being taken away from the injured party as he had been given compensation specifically to cover hospital and medical costs and this was in addition to the other or general damages money received.

Mr. Lawrence Whitehead enquired if the solicitor could explain the claim of certain insurance companies that accidents happening on reserves were not covered by the standard automobile insurance and the insurance was not valid.

Mr. V. Baird believed that whether an accident occurred on or off a reserve the company was required to meet the laws of the province.

Mr. A.E. Thompson noted that the Indians had never negotiated a treaty with the province - why then must the province interfere with the obligations of the treaty. He believed it was the responsibility of the Federal government to meet the costs of medical and hospitalization. He objected to the province's laws unless the Indians enter into a contract with the province.

Mr. V. Baird noted that virtually all persons within the province had membership in the Manitoba Hospital Commission. The premiums were paid for the Indians on the reserve by the federal government. The Province, in his opinion, was not interfering in any way with the rights of the Indians.

Mr. P. Bignell noted that he had discussed the matter of automobile insurance on the reserve with the R.C.M.P. who had advised him that a specific section of the Highway Traffic Act indicated that an Indian driving on a reserve did not require insurance, driver's license, or automobile registration.

Chairman Mr. P. Walsh advised that at the request of the Brotherhood he was preparing a written opinion on the matter of insurance liability, and related matters, for automobiles being driven on a reserve.

Mr. V. Baird noted that the Manitoba Hospital Commission would pay any hospital costs involved whether the accident occurred on or off the reserve but they in turn attempt to collect these costs from the party responsible for the accident.

Mr. John Sioux believed that there was a regulation to the effect that Provincial traffic Laws applied on a reserve.

Mr. C.I. Fairholm noted that Indian Reserve Traffic Regulations had been made under section 72 of the Indian Act and one of the provisions of these regulations was to the effect that any driver on a reserve must comply with applicable Provincial laws which would seem to include the general law.

Mr. P. Bignell said he did not believe these regulations applied as they were excepted by a special section of the Highway Traffic Act.

Chairman P. Walsh noted that he would check into this when submitting his opinion referred to previously.

Mr. John Sioux noted that when Indian people work in a white community they were charged hospitalization premiums. He believed that the Department of Indian Affairs should pay these premiums at least until the Indian was well established off the reserve.

Mr. V. Baird noted that people talk about equality and a white man just starting out in employment must also pay this premium so that this is a type of equality: he further thought the premium was quite small.

Mr. John Sioux noted that an Indian person coming off the reserve sometimes found it extremely difficult to establish himself in the community and a different way of life. He often found that he could not afford drugs, hospitalization premiums, and other matters which he was not accustomed to paying. He would therefore return to the reserve and go on welfare. He thought that special consideration should be made to assist him in becoming established.

Mr. V. Baird noted that this would be a matter for the Federal government to consider but not a provincial jurisdiction.

Chairman Mr. P. Walsh requested the meeting to relate these questions to the operation of the hospital scheme which Mr. Baird was qualified to answer. He believed that the matter of who pays what and why in respect to the premium is one of policy and better answered by Federal representatives.

Mr. John Sioux noted that he was having difficulty solving the matter of assistance for paraplegics. He advised that the various departments, both provincial and federal, merely passed the buck without giving any assistance.

Chairman Mr. P. Walsh suggested Mr. Sioux write to the Indian Brotherhood setting forth the specific details so that they could be investigated. He thanked Mr. Baird for his attendance.

Mr. A.E. Thompson noted that the Indian was gradually awakening and claiming his rights under the treaties. He claimed that this included free hospitalization and exemption from taxation. Notwithstanding that the Indian in giving up the land had in fact given the government many millions of dollars, he hoped that the government would co-operate in returning to the Indian the rights and privileges promised to him.

Chairman P. Walsh noted that Mr. Courchene could not be present at the afternoon session due to other commitments. He advised however that the session was to be held only for the purpose of tidying up loose ends. He believed there would be further meetings. If the delegates thought of new or different problems, ideas and suggestions after their return to their homes, he suggested they write or otherwise communicate with the Brotherhood.

Mr. Lawrence Whitehead believed that the Brotherhood was a servant of the Indian and that through the cooperation of the Indians and their work the Brotherhood was now able to negotiate with a unified voice. He hoped this unity would continue. He thought that in requesting equality they must consider where they now stand and their points must be justified. He believed the meetings had put forth many points which the Indians wished to say and not necessarily what the government wanted to hear. He noted that although they may all be Canadians they are Canadians in an underdeveloped state. He also believed that gradually the Indians were regaining their pride. He extended thanks to the Brotherhood's lawyers, consultants and the delegates. He expressed his appreciation for the contribution of all.

Mr. Miles Kirkness expressed his thanks to all and for the opportunity of attending. He advised that he would try and explain what had occurred to his Cree Brothers who perhaps had not understood what had been said, (he then spoke in Cree). He added that this had been one of the finest meetings which he had attended. He believed that the Brotherhood could be of invaluable service if the Indians stood behind them. He thanked all for their attendance and participation.

Chairman Paul Walsh declared the meeting adjourned.