

REPORT
OF THE
THE INDIAN ACT
CONSULTATION MEETING

TORONTO, ONTARIO

JANUARY 20-24,

1969

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DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

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REPORT OF THE INDIAN ACT CONSULTATION MEETING
HELD AT
KING EDWARD HOTEL, TORONTO
JANUARY 20-24, 1969

CO-CHAIRMEN

Mr. Lorenzo Big Canoe,
R.R. #2,
Sutton West, Ontario.

Mr. Walter Dieter,
(President, National Indian
Brotherhood of Canada),
Box 866,
Regina, Saskatchewan.

SOUTHERN ONTARIO DELEGATES

BAND

Chippewas of the Thames

Moravian of the Thames

Oneidas of the Thames

Muncey of the Thames

Walpole Island

Chippewas of Kettle and
Stony Point

Caldwell

Beausoleil

Gibson

SPOKESMEN

Chief Harry Miskokomon,
R.R. #1,
Muncey, Ontario.

Mr. Omer Peters,
R.R. #3,
Thamesville, Ontario.

Mr. George Hill,
R.R. #2,
Southwold, Ontario.

Mr. Leslie Dolson,
R.R. #1,
Muncey, Ontario.

Mr. Paul White,
R.R. #3,
Wallaceburg, Ontario.

Mrs. Emily Johnson,
R.R. #6,
Thamesville, Ontario.

Mr. Leonard Monague,
Christian Island, Ontario.

Mr. Mervin Dewasha,
Currie Street,
Bala, Ontario.

BAND

Henvey Inlet

Maganetawan

Moose Deer Point

Shawanaga

Parry Island

Chippewas of Rama

Chippewas of Georgina Island

Chippewas of Scugog

Alderville

Hiawatha

Curve Lake

Golden Lake

Chippewas of Sarnia

Cape Croker

SPOKESMEN

Mr. Henry Ashawasagai,
Pickerel, Ontario.

Mr. Wilmer Noganosh,
R.R. #1,
Nobel, Ontario.

Mr. Arthur Sandy,
P.O. Box 81,
Mactier, Ontario.

Mr. Solomon Pawis,
R.R. #1,
Nobel, Ontario.

Chief Flora Tabobandung,
P.O. Box 116,
Parry Sound, Ontario.

Chief Norman Stinson,
R.R. #6,
Orillia, Ontario.

Mr. Harold McCue,
R.R. #2,
Sutton West, Ontario.

Mr. Arnold Goose,
R.R. #3,
Port Perry, Ontario.

Chief Kenneth Marsden,
R.R. #3,
Cobourg, Ontario.

Chief Ralph Loukes,
R.R. #2,
Keene, Ontario.

Chief Dalton Jacobs,
Curve Lake Indian Reserve,
Curve Lake, Ontario.

Mrs. Evelyn Sarazin,
Golden Lake Indian Reserve,
Golden Lake, Ontario.

Chief Fred Plain,
1048 Tashmoo Avenue,
Sarnia, Ontario.

Mr. Walter Johnston,
R.R. #5,
Wiarton, Ontario.

BAND

Saugeen

Mississaugas of the Credit

Six Nations of the Grand River

Iroquois of St. Regis

Mohawks of the Bay of Quinte

Muncey of the Thames
Southern Ontario HomemakersSPOKESMENMr. Alfred Thompson,
Chippewa Hill, Ontario.Chief Fred King,
P.O. Box 394,
Hagersville, Ontario.Chief Richard Isaac,
R.R. #2,
Ohsweken, Ontario.Chief Angus Mitchell,
P.O. Box 1268,
Cornwall, Ontario.Mr. Robert M. Hill,
R.R. #1,
Deseronto, Ontario.Mrs. Arletta Silver,
R.R. #1,
Muncey, Ontario.NORTHERN ONTARIO DELEGATESMr. Raymond Bruyere,
Couchiching Band,
P.O. Box 355,
Fort Frances, Ontario.Mr. Ronald Wakegijig,
Wikwemikong Indian Reserve,
Wikwemikong, Ontario.Mr. Louis Waswa,
Fort Hope Band,
Eabamet Lake Post Office,
via Nakina, Ontario.Chief Toussant Michano,
Pic Heron Bay Band,
P.O. Box 61,
Marathon, Ontario.Mr. Peter Kelly,
Sabaskong Band,
34 Sussex Avenue,
Toronto 5, Ontario.Mr. Gus Debassige,
West Bay Band,
Excelsior Post Office,
Excelsior, Ontario.Mrs. Charles McLaren,
Fort William Band,
c/o Lakehead District Office,
130 Syndicate Avenue South,
Fort William, Ontario.Mr. Peter Johnston,
Serpent River Band,
Cutler, Ontario.Rev. Steven Beardy,
Trout Lake Band,
c/o Sioux Lookout Indian Agency,
P.O. Box 369,
Sioux Lookout, Ontario.Mr. William Meawasige,
Serpent River Band,
Cutler, Ontario.OTHER INDIAN REPRESENTATIVES

Regional Indian Advisory Council

Regional Indian Advisory Council

Union of Ontario Indians

Canadian Indian Centre of Toronto

Parry Sound Indian Friendship Centre

Mr. Michael Bernard,
Golden Lake, Ontario.Mrs. Rena Hill,
R.R. #1,
Scotland, Ontario.Chief Wilmer Nadjiwon,
R.R. #5,
Wiarton, Ontario.Mr. Basil Johnson,
233 Ellerslie Avenue,
Willowdale, Ontario.Mrs. Irene Pawis,
Parry Sound, Ontario.FEDERAL GOVERNMENT REPRESENTATIVESMinister of Indian Affairs and
Northern Development

Minister Without Portfolio

Special Assistant to the Minister
of Indian Affairs and Northern
DevelopmentDepartment of Indian Affairs and
Northern Development:Messrs. C.I. Fairholm, G.A. Poupore, T.L. Bonnah, G.V. Rimek,
S.A. Roberts, G.C. Harris, and H.G. Sprott, Ottawa; Messrs.
J.G. McGilp, H.B. Rodine and S.J. Bailey, Toronto.Department of National Health and
Welfare:Dr. H.A. Procter, Ottawa; Dr. G. J. Nicholas and Miss E.M. Freisby,
Toronto.

ONTARIO GOVERNMENT REPRESENTATIVES

Department of Social and Family Services,
Toronto

Mr. J. Dufour

Department of Municipal Affairs, Toronto

Mr. A. Butler

Department of Lands and Forests, Toronto

Mr. D. Selby

Monday, January 20, 1969

The consultation meeting began with a closed session for Indian delegates only between 9:00 a.m. and 12:00 noon.

The plenary session began at 1:45 p.m. with Mr. Lorenzo Big Canoe and Mr. Walter Dieter acting as co-chairmen.

Mr. Lorenzo Big Canoe in his opening remarks mentioned that the plenary sessions would be taped and then introduced some new delegates.

Mr. John McGilp introduced Chief Louis Waswa of the Fort Hope Band and asked for an agenda from the co-chairmen which could be presented to the delegates.

Mr. McGilp then introduced the panel for the afternoon that the delegates' steering committee had proposed for the session:-

Hon. Robert Andras Minister Without Portfolio

Mr. Alan Butler Director, Municipal Organization and Administration Branch of the Department of Municipal Affairs of the Provincial Government

Mr. William Mussell Special Assistant to the Honourable Jean Chrétien, Minister of Indian Affairs and Northern Development

Mr. C.I. Fairholm Director, Policy and Planning of the Department of Indian Affairs and Northern Development

Mr. Gordon A. Poupore Chief, Lands Division of the Department of Indian Affairs and Northern Development

Mr. Walter Dieter, co-chairman and President of the National Indian Brotherhood, emphasized the fact that the panel would be an open and free discussion for all delegates. He said that the time had come for the delegates to raise their questions, if they were to have some understanding of what was going on in the Branch and in the Department.

Mr. Wilmer Nadjiwon representing the Union of Ontario Indians said that he was very concerned as to the extent to which Municipalities had control of leased land on reserves. One Band was paying \$48,000 a year in Municipal taxes and that none of the money was being returned to the reserve in services. He wondered what the policy was as it pertained to the Indian Act with regard to Municipal taxation on leased reserve land.

Mr. Butler read Section 4 and Section 34 of the Assessment Act as follows:-

Section 4 "All real property in Ontario is liable to assessment and taxation, subject to the following exemptions from taxation." 4(2) "Property held in trust for a tribe or body of Indians, but not if occupied by a person who is not member of a tribe or body of Indians."

Section 34(3) "The tenant of land held in trust for a tribe or body of Indians who is not a member of such tribe or body where rent or any valuable consideration is paid in respect of such land, shall be assessed in respect to the land in the same way as if the land was owned or held by any other person."

Mr. Nadjiwon again asked what the Indian Affairs policy was, with respect to the Assessment Act especially with regard to the reasons for surrendering Indian reserve land for leasing.

Mr. Poupore said that the reason for surrendering, as now required for leasing purposes, was simply that it was found in Section 37 of the Indian Act. Section 37 of the Act required that Indian reserve land must have the Indian reserve's interests surrendered before it could be released. He mentioned that there were certain exceptions in Section 58 but that the requirement of the Act was that it be done as such. The Assessment Act of Ontario did not relate to whether the land was surrendered but it related to the fact that they were occupied or used by someone who was not a member of the Band. He thought that provincial taxation under the Assessment Act would arise whether or not the lands were surrendered.

Mr. Nadjiwon wondered if it was not the policy of the municipalities in collecting the taxes to provide services for the people mentioned as lessees, and if so why was none of the money going into improvements of the leased lands.

Mr. Butler said that when the municipalities levied taxes on lands of rateable property within their bounds, they did so on all the lands normally in the municipality, so that if there was leased land on Indian reserves and there was a levy for road purposes, such levy would be applied to all lands rateable for taxation. Monies received would go into the general revenue fund for the municipality and it would not be allocated to a specific property.

Mr. Nadjiwon said that the Indian delegates should, therefore, be very concerned that in the revision to the Indian Act it would stipulate that the amount of money taken by Municipality would go back into the improvement of reserve lands.

Mr. Fred Plain of the Chippewas of Sarnia Band read Section 2 (0), of the Indian Act to delegates:-

"Reserve" means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a Band."

The Chiefs who signed the original treaties had in mind that the treaties would benefit their posterity. He mentioned that in a particular instance, namely the Amherstburg Treaty of 1825, the wording was "These lands were reserved by the Chiefs and principal men of that portion of the Chippewa Nation." He said those lands were not reserved or set apart by the government but by the Chiefs and principal men who negotiated that treaty

at that time. The wording of the Treaty specified "set aside for the exclusive use and benefit of not only that generation but for their posterity forever." And that Section 2(0), of the Indian Act had been violated by actions of the government which had not taken into consideration the wishes of the Indian people. He pointed out that his reserve was surrounded by chemical industries and that the obvious use for the reserve land was an industrial park. However, if they were to lease property, the Municipality of Sarnia under the Provincial Assessment Act had the right to levy taxes against the lessees. He said the Band's claim was that the Assessment Act violated or superseded the Federal Indian Act. He wondered if such could really be the case and that the Band's position was that Federal legislation could not be superseded by a Provincial Act. The land was for the Indian people's use and benefit and as long as non-Indians could benefit from it, the treaties and Section 2 of the Indian Act were being superseded by the Provincial Assessment Act and the treaties abrogated. There was no reason why the monies should be channeled into the non-Indian communities, but on the other hand, the Band believed that they had to rely heavily on the services that the Municipalities might offer. Little service was being given in exchange for the taxes collected from the lessees of the land, he concluded.

Mr. McGilp then introduced the Honourable Robert Andras who had just arrived.

Mr. Andras apologized for his delay and said how glad he was to be in Toronto to meet this group again and to further their mutual discussions with regard to policy changes and those matters affecting the Indian people's lives.

Mr. Walter Dieter, co-chairman, said that the Indian people in Saskatchewan had the same problem and that they worked with the Cabinet in Saskatchewan so that the provincial legislature passed an Act where the municipalities would refund half the assessment to the Indian people. The Federation was still not satisfied in that the other half of the assessment should have been refunded in services, and that recently the Premier had decided that the complete assessment would be refunded by the municipalities to the reserves' Band funds. If such a precedent was set in Saskatchewan, it could also be done, perhaps, in Ontario.

Mr. Dalton Jacobs of the Curve Lake Band said that the taxes collected by the municipality, especially at Walpole Island and Georgina Island, were terrific and that his Band could be involved in this matter very soon.

Mr. Dieter suggested that the Indian people in Ontario get behind their Union and make a presentation to the Provincial government on this basis. He pointed out that if the Indians of Ontario approached it in this manner they would probably achieve more results since there were 55,000 Indian votes to be considered by the Provincial government.

Mr. Big Canoe mentioned that the taxation issue had been the subject of many meetings with the Ontario Provincial Advisory Committee and the Indian people had never been able to get anywhere but that recently they had been told that the Department of Municipal Affairs had been making a study of the matter.

Mr. Butler said that some delegates had been present at his Deputy Minister's office on November 13, 1968 and at that time the matter of discussion of Indian land leased to non-Indians had been discussed. He said that there was a proposal that reserves should be detached from local Municipalities and in order that there might be an equitable distribution of costs and services the Bands should be allowed to tax Indians and non-Indians alike, so that the tax revenues could be used to provide services for the reserves. This decision did not commit the Bands to agree, and it was suggested that the removal of Indian reserves from the municipal jurisdictions could be optional to the Bands themselves. At the same time, the policy of the Ontario government was made clear and that it was to assist the Indian population to become self-sufficient, and that time would be required to explore the ramifications of the statutory duties imposed on municipalities which, if the proposal were implemented, might fall on the Bands themselves. He concluded that the study had definitely been initiated but they had not got much further than that.

Mr. Fred Plain asked again if Federal legislation superseded the Provincial Assessment Act.

Mr. Fairholm said that from Departmental studies and a number of court cases, the province had certain tax rights under the B.N.A. Act as had the Federal government. It was impossible by Federal legislation, to take away any tax rights the province might have. He pointed out there were a couple of cases where Crown land had been leased, and the Province could pass legislation to tax the personal occupant's use of the land irrespective if it were reserve land or Crown land, and that probably the answer was to seek a change in the provincial legislation, since in his opinion, he doubted whether the Parliament of Canada could take away from the province the rights that it now had to tax.

Mr. Plain of the Chippewas of Sarnia Band read Section 88 of the Indian Act:-

Sub-Section 1

"Subject to this Act, the real and personal property of an Indian or a Band situated on a reserve is not subject to charge, pledge, mortgage, attachment, levy, seizure, distress or execution in favour or at the instance of any person other than an Indian."

Sub-Section 2

"A person who sells to a Band or a member of a Band a chattel under an agreement whereby the right of property or right of possession thereto remains wholly or in part in the seller, may exercise his rights under the agreement notwithstanding that the chattel is situated on a reserve."

He said that from his understanding of Section 88, the reserve was set aside for the Indian people's use for businesses etc., and, therefore, according to the Act any use made of the land by the Indian people was rightfully theirs. He submitted that this was violated by the Provincial government since it over-ruled what the Indian Act said.

Mr. Poupore said that Section 88 referred to the real and personal property of an Indian, and that the Provincial Assessment Act did not touch Indian land with regard to taxation but that it did tax the non-Indian's personal use of the reserve land. He said this was a subtle distinction that had been upheld by the courts, and that the right to tax land meant that if the persons being taxed or the owner of the land did not pay the tax, the land was subject to seizure. He pointed out that if a tenant on Indian land did not pay his taxes, the land could not be seized but that other property that the non-Indian had could be seized. He re-emphasized that it was a personal tax against the lessee and not against the property itself.

Mr. Harold McCue of the Georgina Island Band wondered who would benefit by the seizure of the personal property - the municipality or the Indian Band.

Mr. Poupore said that taxing authorities seized land, as a means of gaining monies due to them under taxation but that a provincial or municipal body could not seize Indian land.

Mr. Nadjiwon wondered what recourse the municipality would have for a person leasing Indian lands who was in default of payment.

Mr. Poupore said that any other non-Indian property belonging to the lessee, other than that on the reserve land could be seized, such as property that the lessee might have in other communities.

Mr. Dalton Jacobs, of the Curve Lake Band said that adjoining townships assessed Indian property and retained a percentage of the tax collected with the balance being turned over to the county. Mr. Jacobs asked why the Indian people did not have a voice on the county council since there were no services provided by taxation.

Mr. Butler said that taxes which were levied for county purposes went back to the county and not to the Band. In Ontario the municipality levied taxes for themselves for their own purposes, and also levied a tax on behalf of the county. When these taxes were collected they went to the municipality and the county portion collected went to the county. He reiterated there was no provision to pay a portion of the monies to the Reserve or to a Band.

Mr. Richard Isaac of the Six Nations of the Grand River wondered whether the owner received less rent from leased property when the land was leased. He mentioned that if the money did not benefit the Band, it was of no use to them.

Mr. L. Monague of the Christian Island Band said that he had attended the meeting with the Deputy Minister of the Department of Municipal Affairs and at that time the Curve Lake and Kettle Point Bands were represented and the legal advisor for the Curve Lake Band said one of the Provincial Governments in the Prairie Provinces had repealed the provisions from their Assessment Act. He mentioned that the Deputy Minister had said that the Indian people should get together and that certain sections of the Municipal Act be repealed so that the Indian people could receive full benefit for their property.

It was also mentioned that there were no services provided for lessees and a question arose whether the municipalities were obligated to provide services. He said all services such as garbage collection, roads, etc., were provided from Christian Island.

Mr. Big Canoe, co-chairman said it would appear to him that at the present time the only recourse that the reserves would have, would be at the indulgence of the Provincial Government. In summing up, he said it would seem that a collective dialogue by bands with the Provincial Government was a necessity if provincial legislation was to be changed. He mentioned that the Department of Social and Family Services and the Department of Highways recognized reserves as municipalities for the purpose of legislation pertaining to their departments, so far as subsidies were concerned. He wondered if it would be possible for the Department of Municipal Affairs in dialogue with Indian Bands, to recognize Indian Bands as municipalities for the purposes of receiving benefits from the taxation of these lands.

Mr. Butler said that he would not be able to answer this question but that a study, as had been mentioned, was taking place and that dialogue was taking place between the Department and various Bands such as Curve Lake.

Mr. Butler wondered if any Bands did tax under Section 82 of the Indian Act and Mr. Poupore replied that there were none.

Mr. Plain wished to have a direct answer from the Minister as to whether the Provincial Assessment Act superseded the Indian Act, and in particular, Section 2 (0).

Mr. Andras said that he didn't think he could give a yes or no to the question in the terms in which Mr. Plain had phrased it. However, there were certain rights of taxation by virtue of the Canadian Constitution given to the Provinces and certain taxation powers which were granted to the Federal Government. The Federal Government could not invade or deny to the Province its right to levy the kind of taxes the British North America Act entitled it to.

Mr. Andras pointed out that taxation of funds coming from leasehold interests on Indian lands had the effect of reducing the net amount of rent that the Indian Band could collect, sometimes for no other reason but the fact that Indian Bands were in competition with other lands in terms of the amount of rent that could be charged. Persons leasing such land would look upon the tax paid in the rent as part of the cost paid for renting the land. He suggested it was a moot point that the net effect in the end was a tax on Indian land or whether it was a tax on the lessee who was not Indian. He thought it would probably take a Court decision. He said that if it was a legitimate tax by the Province and within their jurisdiction as granted to them by the B.N.A. Act, then the Federal Government could not intervene, and in that sense the B.N.A. Act would supersede Section 2 of the Indian Act.

Mr. Andras mentioned that Mr. Dieter of the Saskatchewan Federation was probably the prime mover in getting his Province to adjust the amounts collected. Whether it was a 50% rebate plus services, or a 100% rebate, or whether it was an agreement to not charge tax in the first place, would be the options available. He suggested that the Union of Ontario Indians might be the agency to approach the Provincial Government. He didn't think the Federal Government could do anything about it if it was defined by the courts as a legitimate tax.

Mr. Omer Peters of the Union of Ontario Indians said that it seemed the whiteman was speaking with a forked tongue again, since the Federal Government seemed to want to help the Indians on the Reserve, and the Province said the same thing yet the money was taken right off the Reserves. It would make quite a difference if the Reserve did not have to pay the tax since the money came directly from the taxation of the land. This was the argument they used in their own municipality. He suggested that Indian Bands should get together as a group of Bands and let the Canadian public know what was taking place and go to the Provincial Government and speak to them. This was one reason why Indian people did not get along with the Government since they were always being taken advantage of. Perhaps the Government felt they were providing services while taking money from Indian people by virtue of taxation, but the Canadian people did not feel this way. He emphasized that demonstrations were one means of emphasizing these issues but surely this was not the way to do it all the time. He suggested more consultation and dialogue as a solution to the problem. He said that if all the Indian people got together they still would not have the power to change the situation, but they had to work together with the public through the press, etc. He emphasized that all the Indian people wanted was to get their due right for their people in the Province.

Mr. Big Canoe, co-chairman, suggested that perhaps some agency such as the Union of Ontario Indians could spearhead such a movement with regard to the taxation issue.

Mr. Peter Kelly of the Sabaskong Band, read a statement by the United States Commissioner in Governor Simcoe's papers Volume 1, 1794. With respect to the Jay Treaty; he said that the U.S. Commissioners thought that the Indian land title was in error, that the Government had not divided up the land because it was owned by the Indian so if the Crown province or municipality never took a title from the Indian, how could they tax or annex that which they did not own? Since the Jay Treaty of 1794 divided the two countries, what steps had been taken since 1794 to resolve the question of Indian land title?

He raised the issue because it had been discussed earlier with the urban Indians and there were some persons present who were quite knowledgeable with the Treaties. Such people should be brought in to give a good interpretation of the Treaties. He suggested that if such people were excluded, then the delegates would be doing themselves harm.

An observer in the audience said that he and two other persons were in attendance from the St. Regis Reserve and wished to give an opinion.

Mr. Big Canoe, co-chairman, said he would have to ask the delegates' opinion as to whether they could speak.

Mr. Big Canoe then asked Mr. Hill for his motion again. "Mr. Kelly moved that any Indian people knowledgeable in the Jay Treaty specifically, or other Treaties, should be allowed to speak here." The motion was duly seconded.

Mr. Big Canoe suggested the motion be left until after coffee break since they were still discussing taxation.

Mr. Johnson of the Cape Croker Band asked Mr. Jacobs if the Curve Lake Band was a municipality separate from Peterborough.

Mr. Jacobs said it was part of Smith Township and that it received services from the county.

Mr. Johnson suggested that in view of the fact that monies collected by the municipality were returned to the Curve Lake Band in the form of services, he wondered if the Reserve members were allowed to vote in the Municipal Elections, and Mr. Jacobs replied that they did not.

Mr. Johnson wondered if the Band at Curve Lake was entitled to vote in municipal elections, what would the long-range implications be for the Indian Reserve and would the Reserve eventually come under the Provincial Municipal Act and therefore under the jurisdiction of the Province.

Mr. Jacobs said that this should be the decision of each individual Reserve and not necessarily put into legislation. Each individual Reserve would decide this, taking into regard their progress toward municipal government.

Mr. Johnson said that this situation applied to Indian communities adjacent to or living near municipalities, and that if Reserves were taxed by municipalities, and a municipality gave services to the Reserve, they should be entitled to vote in municipal elections.

Mr. Jacobs felt that he could agree, but that he would never agree to direct taxation for the Indian people themselves.

Mr. George Hill said that his Oneida Band had never been considered as a Reserve set aside by the Government. His settlement was unique in that they had migrated from New York and had bought a portion of land in Ontario. He said for many years the Department of Indian Affairs had asked them to surrender parts of the reserve when they had begun to negotiate with oil companies with regard to oil rights. He suggested the Department was trying to receive a portion of the oil rights and that the Oneida people feared this step. He suggested that the sections referring to surrender in the Indian Act be deleted.

Mr. Fairholm mentioned that generally, at several consultation meetings across the country, the Indian people had suggested that leasing

should be carried out without surrender but that sale of reserve land was another matter.

Mr. Hill wondered why the Department insisted on the Oneidas surrendering land when they were only a settlement.

Mr. Fairholm pointed out that the Department had to operate under Section 37 which said that land must be surrendered but that it could be that land in the Oneida settlement was of a different status than regular reserve land.

On the suggestion of Co-chairman Big Canoe, who explained that the Minister the Hon. R.K. Andras would have to leave at 5:00 p.m., the majority of delegates agreed to carry on with the panel discussion.

Mrs. Charles MacLaren (Fort William Band) asked the Minister whether or not the consultation meetings which were being held would affect the changes of the Indian Act which she understood would take place in 1970.

The Minister, "Mr. Chairman first I think there can't be a categorical statement as to the date of when the new act might be passed by parliament. It might be 1970, it might not. The consultation meetings, this meeting here in Toronto, no I'm sorry, the meeting in Terrace next week will probably conclude the first round of consultations and that will have been 17 starting in July in the Northwest Territories. Then there will be probably a national gathering of representative spokesmen from each of the consultation meetings that have taken place across the country in Ottawa to further discuss and at that time to be able to get a cross section of views about the act and many other things related to policy affecting Indian people from different sections of the country. Following that it is possible, although it is not absolutely definite yet that there might be draft proposals based on the information and the point of views that have been expressed by Indian people at these many consultation meetings to be put together in some form of a proposal for a new act and that even then would be subject to further consultation and whether the second round of the consultations will take the exact form of this one, I don't know yet but there will be a second opportunity to consult. Plus the fact that any act that goes before parliament of course would be placed before a committee and that committee itself would be a mechanism by which much consultation would take place. So there's going to be a long, long period yet before any act is passed in the House of Commons. Now getting to, I think, the real meat of what your asking Mrs. MacLaren is will the points of view expressed in these meetings have any real meaning or effect on the act. I would say very definitely they will. They most definitely will, and the further consultation meetings will have their effect on what that final version of a new Indian Act will be. You say that it might be just amended, I don't think that decision could be taken yet as to whether it will just be an amended act or whether there should be an act or whether it should be a totally different act or all those things. All of the information that has come from the hundreds of Indian delegates talking in these formal meetings, plus other kinds of meetings would have to now be assessed and put in some kind of a proposal and you will have much opportunity after that proposal is put on paper to review the whole thing again."

Having been asked by Mrs. MacLaren whether the amendments to the Indian Act would affect only Ontario, Mr. Andras replied that this was not the case; he said that "there had been the meeting in the Maritimes, this is the fourth one I think in Ontario, there have been meetings in Manitoba, in Saskatchewan, in Alberta, and three or four in British Columbia and one in the Northwest Territories and one in the Yukon. So just about every section of the country and the Indian people from every section in the country will have had their point of view expressed in these consultation meetings that have already taken place, and of course, there will be a second opportunity to probably do the whole thing all over again with the knowledge that we've all gained as a result of this first series."

Mrs. Charles MacLaren then asked if the amendments to the Indian Act were already drawn up. Mr. Robert K. Andras replied that they were definitely not drawn up.

Chief Dalton Jacobs said that he recalled reading in the Hansard that some member of Parliament was accused of already preparing a re-written Indian Act.

The Minister replied as follows: "That question was raised in the House of Commons, but the answer is that there is no formal draft proposal for revisions to the Indian Act that is being secretly tucked away somewhere and worked on and so forth. Obviously as every new idea appears or the confirmation of your points of view and the consensus of the Indian peoples' thinking develops throughout these consultation meetings there is constant work going on to try and make sure that the understanding is clear and so on, so proposals for various options are always being studied and I'm not hedging or evading the issue when I say that, I'm being quite open about it, but in the sense that there is a formal act that has been developed in the past and that was going to be sprung on Parliament or the Indian people regardless of what was said in these consultation meetings I can categorically assure you that that is not the case."

Mr. Peter Johnston (Serpent River) asked for an explanation of Section 36 of the Act. He said that he understood that most reserves were vested in Her Majesty, but Section 36 said that where lands were set apart for the use and benefit of the Band and legal title thereto was not vested in Her Majesty, the Act applied as though the lands were a reserve within the meaning of the Act. He asked what the Section meant.

Mr. Fairholm replied that years ago, there were some lands which were held usually by church groups and these were deeded over in trust for the use of the Indian people. He said that if his memory served him well there was one near Sault Ste. Marie or somewhere on the north shore that was held by an Episcopal Corporation; there were also two or three in the Maritimes. These parcels of land, although the title was held by a church authority, were used and regarded as if they were reserves. Section 36 was to cover this kind of a situation. There were only three or four in Canada today, or maybe even less than that, because some of them were actually turned over and became crown land.

Mr. Wilmer Nadjiwon said that he wanted to deal with something which had been bothering him a lot and which was brought out into open recently by the Indian people from St. Regis. This matter was of concern to every Indian because it affected every Indian, namely that Indian treaties were still at this present day being abrogated. There was no ruling even by the Supreme Court that this was otherwise; if this were so why should the Indian even be bothered with making of an Indian Act unless they could first define whether any or all of their Treaties and Rights were going to be honoured. He said that this matter had to be cleared up - otherwise any amendment to the Indian Act would not mean much. He wanted to know what consideration was the Federal Government giving to the Jay Treaty at this time due to the fact that these demonstrations took place.

Hon. R.K. Andras, "Well first of all, let me say that at the beginning when this series of consultation meetings started, beginning with the first meeting in Yellowknife in July of last year, it became very apparent to all of us that we were attending that although the prime stated purpose of the meetings was in fact to get the point of view of Indian people about revisions to the Indian Act. Very obviously, the point of view of Indian people with regard to many other aspects of policy or federal government or government action affecting them were very high priorities and very much on their mind and I include amongst those the feeling of Indian people toward treaty rights; the feeling of Indian people toward land settlements; the feeling of Indian people toward undertakings or obligations of any nature which they felt had been some commitment. I would say and as a matter of fact I know, that in the very intense review of federal government policy with regard to Indian people that is going on now, it is not restricted to just the Indian Act or revisions to the Indian Act. The review will encompass and recognize the point of view expressed by Indian people with regard to these other matters as well; and that includes the recognition of the point of view about treaty rights. I am not in a position to pre-judge what the government's decision would be, except to assure you that this matter will not be set aside and ignored. It will be totally reviewed and the overall policy review that's being undertaken now. At this moment and time I really cannot say more about the Jay Treaty than I already have said publicly and to delegations, including some people who are here or have been here today. The Jay Treaty was a Treaty, a covenant between the United Kingdom, Great Britain and the United States that was entered into in 1794 and promulgated, I believe, in 1796. It did have reference to the matter of Indian people crossing the border between United States and Canada, and customs duties and levies upon goods that they brought with them and moved back and forth. The Supreme Court decision of 1956 on the Louie Francis case has established the present position of the Federal Government and that is that those treaties, that treaty was not sanctioned or ratified by Canadian parliament and that is the basis of the regulations now. Without pre-judging whatever might take place in any way whatsoever, because I would be leading you astray if I could foresee what kind of an answer would come out; that along with every other matter we have discussed is part of this total review. Mechanically and procedurally, if it would require to establish the Jay Treaty terms, if that were ever the decision of the Government, it would require an Act of Parliament. There is no one person who would have the authority in Canada, in this country, to say that the Jay Treaty provisions or any other similar covenant that is not now recognized by the Canadian Government, would become law without a new bill presented to Cabinet and to the House of Commons and that would have to be the only way procedurally whereby those regulations would be valid. That is the legal position based on that 1956 Supreme Court case. The point of view of Indian people has been registered and noted by virtue of events of the last several months including that treaty as well as any other promises or obligations. I wish I could go further in discussing it, but since the matter is now the subject of very intense review, I really couldn't. I don't know what the decisions will be, but the point has been made."

Mr. Lorenzo Big Canoe, Co-chairman, thanked the Minister for his answer and said that they helped to clear the air a little bit.

Mr. Harry Miskokomon asked Mr. Butler (Director, Municipal Organization and Administration Branch of the Ontario Department of Municipal Affairs) if his Department regarded Indian reserves as municipalities.

Mr. Butler said that the answer was no.

Mr. Harry Miskokomon wanted to know what procedure was needed for that Department to regard Indian reserves as municipalities.

Mr. Allan Butler replied that it was difficult to answer that question because if a reserve was going to be a municipality then an application would have to be made to the Ontario Municipal Board to incorporate it as a municipality. Then there would be the problem of Indian lands not being subject to taxation. In a municipality it followed, however, that the inhabitants would have to be taxed. He said that this matter would have to be studied before any conclusion could be reached.

Mr. Harry Miskokomon referred to the Drainage Act which was under Mr. Butler's jurisdiction, and other similar Acts which, although they were available to non-Indians, they were not available to the Indians. The Ontario Department of Municipal Affairs saw fit to use the benefit of Indian reserves for its tax purposes and other financial gains, it did not see fit to have any of these extension services being given back to the reserves in the same way as to non-reserve lands.

Mr. Allan Butler said that first of all he would like to correct a statement made before that the Department or the Province benefited from the taxation of lands that the Indians leased to tenants; it was the local municipality in which the reserve was, that took the benefit. He said that when there was a drainage work being done there was local taxation in order to recover the costs involved, and it was levied on the people generally or the area which benefited from the drainage works. If this were applied in a reserve, and a tax were levied on the Indian inhabitants thereof for the benefit of the drainage work, he said that he almost felt that the Indians would be falling back in part under the Indian Act. If there was an Indian who did not pay the charge, an application would be made perhaps to the Minister of Indian Affairs to reimburse and actually pay the municipality the levy that was made against him.

Mr. Harry Miskokomon said that under the present "Grants to Bands" program, in the case of drainage, if an Indian reserve acquired through the federal appropriation a certain amount of money for drainage on the reserve, it was said that it was unable to take advantage of the services provided by the Province because the reserve was not a municipality within the meaning in the Drainage Act or other similar acts.

Mr. John McGilp said that under the Department's "Grants to Bands" program there were monies paid to Indian bands which in effect provided them with funds in lieu of taxation which made it possible for them to qualify for provincial grants. He said that if welfare was given as an example, the municipalities in Ontario generally provide 20% of their cost of municipal services. Under the Indian Affairs "Grants to Bands" program, the Bands were being provided with that 20%; so they then made applications to the Department of Social and Family Services and qualify, for that Department's purposes, as municipalities under the General Welfare Assistance Act. He said that he wanted to point out that once the funds were provided under the Department's "Grants to Bands" program for many purposes, the Province recognized then the Band as a municipality for the purpose of a particular act. He said that

in saying that, he was not referring to the Drainage Act but was listening to the conversation between Mr. Miskokomon and Mr. Butler, but it was important to find out the problems at this time.

Mr. Lorenzo Big Canoe asked Mr. Harry Miskokomon if he was satisfied with Mr. Butler's answer.

Mr. Harry Miskokomon replied that he was not satisfied; he found out however, that Indian reserves were not regarded as municipalities under the Drainage and Tiling Act. He added that to qualify as municipalities under that act was something that all the reserves needed.

Mr. Lorenzo Big Canoe asked Mr. Butler to what extent would the Provincial Government take steps to control waterways, their development and pollution; and, what was the present position of the Province.

Mr. Butler said that the question should be addressed to the Ontario Water Resources Commission and that he was unable to provide the answer.

Mr. Omar Peters asked Mr. John McGilp for an explanation of his statement in regard to bands being eligible for provincial grants under some acts.

Mr. John McGilp said that he was not sure about the Drainage Act, but there were a number of Acts under which, when the Indian Band put up the money that a municipality was normally expected to put up, and this was frequently done through the "Grants to Bands" Program, the various Provincial Departments recognized the Bands as municipalities such as the Departments of Highways, Social and Family Services and Lands and Forests.

Mr. Omar Peters asked Mr. Allan Butler why the Indians were unable to benefit under the Drainage Act even if they had the same amount of money that would normally be collected through taxes by a non-Indian municipality.

Mr. Allan Butler said that the real reason was the principle under the Drainage Act that a tax was to be levied for a portion of the cost - the provincial subsidy came in respect to the project and a tax was levied on the balance. Indian lands were not taxable so no tax could be levied on them.

Mr. Omar Peters said that if it were assumed that the Band would have the money he wanted to know what would then happen - why could not the Indians be treated in the same way as non-Indians.

Mr. Allan Butler said that he was unable to answer that question, and gave the same answer to Mr. Peters' question whether this was a good point to be brought up at the meeting.

Mr. Lorenzo Big Canoe, Co-chairman, said that the situation under the Drainage Act was very similar to that under the Welfare Act - there the Province did not ask the Indians where they got their share of money, and he said that he was unable to see why the Indians were unable to come under the Drainage Act.

Mr. Harry Miskokomon asked Mr. Butler if his Minister or his Cabinet

was negotiating with the Minister of Indian Affairs to rectify this situation.

Mr. Butler replied that he did not know.

Mr. Fairholm asked whether it would be correct to infer from the discussions that went on so far that the feeling of the delegates was that if a Band was able to put the municipal share, no matter where the money came from, it should be able, under any program whatsoever, to get the benefits that would come to any municipality. He then asked whether this was a correct assumption of what the delegates were saying.

There was general agreement that this was precisely what they were saying at the meeting.

Mr. Omar Peters said that this was definitely the point; there were many benefits, which if they were made available to the Indian people, would help them to make more progress on the reserves. The Indians were very much concerned about that - they were paying taxes to the Province yet they did not get the same services as other municipalities. The Indian people wanted also to develop their reserves and themselves. If their lands could be drained, then the Indians would benefit and the value of their land would greatly increase. He said that on this point he was very critical of the Province - on the one hand the Province was really sympathetic and on the other hand it was saying, "you did not come under this program."

Mr. Allan Butler replied that he never intended to imply, if he did, that if the Indian Bands felt that representation should be made to the Government to have the Bands included as municipalities in order that they could take advantage of the Municipal Drainage Act, that this should not be done. There was nothing to stop at any time dialogue being carried on between the Bands and Province. He said that there was a meeting a short time ago with his Deputy Minister and he agreed to look into this possibility because some of the Bands felt that they should be able to tax not only some of the non-Indians but the Indians as well, and a study of this matter had already been started.

Mr. Wilmer Nadjiwon brought up another subject concerning an individual on the reserve who began a business and produced things for sale to the public - was he subject to the 12½% tax in view of the provisions of the Indian Act. He asked whether or not there was a ruling on this subject by the Department of Indian Affairs or the Federal Government which excluded or included the Indians in the 12% tax.

Mr. Lorenzo Big Canoe, Co-chairman, asked Mr. Wilmer Nadjiwon to clear a point when and where was this 12½% charged to an individual if he was using materials which he got on the reserve.

Mr. Wilmer Nadjiwon replied that he understood that an individual was supposed to charge this tax to the customer, but he asked for a clarification.

Mr. Fairholm said that he understood that the taxes were administered by the Excise Tax Branch of the Department of National Revenue. Where goods were manufactured, there was a tax of 12 or 12½% and this was levied on the manufacturer and he said that his understanding was that such tax was levied

even when this was made on a reserve when it was sold to persons who were not on a reserve. There was a possibility of exemptions for the handicraft type of operation up to about \$3,000 but all the other people who manufactured for sale did pay this tax. He said that he would have thought that if the goods that were produced on a reserve were sold to someone on the reserve, then the advantage of Section 86 could be taken; when sold outside, it could be a different matter.

Mrs. Charles MacLaren asked if a sale on a reserve was meant a sale to Indians and non-Indians.

Mr. Fairholm replied that it meant to Indians only.

Mr. Wilmer Nadjiwon said that he would like to pursue this point more and he thought that the Indians should be concerned with it because in the future the reserves would have to be developed by individuals and if they were not given any favourable concessions in their development, they would never develop. He mentioned that Mr. Fairholm said that if the Indians sold goods to other Indians on the reserve, they should be exempt, but this was not according to the Excise Tax Act. If he, as a producer, sold to an Indian a picnic table, he had to charge the 12% tax. He said that this area needed a lot of clarification.

Mr. Fairholm said that this was a very specific and legal question that would require looking into; a specific case would have to be studied in order not to arrive at a wrong answer.

Mr. Lorenzo Big Canoe asked where and when would Mr. Wilmer Nadjiwon get an answer to his question.

Mr. John McGilp said that he was quite prepared to assume the responsibility for looking into this subject and pursuing it both with his Department and the Department of National Revenue. He said that he would provide Mr. Wilmer Nadjiwon with the answer.

Mr. Wilmer Nadjiwon added that there was a definite conflict between the two federal pieces of legislation - the Indian Act and the Excise Tax Act. He wanted to know which act ruled the Indians in this particular case.

Mr. Lorenzo Big Canoe said that this was another thing that ought to be looked into.

Mr. Gordon Poupore suggested that Mr. McGilp's answers should be directed to all the delegates and not only to Mr. Wilmer Nadjiwon and perhaps to all the bands in Canada since this was a matter of national concern, it was the application of a tax act - a subject of vital interest to the Indian people of Canada as a whole.

The meeting agreed to this suggestion.

Mr. Wilmer Nadjiwon asked if an Indian delegation would be allowed to sit in if a new ruling was necessary. He wanted to make sure that the Indians be allowed to present their argument.

The Minister replied that there were many, many ways in which this could be done and without defining the exact method he said that the answer would be yes. He went on by saying, "I would think that Indian delegations who wish to be heard on almost every matter that you could logically and responsibly suggest, would be a matter of concern would be heard in some form or another. As it would be the case with every other Canadian - it just should be - that's right. Well I'm very glad to have it taped, I thoroughly believe in it."

Mr. Fairholm added that one could get an opinion from a legal advisor and the courts could give a different opinion. This was something that was going on quite often. The best way to test something was to get a court case which then became known and was binding on the Department as much as on anyone else.

Mr. Harry Miskokomon said that he believed that there was no provision in the Indian Act for an Indian having a grievance to have the right to appeal a decision of the Minister of Indian Affairs or any member of his Department. He wondered if this grievance was proved to be in favour of the Indian, could he collect the compensation for the costs for filing this grievance.

Mr. Fairholm replied that he could think of two areas only, where it was possible under the Act to go to the courts apart from all the other kind of remedies that might be available - one was under Section 9 that dealt with membership and the other under Section 47 which dealt with the value of an estate. Apart from that there was no built-in mechanism for resolving grievances against decisions of the Minister or someone else in the present Act. He then asked Mr. Poupore if he had anything to add.

Mr. Poupore said that there was always the inherent right of every citizen who felt aggrieved to appeal to the courts. If it was a decision of a departmental official, which a member of a Band felt aggrieved him, he had a right of appeal to the Minister; if it was the decision of the Minister he had a right of recourse to the courts. If he was successful in claiming that he had been injured he would not only get recompense for that injury but he usually got indemnity for his costs. This was simply inherent - the right of an individual to take action at any time that he felt aggrieved and he did not think it was a right that needed to be spelled out in the Indian Act, it was simply a right of every individual living in Canada.

Mr. Lorenzo Big Canoe added that this statement went also on the tape. He then asked Mr. Harry Miskokomon if he was satisfied with the answer.

Mr. Harry Miskokomon said that it did. He said that he referred to one specific case where a member of the Departmental field staff had made erroneous interpretation of a policy. After a considerable amount of delay and monies spent for retaining legal people for justifying this grievance, the erroneous interpretation was rectified but the injured Indian lost a lot of money.

Hon. R.K. Andras, "May I ask a question, did he do it through the courts or did he just take the legal advice, substantiated the case, and the case was made directly to the Minister or, and then rectified or what did he do through the courts."

Mr. Harry Miskokomon said that the decision was made at the local level out of the court.

Hon. R.K. Andras, "But it was done out of court."

Mr. Harry Miskokomon remarked out of court, yes.

Hon. R.K. Andras, "My only suggestion is he probably should have insisted on getting costs as well. The court probably, as Mr. Poupore has suggested, had it been a formal court action - the probability, not definite, but the probability the court would have awarded not only the recompense for agreements but the costs as well and I suppose it was the informality of the settlement that left that important item out.

Mr. Fairholm said that when the Minister as set out in the Indian Act, exercised the discretion that was allowed to him, there was no one who could really challenge him; regardless whether the decision was bad or good, he was not really open to challenge.

The Minister: "This is quite important and I think you're right Cy., it would have to be fought on the basis that he exceeded the powers given to him under the Act; because, well let's face it everybody knows that the powers under this Act that are delegated to the Minister, I'm saying this in the impersonal sense that there is just too much power. Everybody agrees. I don't know anybody anywhere, who has looked at this thing that doesn't agree that there is just too much power vested in intimate and infinite detail over the lives of Indian people in this Act and that is one of the things, one of the principles that has got to be recognized in any revision."

Mr. Basil Johnson said that he wanted to register a strong protest against Mr. Poupore's remarks that every Indian knew that he had a right to legal counsel. He said that every Indian did not know that fact. Furthermore even if he knew, he would not have enough funds by which he would underwrite the cost of hiring a lawyer and go to court. He said that he took strong objection to Mr. Poupore's remarks.

Mr. Poupore replied that if he said that every Indian knew that he had completely been in error. However, he felt that he had said that it was the right of every Indian as every other citizen. Indians were not alone in not knowing the full extent of their rights in the law. He said that he would hazard a guess that perhaps 75% of people in Canada were not aware of the full extent of their rights. This was one of the reasons which led to the introduction in Canada of legal aid systems, so that people could have recourse to legal advice to determine what their rights were and to assist them in achieving those rights. He concluded by saying that it certainly was not his intent to give the suggestion that every Indian knew all his rights.

Mr. Johnson then suggested that Indian Affairs provide either the funds or a lawyer to Indian people to contest any decisions which an Indian person might feel was detrimental to him. He said that this type of service had to exist. He said that legal aid was not available to the Indian people living in remote areas in the North or elsewhere.

Hon. R.K. Andras, "The principle is so self obviously right that I wouldn't attempt to disagree, I think you are right in principle, mechanics and details are one of the problems that have to be worked out but it is coming out in all these Meetings this very kind of obvious situation of the need for resources to back up this whole procedure."

Mr. Johnson said that he was disturbed by the fact that the Minister had lawyers on his side and the Indians did not have any legal counsel, even at this very meeting to advise them on legal implications or whatever recommendations might be made. When a decision was made by the Minister, he had the Supreme Court behind him.

Hon. R.K. Andras: "Well, I wouldn't say the Supreme Court, but he certainly has a battery, the government has a battery of resources to use on these situations and it is not an equal, not anywhere near an equal confrontation. I agree with you. And this is very disturbing.

Mr. Johnson added that if the Indians were in a position where they could afford lawyers they would have contested a great many of the decisions that had been made by the Minister's officials.

Mr. Fred Plain said that he felt that the reason for the existence of the Indian Act was to protect the rights of the first inhabitants of the country which were guaranteed to them by the various Acts such as the Royal Proclamation of 1792. He said that Mr. Andras indicated that eventually there would be a second round of consultations and that there would be a national meeting to go over the draft of the Act.

Hon. R.K. Andras: "If I may make a correction, I hope you don't feel I'm rude. I did not say to go over a draft of the act. To further discuss what maybe should be in an Act or all the other matters that are coming out of these consultations. I wouldn't want to be quoted as saying that the purpose of this was to go over a draft of the Act; because, I think that is very unlikely."

Mr. Fred Plain suggested that an act covered a very wide scope, and that the Ministers concerned interpreted this Act and the legislators themselves had no more to do with an act once it was passed. He asked the Minister if this was right.

Hon. R.K. Andras: "The interpretation of an act once it is passed in actual practice, yes the Minister and the officials of Government most closely associated with the act would be involved in that interpretation. But the ultimate interpretation of an act is probably more a matter for the Courts or for the Supreme Court ultimately than it is for any legislator who has been involved in it in the past. Once that act is passed, then if there is legitimate dispute about what it means the Court itself must judge.

Mr. Fred Plain said that before the new act was going to be passed, the Indians should have more than an advisory capacity, they should have a strong voice in the actual formation of the Act. He then asked if it was possible when the Indian Act was revised and presented, could the Indian people be seated as members of those Standing Committees of Parliament which would deal with this subject.

Hon. R.K. Andras. "Constitutionally no Mr. Plain. Not unless they were also members of Parliament. They could be called as witnesses, they can certainly - their voice will be heard, their briefs will be heard, their presentations will be heard but ultimately you are quite right it would be advisory because the power of veto would not be there because the vote would not be there in Committee and there's no constitutional way in which, unless, you were a member of Parliament, that you would be a member of that Committee. A member of Parliament or a Senator in the case of a joint Committee."

Hon. R.K. Andras: "I might say in this sense Chief that this applies to all sorts of other groups in Canada too. The same application in that sense. A law that is passed which affects everybody in Canada."

Mr. Fred Plain said that before there was any revision of the Indian Act, the Treaties that were signed by sovereign nations of the Indian peoples be honoured, respected and gone over and re-adjusted, if necessary, to the satisfaction of the various Indian groups.

Mr. Big Canoe thanked Mr. Plain and the Minister for the discussion which they had just conducted. He felt that it was very valuable, and it gave the delegates a better understanding of this important matter.

An observer remarked that this was exactly the point which those who were marching on the street in front of the hotel wanted to bring to the attention of the government and the public, namely that Indian rights and Treaties had to be recognized.

Mr. George Hill said that it seemed to him that self-government in Southwestern Ontario was imposed on band members and he knew of at least one such case. He asked for somebody to justify such an action. He felt that this was an important matter and that it was unfair to impose self-government on bands. He felt that field Superintendents had too much authority in going to the Band Council and imposing on them. He asked the Minister if this was the way how self-government and band government started.

Hon. R.K. Andras: "It should start from the other way Chief I think, I don't know the incident of this specific"

Dalton Jacobs remarked that they had self-government for two years and they never had an Indian Superintendent at their Council's meeting.

Mr. Big Canoe said that they were not supposed to come unless they were invited.

Mr. McGilp explained that in Ontario there were at present 43 bands who were operating, spending and administering their band revenue funds under Section 68 of the Indian Act. There were 54 other bands who were not doing that and Mr. McGilp said that he would like very, very much to see these Band Councils assuming responsibility for spending their own funds. He said that usually one would have expected criticism for not seeking to foster this; everything that the Department was doing was an attempt to show the Band Councils the advantages of assuming responsibility for their own affairs, but at the same time the Department was not imposing it on the people and if there was any suggestion that it was so, he would certainly look into it.

Mr. Wilmer Nadjiwon said that he would not want at any time to go back under the Superintendent after assuming responsibility for administering their own revenue. He suggested, however, that they were in a very difficult position because they had untrained people and the running of a reserve became quickly very involved. A school should therefore be set up by the Department of Indian Affairs which would provide suitable training for those people who would be in charge of band administration, and also some additional people who could take over if the full-time administrators became sick or died so that Indian Affairs would not have to come back in such situations.

Mr. George Hill said that he disagreed with Mr. Nadjiwon on one point, namely that these people should have training - there were some such "Crash Courses" available - their duration was from 3 to 4 weeks, and that was insufficient. They were then asked to perform so many duties for which they were completely unprepared and no provision was made for sufficient offices where they could perform their duties. He said that it was for these reasons that he felt that the Department was unfair and imposed on the bands self-government without ensuring that all the necessary preparatory work was completed. He said that it was not up to the Department to decide which band and when it was ready for self-government - this was up to the Indian band concerned to make this decision; they would then tell the Department that they were ready.

Mr. Peter Kelly said that insofar as self-government was concerned, the Indians should not perhaps be talking to the Department of Indian Affairs but should go to a higher level; perhaps directly to the Government. He recommended that the Indians stay with their Treaties because everything depended on the interpretation of these Treaties.

Mrs. Charles MacLaren asked the panel whether or not the Indian treaties were just considered to be pieces of paper.

Hon. R.K. Andras: "There are, I think, eleven Treaties that were entered into, undertaken since Confederation and there were other Treaties prior to Confederation. And they cover various areas in this Country. Some in the Northwest Territories, one of which was signed in 1899 by the Canadian Government and 1921 have not been honoured or implemented. Other treaties have been honoured. There may be differences of opinion about the exact interpretation of them and therefore, probably some argument as to whether the commitment has been fully fulfilled while others I would say have; and then there are other documents or undertakings that are implied or clearly expressed, or on which Indian people feel that there was a commitment. The Jay Treaty particularly was one which the Indian people most particularly of the Six Nations, the St. Regis feel that there was an undertaking that has not been honoured. But some clear cut ones, without any doubt, have not been fulfilled. The other implied rights in some of the documents going back to the Proclamation that Chief Plain referred to, of 1792, I believe it was, are believed to be held inviolate by Indian people the hunting rights for instance. The Migratory Birds Convention Act of 1917, which was a covenant between Canada and the United States and did Mexico get into that one too, anyway Canada and the United States; which was for the stated purpose of the conservation of migratory birds restricted the hunting of migratory birds by Indian people; and others too, but most particularly by Indian people which was considered by Indian people and others to have been an abrogation of the rights that were inherited in the original Proclamation. So it did have the effect that legislation of Parliament was

given senior status in that sense that the Treaty on which the hunting right was based. So there just can't be any question of the validity of the feeling of Indian people with regard to their attitude towards these promises which, some of which have been kept but others of which they feel and rightly so, have not been kept."

Mrs. Rena Hill asked for a clarification of the Treaties made with Great Britain; were they upheld by the Canadian Parliament?

Mr. Peter Kelly said that there was a lot of misunderstanding on the question of Treaties; one of the reasons was obvious: there was a legal interpretation and also an interpretation given to the Indian people by their fathers. The former was deeply entrenched within the Canadian value system, then the Indian people should be given a chance to express their feelings about the Treaties. He said that he did not see any reason why it always had to be the white man who gave the definition of these Treaties - it was now up to the Indian people to do so also.

Mrs. Charles MacLaren said when Treaties were made, they should be kept.

Mr. Big Canoe said that Mr. Andras had to go to the airport. He thanked him and asked him to make his final statement.

Mrs. MacLaren asked Mr. Andras if he would return, when the Treaties would be discussed later in the week.

Hon. R.K. Andras: "I had not planned on it, the invitation from the Steering Committee was for this afternoon and I've been very, very glad to participate this afternoon. I hadn't planned on being, your discussion I believe will be if it is under Indian Lands and all matters pertaining to Indian Lands, on January 23, that is Thursday; I couldn't tell you at this moment whether I could get back again on Thursday or not. I assumed from the invitation that it was just this afternoon that I was invited to attend by the Steering Committee. At any rate, as with everything else that is being discussed here, its on tape; it will be summarized, the views will be fully reported so that it wouldn't be lost in any way and Mr. Chretien, the Minister of Indian Affairs and Northern Development will be here Thursday night or Friday. So you can, evolving from your discussions here on Thursday I am quite sure you can present your views to Mr. Chrétien on Friday, he'll be here. Now thank you very much Mr. Chairman, for allowing me to thank you again for the invitation. I think that the discussions today, I think this meeting today is indicative of the way the whole consultation process has sort of evolved and developed. There are people who have said that the consultation meetings are they get pretty extreme about how they feel about them. I don't think they have been perfect, far from it. There are many things that have to be improved in the whole general question of our communications with Indian people and Government and other Canadians. But we have learned a tremendous amount. I think Indian people themselves by participating in these consultation meetings across the country, have developed a much deeper sense of the very great need for a change in policies, in the application of policies, and a much better understanding of the complications involved in those changes. This afternoon I couldn't help thinking, when we were talking about drainage law and that sort of thing, that how the whole pattern seems to have developed over the years from a sort of a tangled web of policies. In many cases, from contradictory objectives and very obviously from conflicting jurisdictions and

authorities as every other group of people; but more particularly, I think in the case of Indian people there is a barrier to your achieving the things you want to achieve because of the confusion between federal-provincial-municipal who do you go to in this kind of thing. These are the tangles and the confusion that I believe have got to be cleared away. You have registered, maybe not to your satisfaction, but I can assure you that you have registered your point of view, in sixteen meetings and many other discussions and incidents of the last six or seven months, your views and feelings about such things as Treaty rights and how strongly you pull to the physiological as well as the substantial implications of the Treaties. That point of view has been registered and it will be considered in the new policy discussions and review and deep analysis that is going on right now and will continue to go on. I think probably one of the most important things for the long haul that we together have got to find the answers to, are not maybe the specifics much of all these questions that come up, but the manner and the form in which we continue to maintain communications; consult, consult, consult, consult, so the point of view that you feel is not just registered once and then forgotten, but that it goes on. We can revise an Act or we can do this or do that; and the day that revision takes place the day after a Bill would be passed in Parliament, about any of the things we were talking about, changes also are taking place and it could be out of date and out of tune. It begins to get out of date the day after it becomes law and the further changes beyond that can only be wise if we are talking together and communicating together. I think these kind of things have been set in motion these last six months, not by action of government, by action of Indian organizations and Indian people across the country who are saying that we are going to have our place in the sun in this country and I think those things have been set in motion and I don't think they are ever going to be stopped.

But we have a complicated problem to face together, and there isn't going to be a pat single one kind of solution to solve the problems, but we'll only begin to make wise decisions if we are constantly talking and understanding each other and I think that process, although there are difficulties in the way from time to time, that process is under way. Thank you for listening to me and thank you for giving me your points of view, because every day that I sit down at these meetings I learn more about what you feel; most of which I agree with and where I don't agree, I certainly have to stop and think about it and I'll come back to you and say how about this and how about that. Thanks a lot, and I'll be seeing you again shortly."

After Mr. McGilp said that it was impossible to divorce the discussion of Treaty rights and the Act, in any of the discussion groups that were set up and he asked the delegates to keep in their minds that they insisted that Treaty rights be dealt with.

Mr. Big Canoe agreed with Chief Plain and said that one of the biggest issues to be discussed at this meeting were Treaty rights.

He adjourned the meeting at 5:15 p.m.

Tuesday, January 21, 1969

Co-Chairman Walter Dieter opened the meeting at 3:30 p.m. by asking Chief Plain to present his report on behalf of Group "A". (See Appendix A for lists of the three Groups.)

Mr. Fred Plain said that Group "A" met, nominated him as their Chairman and prepared a submission on the very comprehensive subject with respect to the Indian Act. At the beginning of their discussion it was immediately pointed out that there could not be any divorcement of Treaty Rights on the one hand and the legislation which was designed to protect those rights on the other hand; all the members were in complete agreement on this point. He said that Chief Bernard had suggested that Indian Treaties negotiated in the past were broken by the Federal Government.

Mr. Fred Plain then summarized the results of the Group meeting. He said that it had been strongly stressed that there would be no reason for any Indian to claim a membership in his band as an Indian person if the rights guaranteed to him by the relevant Treaty were not respected and upheld. Insofar as voting in regard to band membership was concerned, it was pointed out that the present Act discriminated against band members who had, by reason of their employment, left their particular reserve to try to make their living in a non-Indian community. It was also pointed out that in a non-Indian community, a person owning a piece of property therein, and paying taxes therefor, had the right to vote in the elections in that community regardless of the location of his actual residence. The present Indian Act discriminated, and Chief Plain called it the "Appartheid System"; as an example he said that he had been building a house on his reserve and while the house was being built he and his family had no place to live on the reserve - there were no houses available - so he had to rent a house just outside of his reserve. His wife gave birth at that time to their child and the Northern Health Service who had been looking after the needs of the Indian people rejected his application for assistance to which all the band members were rightfully entitled, on the grounds that he did not reside on the reserve and was therefore not eligible for the benefits. He said that he had strongly objected to this discrimination. He added that this type of discrimination was wide-spread, in the field of elections and benefits. As another example he gave a case of an Indian student who wanted to continue her education in her particular field in an American University which had the best facilities, but was denied any help to which she would have been entitled in Canada.

He said that his Group's Submission stated that this discrimination was most unjust and unfair, and also violated the Treaties that were effected by their forefathers. He said that the Indian Affairs Branch had to abide by the Act that had been passed by Parliament. The present Act made certain statements in regard to how much rights a band member had who suddenly had to leave his reserve through circumstances beyond his control. Mr. Plain said that such an Indian was discriminated against. If he lived in an urban area such as Toronto, he had band funds that were being used to administer his particular reserve of which he was a member. No one was consulting him about the usage of his funds, yet unlike the non-Indian tax payer who had the right

to vote because he paid taxes to a municipality, the band member in question by reason of the present Act had no such right. The Group "A" Submission was that all these discriminatory aspects of the Indian Act be deleted.

The Group also suggested that band membership should be at the discretion of the Band Council and the members of the particular band and that any application could be made by an individual, foster parents or in cases of illegitimate children to the elected Band Council who would refer such applications to their particular band. He said that at the present time the sole discretion of eligibility rested with the Minister of Indian Affairs. An addition to Section 80 should be made which would state that "application shall come under the review of the Indian Band Councils who will in turn, submit them to their own band members for acceptance or rejection". He concluded his remarks by explaining that the Group did not have sufficient time to deal with all the aspects of membership and that the two other Groups had also dealt with them at their meetings.

The delegates agreed that Mr. Mitchell of the St. Regis Band would also attend the C.B.C. interview.

Mr. Leonard Monague of the Beausoleil Band then read the report from Group "B";

Staying close to the outline of the Program as moved and seconded, the Chairman opened meeting to deal with Band Membership and all matters pertaining to Band Membership, not touching Treaties.

Dalton Jacobs brought a section on page 27 of the Sudbury Report August 21-23, on section 12 - subsection (1) (a) (iv), and pointed out that Council should have more authority in admittance of Membership.

Mr. McGilp answered a few questions on Enfranchisement. Even though the parents enfranchise, a child may possibly remain a member of the Band as long as it was living on the Reserve, at the age of 21; it could decide. It did not have to take enfranchisement.

There was much discussion on children born out of wedlock, whether they should take their Mother's status on birth.

The Meeting strayed off to taxes charged by Municipalities on Reserve lands leased by non-Indians. Although this had remote relevance to Band Membership, the subject of Membership being very profound it should be given more time to discuss and again it was recommended that the Chief and Band Council be given more authority on admittance of Membership.

Chief Debassige questioned Mr. McGilp on a question of - a couple divorced to the United States. Mr. McGilp will be looking into it for him.

Non-members living on Reserves was also discussed.

We came back to children born out of wedlock, also adoption of Indian and non-Indian children was discussed, whether we feel it should be left up to the Council on Membership, also feel the Indian Act should be more in words we could understand it. (Mr. Fairholm was to be asked to see that such recommendations would be drafted into the new Act.)

Mrs. Pawis who is an rapporteur is absent Mr. Noganosh was suggested to take her place and take notes. And again it was brought out that there should be more authority for Band Councils.

The term "enfranchisement" should be changed to "withdrawal".
- (withdraw from Indian status)

A child born out of wedlock came up again and suggestions that it be on the Band list until of age-girls 18 and boys at 21.

Chief Isaac brought up blood content of Indian Children. The Committee was advised by Mr. McGilp that there will be no revision of the Indian Act until all the consultations are through.

More time is needed to establish a firm answer to the Indian Act.

Again, Mr. McGilp advised the Committee that the meeting in Ottawa will be attended by representatives from each consultation and that a rough draft be made and presented then, have another consultation across Canada.

The submission on membership is:

"That it is recommended more authority be given to the Chief and Band Council dealing with Membership of the Band."

Mr. Wilmer Nadjiwon, spokesman for the "C" group said that the major concern of the group was Indian rights on and off Reserves and how they conflicted. He said that the consensus seemed to have been that band members moving from reserves should have all benefits of those living on reserves and such benefits to be portable either in Canada or the United States. No discriminatory clauses in the Act should be retained, that would hinder members from leaving the Reserve.

He said there was no agreement as to the subject of enfranchisement, however, there was one motion to delete Section 108, Sub-Section 1 (a), (b) and (c). He said there was another motion

"to retain the right to enfranchisements from the band membership or remain a band member. Also children of

enfranchised parents would be protected and women marrying non-Indians would also have a choice".

The consensus was that Indian women leaving the reserve and marrying non status Indians or non-Indians would retain their band membership since they, in most cases, did not marry persons who could provide a decent livelihood for them, especially when children were involved. Such Indian women usually returned to the Reserve where they were brought up. Under the present Act they were intruders.

He suggested that the question of band membership involving enfranchisements, etc. was an entangled and complicated issue and that recommendations were impossible since there was not enough time to discuss the issue thoroughly. He thought that it would take at least two days to discuss the subject of adoption alone, and still a complete consensus would not be found.

Mr. Dieter the Co-Chairman, then dealt with some administrative details concerning the group discussions for the following days' sessions.

Mr. Nadjiwon said that he had neglected to mention that there was some concern in Group "C" that there was no provision in the Indian Act for old people who had enfranchised and wished to return to the Reserve, but had no status as band members.

Mr. Dieter the Co-Chairman said that there should be provision for those band members, who had enfranchised and on welfare, to return to the Reserve as band members. He said that Indians should be able to own property and still be band members. He also said there were a number of persons who were not now band members but who were at one time and could be used as resource persons.

Mr. Miskokomon mentioned that in Group "A" there was discussion about those persons who had enfranchised by virtue of Section 96 with regard to intoxicants. He said that many Indian people had liquor privileges during service in the war, but were refused said privileges on their return to Canada. As a result, some people had applied for enfranchisement to receive liquor privileges, and that many children of such families also were enfranchised. He said most of them had regretted a move and as the Act stood there was no way of regaining band membership. He suggested that a door be left open to such band members who had really been forced to leave the Reserve because of the above matter. He was not concerned with the mechanics, but the general principles involved.

Mr. Peter Johnson spoke on the subject of the adoption of non-Indian children and the gaining of Indian status by them. In his group there had been discussion for and against, but that as a representative of Northern Ontario Indians, the deliberations at the Sudbury meeting also did not arrive at a consensus of opinion.

His own personal opinion was that non-Indian children adopted by band members should gain Indian status.

Mr. Leonard Monague, the spokesman for the "B" group, said that they had stressed that such non-Indian children should be members of a band at the decision of the Band Council.

Mr. Miskokomon said that in Group "A" it was felt that individual rights of a parent were being violated if a person who conformed to the regulations of society was rejected (in the adoption of a non-Indian child). Parents of an adopted child should have the right to have the child made a band member, retain all the privileges of band members off the Reserve, and to share in the estate.

Mr. Wilmer Nadjiwon suggested that a non-Indian child could be adopted by himself and his neighbour could adopt a non-Indian child. The two adopted non-Indian children might perhaps later marry and both would be band members. He said that their children would be completely non-Indian without any Indian blood, yet band members.

Mr. Peter Johnson said that he would disagree with Mr. Nadjiwon, in that it denied an adopted child his human right to be part of the family and that it seemed that they were trying to look at it from the point of view of blood line rather than from the right of the child itself to be a human being.

Mr. Michael Bernard said that in pondering over illegitimate children they were dealing with the most alone person in the world and helpless at the same time. Such children need concerned people more than they needed anything else until they could be on their own and create a living for themselves.

Mr. Peter Kelly asked Mr. Fairholm what a red ticket holder was. He agreed with Mr. Bernard's statement, and that rather than deal with blood lines what the delegates should be concerned with, was the cultural factors which made up an Indian person, as a way of life and as a way of thinking. If a non-Indian child was adopted by an Indian family and living an Indian way of life such as trapping, the children would be brought up in the Indian environment and would think like any other Indian person. He suggested that there were many psychological problems that the child could have in the future and questioned the fact whether the delegates were playing God or not.

Mr. Fairholm said that as far as adoptions were concerned, generally, that when a person adopted a child the child for legal purposes, was regarded as if it was born to the parents, so that normally it had all the rights pertaining thereto.

He said that the Red Ticket Holder had to do with what was in the Indian Act prior to 1951. Before that time if an Indian woman had married a person who was not a member of a band she lost her band membership, but retained certain rights such as Treaty annuities and per capita distribution from the band and rents coming from the band. She would retain these rights as long as she lived or until she asked to have such rights commuted. Such

rights were then paid to her at 10 years purchase-10 times the amount of the annual annuity and 10 times the average amount of the per capita distribution or interest monies paid out over a period of 10 years, and that ended her particular rights. Mr. Fairholm said there were still Red Ticket Holders who were married prior to 1951 and had never commuted their share of the band assets and were still getting their annuity if they were under treaty provisions and interests monies. If there were no monies forthcoming from the band, but the band did have monies at a later date such Red Ticket Holders would be entitled to their share at that time.

Mrs. Rena Hill said that her band council had suggested that band members have at least 26% Indian blood.

Mr. Hill asked Mr. Fairholm for an explanation of the term "general law" that he had used earlier.

Mr. Fairholm said that when he had referred to the "general laws" he meant the adoption laws of the Province. There was no adoption law specifically set out in the Indian Act, and when an Indian person or an Indian couple or a white couple wished to adopt an Indian child, one had to do so by making an application through the courts and so, therefore, it was called a legal adoption. As far as membership was concerned, it was governed by the Indian Act itself and as far as an adopted child was concerned, it did not gain status in a band if it was non-Indian unless the child was already an Indian and a member of a band. By reason of most of the adoption laws of the provinces and in particular Ontario, when a child was adopted it meant as if the child was born to the adopting parents. It had nothing to do with the conferring of membership since membership was set out in the Indian Act itself.

Mr. Nadjiwon said that in view of the discussion that had followed since the reading of the reports, there was not sufficient time to achieve a consensus even with respect to membership.

Mr. Dieter said that they would have to make a suggestion to the plenary committee of the meeting to allow more time in the discussion periods.

Mr. Omer Peters speaking on adoption and other matters said that time was not so much what was needed to discuss the provisions, as was flexibility in the provisions of the act to permit various band councils to do certain things. He suggested that flexibility was the key and that issues could then be settled locally. He pointed out that the discussion on adoptions had become and could become very emotional because many Indian families had adopted non-Indian children and had loved them very much.

Mr. Mitchell speaking on the admission to a band of adopted persons wondered whether such persons on a general list could be admitted into the Bands themselves.

Mr. Fairholm said that at present adopted non-Indian persons could not be admitted to band general lists, however, Indian persons on general lists could be admitted to a band at the request of a Band Council by virtue of Section 13.

Mr. Mitchell said that he knew a person who was at present living on the reserve and over 30 years of age who had an Indian mother and was on the general list almost all his life, but was denied band membership even with band resolutions to the Department of Indian Affairs and Northern Development. He said that there were two persons in that category on his reserve.

Mr. Peter Kelly said that since the Minister might wish to become an Indian, and since also the Minister had the authority to decide what Indians should become white and since this was so ridiculous, he declared that he would also make a ridiculous suggestion by asking the Minister to come and show the delegates what type of blood was Indian, what type of blood was white, and what type of blood was black, since it seemed to him that a lot of things being discussed really boiled down to the problem of the way in which bands were to be administered. He asked if the Indian people were really afraid to have non-Indian people hold office in a Band Council which he said, was the case in some isolated reserves at the present time. He also asked that if there was any possibility or any example in Canada where Indian people could draw up the constitution by which they could govern themselves with respect to the Indian Act.

Mr. Fairholm said that by virtue of Section 4 (2), it would be quite possible for a band to make a request to the Governor-in-Council to wipe out all the membership provisions of the Indian Act. The Band would then have to be in a position to determine who was a member of the band and to set their own rules. He suggested that it would be quite possible under the present Indian Act to wipe out all the membership provisions with respect to any band at the present time, and that they would have to in effect establish their own rules or constitution regarding membership.

Mr. Leonard Monague said that Section 4 (2) of the Indian Act had been discussed time and again. He pointed out that it had been brought out because of different conditions on Reserves. The Act should be made more flexible and permit Municipal organization yet conforming to the Indian Act.

Mr. Dieter the Co-Chairman, then adjourned the meeting at 5:00 p.m.

Wednesday, January 22, 1969.

Co-Chairman Walter Dieter opened the meeting by asking the delegates of Group A to present their report.

Mr. Basil Johnson (Canadian Indian Centre), the reporter for Group A, read the recommendations of his Group.

1. TREATIES AND TREATY RIGHTS

"In view of the intimate relationship between the Indian Act and whatever treaties may in the past have been negotiated between the Indian people of Canada and the British and Canadian Governments; and
In view of the fact that any revisions to or changes in the current Indian Act which may be suggested however meaningful they may appear to be, would be ineffective and cannot guarantee the protection or preservation of Indian treaties and rights conferred by treaties without reference to these Indian treaties. The meeting unanimously wishes to go on record that it will not agree to any revisions to the Indian Act until the Canadian Government acknowledges the existence of and inviolability of Indian treaties and treaty rights.
It is therefore recommended that before any final decision is made or legislation passed by the Canadian Parliament respecting revisions to the Indian Act, that consultations be held in which treaties and treaties only be discussed."
(Copies of this recommendation were distributed at the Conference)

2. WILLS

Motion presented by Mr. Harry Miskokomon that "each Band's secretary or clerk be appointed, recognized or authorized by the Band Council to have the authority to make wills or any other documents necessary to band members, and also be a notary public or a commissioner for the taking of oaths".

3. BAND GOVERNMENT

Motion presented by Mr. Fred Plain that "true local band government may be established and operated effectively on the Indian reserves; the clauses in the Indian Act containing the phrase 'the Minister may' or other phrasing in the Act which confers the same intent giving the Minister the power to veto over band resolutions shall be deleted from the new Indian Act; where the words need to be retained, let the words 'with the consent of the Band Council or the Band members affected' always follow".

4. SUPERINTENDENTS

"It was recommended that where in the opinion of the Band Council, an Indian Superintendent or Acting Superintendent was incompetent, or demonstrated an inability to carry out his responsibilities, the Band Council be empowered to recommend the removal of that Superintendent."

The Chairman of Group A, Mr. Fred Plain (Chippewas of Sarnia) thanked the members of his Group for their diligence and work which they had accomplished. He said that he would like to explain the reasons for some of his Group's recommendations which were read by Mr. Johnson. They suggested that the present Indian Act superseded rights guaranteed to the Indian people under the Treaties. He said that when the Indian nations had effected treaties with the British Crown or the Canadian Government, they were legal entities. He had asked earlier Mr. Fairholm and Mr. Bonnah whether the local Band Councils, with all their Committees, dedicated to the purpose of governing Indian communities, were legal entities. He said that he had been told that they were not legal entities. He said that at one time Indian chiefs and their Councillors had been considered to be legal entities and they had entered into solemn and sacred treaties. He then asked if they were no longer legal entities as Band Councils, or Chiefs, at what time in their history they ceased to be so recognized. He said that he had been told in the morning that perhaps this might have been when the government began to enact the legislation known as the Indian Act - perhaps then the Band Councils ceased to be recognized as legal entities and were looked upon as wards of the Government. If this were true, then the Indian Act was a wholesale violation of the rights that were guaranteed in writing in the Treaties. It was for this reason that Group A stated that the Indian Act and the Treaty rights could not be considered separately, one had to come ahead of the other. The rights and privileges of the native people of Canada could not be affected after an Act of Parliament had been passed. The Indian Act should therefore guarantee the rights contained in the Treaties. If these rights were violated and the Indian people were no longer considered to be legal entities, there was immediately a violation of the treaties and the rights. Their submission therefore stated that there could not be a revision of the Indian Act, it could not even be considered until the sovereign rights of nations of Indian peoples were recognized. He said that democracy had existed in North America long before Columbus reached its shores, and that the native peoples of America made the democratic government as their contribution to the twentieth century civilization. He said that now they were being asked to consider band government as outlined to them by Indian Affairs. In the morning, recommendations were made to them by Mr. Bonnah whose speciality was band government. Mr. Plain said that Mr. Bonnah had suggested that the Indians formulate at this meeting a resolution that would accept the recommendations as he outlined them to the Indian delegates. Mr. Plain said that he had pointed out to Mr. Bonnah that they had no right, at that point, to recommend that another blue circular be printed that would ensure a greater measure of self-government for the Indian people. He said that this had to be taken directly to the Band Councils for approval by the Indian people - the delegates at this meeting were not in a position to do so themselves.

The delegates felt, however, that they would give and gave consideration to certain aspects of the Indian Act, but their recommendations should not go before Parliament until a special consultation with the Indian people had been arranged, to discuss the sovereign, sacred Treaties that were effected by sovereign nations of Indian people.

Co-Chairman Walter Dieter then asked the reporter for Group B to present their report.

Mr. Leonard Monague read the four following recommendations of his Group:

1. That the Indian Act remain as such, but should re-affirm all Treaties made with Indian Bands or Tribes. It should set out fully all the rights, privileges and responsibilities of the Indian Bands, Tribes and individuals.
2. Where the population warrants it, representation on the country School Boards should be made by the Indian people.
3. More representation should be made by Indian people on the Children's Aid Societies.
4. There should be a uniform policy regarding the development of local band government on reserves.

He said that his Group had also recommended that Treaties and Treaty rights be included in the Constitution by including them in the Indian Act.

In the discussion on the Grants to Bands Program it was mentioned that there was a difficulty in preparing a Band's budget without knowing the amount of money that would be available under this Program. Some delegates were doubtful about the Program - there was no policy or guarantee that these funds would always be available. They felt that there should be a uniform policy regarding development program on all reserves. They also discussed matters in the field of education, and Mr. Rodine had answered their questions. He mentioned that Mr. Bonnah had explained to them that he knew of no non-Indian community that could exist without grants. Finally the Group discussed matters in the field of welfare.

Co-Chairman Walter Dieter then asked Mr. Nadjiwon to present the report of Group "C".

Mr. Wilmer Nadjiwon said that at the very beginning of their meeting they agreed that before any changes in the Act, however meaningful, could take place, the suspicion of the Indian people would have to be alleviated. He said that his Group completely agreed with Chief Plain's stand that before any degree of successful self-government could take place, discussions and understanding on the rights, privileges and Indian Treaties had to take place. He said that there was, because of the suspicion of the Indian people, a conflict in the process of taking on duties of self-government. This conflict was in the degree of self-government that bands

would assume; some of them had no intention of taking on self-government under the present conditions. If self-government was to be meaningful, all the aspects, such as the land management, the authority for the sale and lease of land, had to be handed over to the bands. It was pointed out that in the current process of reserve development inadequate survey crews were available when the Indian bands had requested them. It was recommended that provisions in the Act for the gradual process of self-government be made so flexible that self-government could encompass only those aspects of band management which a particular band was interested in assuming. The Minister's authority should be limited, adequate training of personnel was in all cases essential and the Department should be made responsible for financing of this training. District training should be available so that it would deal with special conditions that existed there. Special training would have to be also instituted in the north.

Insofar as medical services were concerned, the Group agreed that this subject should be discussed at the plenary session on Friday and a motion to that effect was carried. Finally a concern was voiced by the delegates about the operations of the different Provincial Departments on the reserves and the ways they affected the question of self-government.

Co-Chairman Walter Dieter thanked all the spokesmen for the three Groups for their reports.

Mr. Peter Johnston said that he just wanted to clarify one point made by the spokesmen for Group C - he asked the delegates whether they were in agreement with the idea that a certain period of time on Friday should be devoted to the discussion of health and medical services.

Mr. Harry Miskokomon said that he talked recently to Dr. Nicholas of the Department of Health and Welfare who said that he could be available on Friday.

Mr. Miskokomon said that if the delegates wished so, he would make the necessary arrangements to have Dr. Nicholas appear before them on Friday.

Mr. Omer Peters then moved a motion, seconded by Raymond Bruyere that Dr. Nicholas be asked to attend the meeting next Friday at 9:00 a.m.

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

Mr. McGilp informed the delegates that the Minister, Hon. Jean Chrétien would attend the meeting on Friday afternoon.

Mr. Fred Plain said that as a member of the Steering Committee he wanted to point out that in the very short time they had available for drawing up the agenda, they had overlooked the very important subject of health of Indian people. On behalf of the Steering Committee he wanted to apologize for this to the delegates and to assure them that this subject was certainly not overlooked on purpose.

Co-Chairman Walter Dieter said that he would like to back up some of the statements that were made on the Treaty rights and some of the studies that had been carried out on this subject across Canada. There were areas that were not covered by Treaties but they were covered by what was known as aboriginal rights or by the Proclamation made in 1763, dealing with lands belonging to the original owners. He said that these matters had never been settled or interpreted and the first Act was designed to ratify those Treaties that had been made. The Indian Act changed considerably since that time and he wondered what would be the interpretation of the Treaties if the Indian people would get the recognition of them. Furthermore the Indians were not satisfied with the deals they got under these Treaties. He said that it was a big problem to get their claims settled, especially the aboriginal rights of the Indian people. He thought that all the Indian people across Canada would go to their representatives in Ottawa. In Saskatchewan, Manitoba, Alberta and British Columbia they had contacted their Attorneys General and the Premiers who were writing the Constitution of Canada, asking them that they write therein the recognition of the Indian aboriginal rights and Treaty rights. He said that he got quite a few answers back and they were all favourable.

Mr. Raymond Bruyere said that he was speaking as one of the delegates who were attending this meeting. He was allotted \$25.00 a day. He said that this amount would normally go to his family home, if he remained at his job. At this meeting, however, he spent this amount for food and accommodation and nothing was left for his family. He asked other delegates to express their views on this subject.

Mr. Mervin Dewasha said that he was informed by a letter from his Indian Superintendent that he would receive \$10.00 as an honorarium, which was much too small and not satisfactory, and \$15.00 for expenses. He noted that his room alone was \$11.00 per day so only \$4.00 was left for expenses. He said it was completely impossible to live in a city as Toronto on such an amount. He remarked that in the meeting held in August, the delegates had been allotted, besides the amount of \$15.00 for expenses, the price of their accommodation. He felt that this point was overlooked by the Department and asked that the costs of the accommodation should be added to the amount of \$25.00 per day.

Mr. Angus Mitchell presented a submission that a Royal Commission be appointed to straighten up the mess involving Treaties. He said that situation across Canada was tense, the Department of Indian Affairs was doing little to ease the situation, and the Royal Commission on Indian Treaties would be the answer. He said that it became apparent that some better way than violent protests had to be found to resolve this problem between the Indians and the Department of Indian Affairs before it would become a feud between the Indians and the white people. The courts offered the Indian people no hope - every decision made in their favour since 1960 as far as Treaty rights were concerned, had been overruled by the Supreme Court of Canada and it had been the Federal Government who had appealed the lower courts' decisions. Indian Affairs itself had no chance of dealing effectively with the Indians today, no matter how sincerely the efforts of men like Mr. Andras, Minister without Portfolio; generations of double-dealings had caused the Indians to believe that Indian Affairs was more concerned with wiping out their rights rather than to protect them. Many people felt that Indians had

been sold out not only in Ottawa, but in the courts as well. He said that if there ever was a country that needed a Royal Commission on a problem, it was Canada which needed one now on Indian Treaties.

Mr. Lorenzo Big Canoe stated that it was very significant that the biggest problem were these Treaties. They were in the minds of every one of the delegates. He thought that Chief Mitchell's suggestion of setting up a Royal Commission on Indian Treaties might be the answer to this problem. He said that he was also glad that the question of medical rights had come up because in the North this was a big problem.

Miss D. Opekekew spoke on behalf of young Indians. She said that the Treaty rights and aboriginal rights were more important than the Indian Act consultations. She said that the prime purpose of their marching in front of the hotel was to make the Government and Mr. Trudeau realize that the young Indian people had the same opinion about these Treaty rights. She had heard Mr. Trudeau state to the older Indian people at the National Indian Brotherhood meeting held in December that maybe the older Indian people wanted the Treaty rights to be corrected but he then asked about the younger Indian people, mentioning that they could have different opinions. She expressed her hope that their demonstration and talks had shown to all - the Government, Mr. Trudeau and the delegates that the young Indians had the same opinion in that matter as their elders.

Mr. Harry Miskokomon requested the delegates to invite their members of Parliament to attend on Friday; this would show them that the Indians thought of them. The Minister would also arrive and it would be him and his government who would be basically involved in instituting those recommendations that were made by the Indians.

Mr. Fred Plain moved a motion seconded by Miss Opekekew that the submission of Group A on Treaties and Treaty rights that had been distributed to every delegate be the Submission of the entire delegation to this Conference.

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

The delegates then returned to the subject of the expenses for the delegates.

Mr. George Hill agreed with previous speakers on the subject that the amount of \$25.00 was completely insufficient.

Mr. Raymond Bruyere suggested that some professional people be hired out of this delegation who would receive salaries to further pursue the needs of the Indian people; this was too much of a time-consuming job for people like himself who had families and other work to do for a living.

Co-Chairman Walter Dieter said that a suggestion was made that the accommodations for the delegates be also paid by Indian Affairs. He asked Mr. McGilp for comments.

Mr. McGilp replied that the instruction that they had permitted them to pay the travel costs for each delegate to and from the meeting, and in addition \$25.00 per day, broken up as \$15.00 to meet the expenses and \$10.00 as an honorarium. He said that he had no authority whatsoever to increase this amount which was paid to the delegates who attended these meetings across Canada. He said that the officials of the Department would have to note the delegates' recommendations and bring them to the attention of the Department but he wanted the delegates to understand what was the situation they were in this week.

Mr. Omer Peters said that this question was an emergency; on their provincial advisory groups the delegates got \$35.00 per day. He remarked that his room was \$12.00 per day, and the costs involved were far beyond the \$3.00 left. He felt that it was an honest and sincere request that an additional \$10.00 per day be made available to every delegate attending the meeting. He said that the delegates were sacrificing their jobs, leaving their families and they should not be punished for attending the meeting.

Mr. Fairholm added that Mr. McGilp had no authority to do this right now because this was governed by the Treasury Board Minute as to the amount which could be paid. If this was going to be changed, it would be necessary for the Minister of Indian Affairs to make a recommendation to the Treasury Board to get this amount raised.

Mr. Omer Peters moved a motion, seconded by Mr. Mervin Dewasha that the Regional Director get in contact with the Minister immediately and see if the additional amount of \$10.00 could be given to the delegates before they would leave at the end of the week.

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

Co-Chairman Walter Dieter, speaking on Mr. Bruyere's suggestion that Indian leaders should take up the question and study the needs of the different problems of the Indians, said that they (the National Indian Brotherhood) were working hard and as fast as they could to get many people involved in their local or provincial organizations so that they could police the different programs and find out the real needs and wants of the people. He said that the National Indian Brotherhood was in the process of finding an office in Ontario or closer to Ottawa for their headoffice. He said that he had been conducting discussions with the leaders of the different organizations in order to find out what they wanted. Those leaders would in turn try to contact as many people as possible so that a program could be set up to improve these communications right across Canada. He said that all they needed at the present time was some money and they got a start.

Mr. Peter Kelly suggested that when Indian people would become trained in a special field such as self-government, they should receive the same salaries as the government officials in the same positions received right now.

Co-Chairman Walter Dieter remarked that the Indian people were lucky if they got 1/3 of what the government officials were getting.

Mr. Omer Peters said that in the Union of Ontario Indians they were trying very hard to do things and that their biggest problem was the financing of their activities; at the present time they rented an office space in Toronto, they would have a person who would work there and they got a donation of \$500 from the Willowdale Rotary Club for office equipment and some other organization had also donated some money. They had plans for the future but the most important thing was to have enough money to be able to start in their work and they needed full-time people. He concluded his remarks by saying that he was looking towards the day, not in the very distant future, when their Toronto office would be in operation and when it would be possible for the Indian people to phone or make a visit and have help or advice within hours.

Mr. Peter Kelly repeated his earlier suggestion that the Indian delegates were losing money by attending the meeting while the government officials who attended received their full salary and he said that he hoped that in the future, there would be many Indian people who would be able to fill the government positions now occupied by non-Indians.

Co-Chairman Walter Dieter thanked the delegates and the officials and it being 5:10 p.m., he adjourned the meeting.

Thursday, January 23, 1969

Mr. Big Canoe, Co-Chairman then reconvened the meeting at 3:40 p.m. and announced that Dr. Procter, the Director General of Medical Services, Canada and Dr. Nicholas, the Zone Superintendent for Southern Ontario, Department of National Health and Welfare would be in attendance at 9:30 a.m. the following day.

Mr. Basil Johnson presented the report from Group A, as follows:

Because Indian Reserve communities through expropriation have diminished in size and in some cases have ceased to exist;
Because Indian Band Councils have never recorded adequate indemnity for the loss of their lands;
Because expropriations have been conducted without the consent of Band Councils and finally,
Because Indian Band Councils do not have rights or privileges of expropriation or land purchase comparable to the rights possessed by municipalities, public utility companies, government and non-government agencies,

This meeting recommends ...

- 1) that prior to any expropriation proceedings be undertaken, that Indian Band Councils be consulted;
- 2) that where consent has been obtained, that adequate compensation or land in lieu thereof be made;
- 3) that Indian Band Councils be entitled to re-acquire the lands that were originally expropriated on the understanding that at some future date they would revert to the Band, and ...
- 4) to end compulsory expropriation of Indian lands without the consent of Band Councils, that the words "following consultation with the Band Council in whom land interests and their protection is vested" always succeed and follow the words "Governor in council" wherever they occur in Section 35, or any other section of the Indian Act.

Mr. Johnson said that whereas the first submission related to Section 35 above the second submission following related to Section 69, (Loans to Indian People)

- 1) owing to an apparent inexperience on the part of Indian Affairs Branch personnel to assist in the financial responsibilities of loan applicants and,
- 2) owing to the inexperience of Indian Affairs Branch personnel in conducting financial matters and,

- 3) owing to the treaties necessary inherent in the provisions contained in section 69 and,
- 4) owing to the willingness on the part of Indian Affairs Branch to recognize and acknowledge accredited credit ratings it is recommended that (a) section 69 be deleted or (b) so amended as to render it more operative and flexible that it operates to the advantage of applicants for loans that finally more funds be made available by Indian Affairs Branch for loan purposes.

Mr. Fred Plain elaborating on section 35 with regard to action that had already been instituted and which was an established fact insofar as the Indian people's rights were concerned as guaranteed to them by treaties, said he was referring to the expropriation of one whole reserve by the Department of National Defence. The reserve had never been ceded to the Crown, and the land had always been kept intact by the Chief and Head men according to the historic and sacred Amherstburg Treaty. He mentioned that the reserve was expropriated under section 35 of the Indian Act by virtue of the War Measures Act, and that the government had negotiated with the band council with regard to consideration of giving up the reserve land for a training centre temporarily. The Band members rejected the government proposals by an overwhelming majority vote, but with the War Measures Act the reserve was rested from the control of the band members and they were dispossessed. In return for this dispossession and seizure of the land they were given compensation and told to move to another reserve. The Kettle and Stony Point Band members were assured by the National Defence Department that the reserve would again revert back to the Stony Point Indian people. He elaborated that the National Defence Department in 1919 still had control of the seized land a direct violation of the treaty and an Act which could be interpreted as not listening to the advice of the Indian people. He said that this was why the submission asked for a deletion of section 35 and all reference to terms such as "governor in council". He suggested that other reserves had also suffered in the same way, but that where the population of the native peoples had been considered to have been almost extinct, it was now growing to a greater extent. He therefore, asked for rights by act of parliament to expropriate land that the Indian peoples required.

With respect to section 69 of the Act, Mr. Plain said again there was a discrimination against individual band members and band councils. As an example, he cited an application by Chief Harry Miskokomon for a loan from the federal government which was denied because he had such a good credit rating.

He asked that serious consideration be given to the group A submission by the other delegates.

Mr. Leonard Monague of the Christian Island Band presented group B's submission on leases and surrenders. Most of the group felt that this issue was important to them because almost all were lessors on their reserves. He said that it was recommended

"that band councils should be able to enter into short-term leases

on their own authority, and any leases that expire if there are any improvements or buildings on those lease holdings, if buildings or other improvements, were to revert as belonging to the Band."

Mr. Big Canoe also mentioned that an addition should be made to the section dealing with leases in that "the band should be able to lease without having to surrender". The term surrender was studied very carefully and Mr. Isaac suggested that the term "surrender" should be deleted from the Indian Act.

"It is recommended that the word "surrender" be deleted from the clause in the Indian Act."

With regards to short-term leases, he said it was an advantage. With regard to land taxes the committee agreed

"that there should be no tax on leased lands. Each Band should approach members of the legislative assembly for the member to speak on their behalf in the Attorney General's Office so that provisions dealing with taxes on Indian lands or lease holdings might be eliminated."

The committee had suggested that bands should be able to become legal entities so that they could enter into contracts or leases. It was recommended very emphatically that this not be done because it could lead to taxation under the Municipal Act of the Province.

Mr. Miskokomon introduced a discussion on welfare in the committee, with Mr. Poupore and Mr. McGilp acting as resource persons. The Northern Indian people were in need of assistance and there was Mr. Miskokomon said, a note of urgency to the welfare situation. It was suggested that a team consisting of Mr. McGilp, Mr. Miskokomon and Mr. Poupore go up and make an investigation of the need.

It was also recommended and was advised by departmental officials that lands should not be sold but only leased or rented on short term basis. He said there was one lease that he knew of that had a term of 999 years.

Mr. McGilp then elaborated on the room rates for the delegates and said that they would be able to obtain the special government rates. With regard to a previous resolution by the delegates concerning an additional \$10.00 per delegate, he said that the department was governed by a Treasury Board Minute and that a decision on the matter would be made when the Minister arrived.

Chief Wilmer Nadjiwon of the Union of Ontario Indians said that in view of the recommendation and motion made on the previous day, the format in discussion in group C encompassed several subjects. He said that there were few solid recommendations to report but that discussion did centre around surrendered unsold lands and what procedure would be necessary to

have surrendered unsold lands returned to reserve status. This was not in agreement with the possibility of extending reserves. He mentioned that the government officials had said that a resolution from the band council would not be sufficient, but that there was provision made for extension of reserves. There had been a policy by the department up until two years ago, that there would be no extension to reserves except to honour some treaty rights, but that he assumed this policy had been changed in the last two years.

He pointed out that group C. then dealt with a submission by the Six Nations people in the form of a motion "that this council approach to amend to the Indian Act be presented as such: the Indian Act should be retained but should re-affirm the treaties made with ~~any~~ Indian band or tribes. It should set out fully all the rights, privileges, and responsibilities of Indian bands, tribes and reserves". It was moved seconded and carried unanimously at the council meeting.

Section 35 of the Indian Act then came under discussion; the violation of Treaty rights, and the expropriation of Indian lands. Subsequent discussion it was moved by Peter Johnson and seconded by Mr. Sarizen "that group C recognize that section 35 dealing with expropriation of reserve land clearly violated Indian treaties".

There also was discussion on the authority given to the Indian superintendent, in section 34 dealing with roads and bridges. He said that a recommendation was made "that most superintendents should not have the right or authority to be able to say where bridges and roads should be".

Mr. Nadjiwon said that he felt personally that a new Act should encompass provisions and that restrictions be taken away from Indian bands and for individuals who wish to go into business. For example the 12% federal tax and income tax on reserves should be eliminated. He said that sections covering surrender of Indian lands should be eliminated from the Act and that bands and tribes should have the power to lease band lands without the consent of the Minister or Governor in Council. It also was recommended that those sections dealing with liquor be deleted from the Act.

Mr. Peter Johnson said that there was some discussion in group C concerning land surrendered to the Crown for the purposes of a park. It was suggested that it should come under provincial jurisdiction in relation to grants but he understood that there was a provision within the Provincial Parks Act, if the park failed for the land to revert back not to its original use, but for recreational purposes. He said there seemed to be some conflict between provincial and federal jurisdiction.

Mr. McGilp said that to the best of his knowledge when a band had decided to set aside part of their land as a park, and requested a grant from the provincial government under the Park Act, the province required that certain standards be maintained in order to have the band qualify for assistance. He knew of nothing where once the band had ceased to use the land as a park, it would in any way revert to anyone other than the band. He did not know of anything that would allow the provincial government to assume control of the park on Indian land.

Mr. Nadjiwon had heard that the Park Assistance Act, was not made to operate on reserves, but for municipalities, and as such could force a band, if they had been assisted by the provincial government, to give up the park land for recreational purposes. He said he was not aware that the provincial Act had been revised to fit the reserve situation.

Mr. Don Selby of the Department of the Provincial Government said that he would inquire if such land could revert to the province.

Mr. Big Canoe said this was the kind of information they needed and wondered what might be done about the Stony Point situation.

Mr. McGilp said that the land referred to was expropriated in 1940 and the band was paid a sum of approximately \$43,000. He said that he himself and the Chief and Council had visited with the senior officials with the Department of National Defence in Ottawa and had made clear then that the band council wished the land returned to them. The situation was that the Department of National Defence had written to the Council and said that when the land was no longer required by the Department of National Defence the Band at Kettle Point would be given the opportunity to purchase it back again, and that the Department of Indian Affairs would ensure that the Stony Point Band would have the first opportunity to refuse or accept the offer.

Mr. William Meawasige of the Serpent Reserve Band in connection with the statement made by Peter Johnson wondered if the park land was to be subsidized by the federal or provincial government.

Mr. McGilp said that when a band decided to set aside a portion of their land for a park it was usually intended to be a business venture, giving certain income to the Band. In general the Band, the department and the province contributed funds with the band operating the park themselves. He said that if bands were interested in such a project, they could consult with Chief Nadjiwon or the Kettle Point Band for further information.

Mr. Nadjiwon wondered how they would get the money or funds for the park from the senior governments or from other areas.

Mr. McGilp said that if the council decided they wished to develop a park, they should then get advice either from the Department of Indian Affairs or from anyone else as to whether the project would be economically feasible. Possibly band councils would not wish to provide a service such as a regional park, or a provincial park would, but as a money making business venture. He suggested that if this was the objective then they would have to decide what developments they wished, how much they could contribute from their own band funds, how much they wanted from the Department of Indian Affairs and how much they wanted from the Department of Lands and Forests. He mentioned that only when these factors had been

considered, along with an overall plan, which gave consideration to the feasibility of the whole project, and whether it would be a truly money making enterprise, could they decide to what extent they might provide funds.

Mr. Nadjiwon said they have to obtain assistance to find out what the exact costs would be.

Mr. Fred Plain said he was approached by the Kettle Point Indian people of whom the Stony Point people had been associated with since 1940. He said he was approached by them as chairman of the Southern Branch of the Union of the Ontario Indians to give them help in their search for justice. He had prepared a brief which was presented in Ottawa and which reported on a meeting between Mr. McGilp and two members of the Kettle Point Band Council. The Kettle Point people and Stony Point people had never asked him to cease in his search for justice for their cause. He stated that the explanation offered by Mr. McGilp was unsatisfactory, especially with the remuneration of \$43,000.00 paid to the people. A few years ago some band members on the Sarnia Reserve moved away to provide more land for expanding industry. This land was adjacent to the Sarnia Reserve. He revealed that in order to move the houses that the Indian people had purchased, it would cost up to \$10,000.00 to re-establish them on the Sarnia Reserve.

A brief by Mr. Harry Miskokomon in regard to development of Reserve land for farming had been presented to his band, and it had unanimously endorsed the concept of this brief. Copies were being prepared for distribution to all the delegates and the principles of the briefs could also be applied to all economic endeavours. Mr. Plain also expressed his appreciation to Mrs. Helen Dommencheck who was working on the Ontario Union News Letter.

Mr. McGilp said that the Department was attempting to stand behind the actions and arguments of the Kettle and Stony Point people and wished that this point be clarified. He suggested that perhaps the Department and Chief Plain were doing the same thing. Mr. McGilp said that he was not in any way supporting the National Defence Department argument. He hoped he would be able to talk with Chief Plain and the Kettle Point Indians by giving support to them. Mr. Peter Kelly asked if there was such a report as that of the designation of Treaty Lands with regard to Treaty No. 3 (Colonel Denis in 1875). He wondered where he could get a copy of the report and if it was available, why it had not been circulated to the Indian people in that area.

As a supplementary question he mentioned that in 1950 the Treaty 3 area had \$14,828,000 approximately and that figure increased in a 17 year period to \$25,923,000. He wondered if this money could be used to defray the cost of legal counsel toward the Headland to Headland issue.

Mr. Kelly pointed out that with regard to lands reserved for Indian people this was not synonymous with the Reserve lands as set out in the Indian Act.

Mr. Kelly also stated that under Section 91 of the BNA Act and Section 4 of the Indian Act the term Indian was used. He said that as it seemed to have a narrower interpretation under the Indian Act and wondered under what authority the Government had to overrule the BNA Act. At the time of the BNA Act the Indian people thought they were signing a Treaty with the Queen.

Mr. Poupore said that the reference in the BNA Act, (section 91,) to lands reserved for Indians could be related to an area where there was no Treaty; where there were lands which were deemed to be, with respect to the aboriginal interest, Indian Land. Subsequent to the completion of a Treaty there was agreement between parties who signed the Treaty, that the Indian people would surrender certain rights in the Indian lands and the Crown would set apart as reserves certain specified areas. He pointed out that lands referred to in the Indian Act as reserves were those lands which had been designated as Indian reserves. This distinction was perhaps vague but it was there. For example with regard to the British Columbia Land Question; "it is the contention of the British Columbia Indians that the province is lands reserved for Indians within the meaning of the BNA Act, whereas the reserves are such within the meaning of the Indian Act". He said that the distinction had never been defined by a court and that it showed an area of some confusion.

Mr. Kelly also mentioned that on July 10, 1891, an agreement was signed by the Federal Government and the province of Ontario, and on April 17, 1924 another agreement was signed to complement the first agreement. He wondered if this was the case, why were the Indian people under the Treaty 3 area not consulted during the signing of the documents. He suggested that such documents be distributed to every Chief and Councillor in the Treaty 3 area.

Mr. William Meawasige suggested that the delegation should have a better understanding of what the treaties contained.

Mr. Poupore said that the agreement of 1891 and more specifically that of 1924 was referred to as the Ontario Land Agreement and was a matter of agreement entered into between Canada and the Province of Ontario with respect to whether the Crown, Provincial or Federal, had the administration and control of Indian land. He said the 1924 agreement replaced that of 1891 because of administrative problems and difficulties that had been encountered with respect to the issuance of letters patent with respect to sold land. The agreement was now in the process of re-negotiation and that Mr. Big Canoe and others who were participating in the negotiations which would take care of further problems encountered.

Mr. McGilp said that in particular the 1924 agreement concerned the Headland to Headland issue in the Treaty 3 area and that Mr. Big Canoe had been present at the negotiations but it had been some time ago. There was some suggestion that the Headland to Headland issue be removed from the agreement and have the Indian people themselves in the Northwest angle

identify the areas they believed should be concluded on the Reserves, by indicating the boundaries on a map. Then the Indian people or the Department could approach the Ontario Department of Lands and Forests and attempt to negotiate and arrive at a mutually agreeable settlement in each Band area.

Mr. Michael Bernard wondered if amendments should be made without concern of the Indian people involved in these areas.

Mr. McGilp said the 1924 agreement did not really affect the Indian Act and that the agreement would not be re-negotiated without involvement of the Indian Bands concerned, along with the Department of Lands and Forests.

Mr. Peter Kelly asked what the correct procedure was to deal with such matters. Mr. Kelly suggested that the people involved in the particular area apart from Mr. Big Canoe, should be represented in the discussions.

Mr. McGilp said that Mr. Big Canoe had mentioned that very point; that the Land agreement of 1924 did cover all of Ontario but that the specific point with regard to the Headland to Headland issue, involved the Treaty 3 area (Northwest area). He said Mr. Big Canoe had pointed out that any matter concerning the Headland to Headland issue would be discussed with the people of the Northwest angle in attendance, when the negotiations began.

Mr. McGilp reiterated that there had not been at any time discussion on any settlement of land, and the bands would be approached before such discussion.

Mr. Miskokomon suggested that the Northern Ontario people should have a say about this matter.

Mr. McGilp said that the 1924 Land Agreement did not have application to Northern lands but that it did affect lands in the Robinson Superior area and in the South. The Regional Advisory Council meeting with the Department had raised the issue of a reexamination of the issue of the 1924 Land Agreement and they had agreed that Mr. Big Canoe should be involved as it was a question of who, when and what terms should be involved as to whether Councils should be present, or whether other representatives should be there.

Mr. Miskokomon suggested that the Indian people had not made the agreement with the province but that it had been with Canada (Crown). He said that the mistake should be clarified and that the Northern peoples should not be included in an agreement which seemingly was made with the Southern people. Mr. Michael Bernard concluded that one representative was not enough, especially since Mr. Big Canoe did not represent the Northern peoples. He suggested perhaps the Northern people should have a little more knowledge of what was going on.

Mr. Big Canoe said that he was at the exploratory meeting concerning re-negotiation of the 1924 agreement only as an observer for the Advisory Council. There were no negotiations and it was only an introduction between the provincial and Federal Government representatives.

Mr. Kelly said that it would be more appropriate if a person from the northern area was a representative at the discussion. The people of the south would also benefit if a representative could be sent from the North.

Mr. McGilp said that prior to confederation certain agreements were entered into in what is now Southern Ontario, (then Upper Canada) and that most of the agreement was applicable to that area. He said however, that nevertheless, if there was anything affecting the North arrangements or negotiations regarding Indian lands would not be carried out without the Indian band councils involved.

Mr. Fred Plain asked if there was in existence at the moment a body known as the National Indian Advisory Council?

Mr. McGilp said that he was not certain of the status of the National Board. He thought that there was a delegates name to it but that they had not met since the consultations on the Act had begun. He didn't think that it had met since early 1968. Mr. Deiter thought that the National Board had been dissolved at the last meeting in Ottawa.

Mrs. Rena Hill said that she had recently been appointed by her Band Council to sit on the Regional Advisory Council but they had never met so far, however, she had been invited to attend the consultation.

She asked for an explanation of Section 123.

Mr. Kelly suggested they stick with the issue at hand rather than discussing Section 123.

A representative of the CBC then asked if it would be possible to cover the following day's proceedings in total by Videotape for a program on the National Television Network on the Sunday following.

The delegates agreed for coverage by the CBC.

It was agreed by the delegates to postpone Mr. Kelly's problem with regard to the 1924 Land Agreement until the following day when the Minister would be in attendance.

The meeting adjourned at 5 p.m.

Friday, January 24, 1969.

Mr. Big Canoe, Co-Chairman, began the meeting at 9:45 a.m.

Mr. Fairholm said that the consultation meeting had begun in July of 1968 and that there had been a desire by various regional groups for further consultation. He said that Mr. Chrétien had announced in Moncton that such a meeting would be held in Ottawa at the conclusion of the regional meetings. At that time it was contemplated that one representative would come from each of the meetings held across Canada and one nominee from each of the major Indian associations.

Mr. Fairholm said that however, in a couple of places the delegates decided that there should be more than one representative from their group and so in some cases there were a number of delegates selected. This was the case at Fort William where six representatives were chosen. He said that the government was faced with the problem of deciding the proper representation from all the various groups. He then proposed a formula of representation which would take into account population:

	Approximate Pop.	Number of delegates
Maritimes	10,000	2
P.Q.	25,000	4
Ontario	51,000	7
Manitoba	30,000	4
Saskatchewan	30,000	4
Alberta	27,000	4
B.C.	47,000	7
Yukon	2,500	1
N.W.T.	6,000	1
National Indian Brotherhood		1
Total		35

Mr. Fairholm suggested that perhaps the delegates might wish to discuss representation at the Ottawa meeting.

Mr. Peter Johnson of the Serpent Reserve Band suggested that it was a difficult problem since the delegates could think too much in terms of their own area. He understood that B.C. had appointed 11 delegates.

Mr. Fairholm said that each of the meetings in B.C. had appointed one delegate with the exception of the Terrace meeting which had not appointed any, and the Chilliwack meeting which had appointed five representatives.

Mr. Peter Johnson said that the B.C. and Ontario representatives could dominate the meeting.

Mr. Omer Peters suggested that the representation could be based on population with a certain adjustment of figures in order to be fair to everyone.

Mr. Michael Bernard wondered what would happen with representation of the Indian population in Northern Ontario, where distances of 500 miles or more separated communities.

Mr. Omer Peters said that each province would have to adjust its figures the same as was done on the reserve level.

Mr. Peter Johnson wondered if the delegates would be selected on a permanent basis and if so would such selections be subject to revisions.

Mr. Fairholm suggested that the appointment of delegates was only for the Ottawa meeting to review the regional reports from across the country. It would be a wrap up meeting of the various consultations.

Mr. Wilmer Nadjiwon wondered how long the meeting would last. He suggested that only three subjects had been covered at the present meeting.

Mr. Fairholm said that he didn't know how long the meeting would take but that perhaps more time would be required than was the case at the present meeting. He said that it would take quite a long time to deal even with the general principles. There had not been anything definite set as to a time period and suggested that perhaps the delegates could give some suggestions.

Mr. Wilmer Nadjiwon suggested that when the meeting convened in Ottawa, that at no time should pressure be put on delegates or should there be a preset agenda or a time limit made.

Mr. Peter Johnson said that time should be made available without a limit but that it could be a good idea if a representative from each province got together prior to the meeting to determine what might be on a proposed agenda.

Mr. Fairholm suggested that National Indian Brotherhood could perhaps provide assistance as to the meeting format.

Mr. Harry Miskokomon supported Chief Nadjiwon on his suggestion that there should be a thorough planned agenda and that there should be no restrictions on time. He also suggested that no deadlines should be set for future consultations that might take place.

Mr. Omer Peters said that there was always a concern of what should be said at the meetings. He pointed out that Union of Ontario Indians should have annual meetings for all the bands across the province to discuss essential things which could be brought before the government.

Mr. Michael Bernard wondered if one representative from Ontario could represent the Northern Ontario Indian interest. He said that the reserves in the Northern part of the province were much different from those in the South. He suggested that the Northern Ontario Indians needed more than one representative.

Mr. McGilp wondered if it might be appropriate to use the suggested figure of 7 representatives from Ontario but of these 7, two should be from Northern Ontario (the Fort William Meeting), two from the Sudbury area, two from the Toronto meeting and one from the Union of Ontario Indians. This would perhaps be a practicable suggestion if the figures for the other provinces were maintained.

Mr. Peter Johnson said this would be acceptable to him personally.

Mr. Michano representing the Lakehead meeting said that he would contact the six spokesmen appointed to represent the Lakehead area to see how they felt about the suggestion.

Mr. McGilp suggested the six persons from Fort William could decide among themselves and select two representatives and mail the names to Mr. Fairholm in Ottawa. He suggested that Mr. Johnson might also write Mr. Fairholm suggesting that the delegates from the Sudbury area and the Toronto area might want to select their two delegates and mail in the names to Mr. Fairholm. He said this would also apply to the Union who could suggest one representative.

Mr. Johnson agreed and suggested that the 7 delegates so named, be informed as to who had been selected, prior to the Ottawa meeting.

Mr. Fairholm agreed.

Mr. McGilp said that the Minister had agreed to increase the per diem allowance to the delegates by \$10.00 a day.

Mr. McGilp then introduced Dr. Procter, the Director General for Medical Services of Canada, Dr. Nicholas, Zone Superintendent for Southern Ontario, and Miss E.M. Freisby from the Department of National Health and Welfare.

The meeting then adjourned for coffee.

Co-Chairman Walter Dieter resumed the morning Session at 10:15 a.m. He said that it was suggested that a motion should be entertained which would deal with the question of representation at the Ottawa meeting.

Mr. Mervin Dewasha moved a motion, seconded by Mr. Dalton Jacobs, that the program based on the population of the Provinces and laid out by Mr. Fairholm, be adopted so that the meeting at Ottawa would have one delegate from the Yukon, 7 from Ontario, 4 from Manitoba, 4 from Saskatchewan, 4 from Alberta, 2 from the Maritimes, one from the Northwest Territories, 7 from British Columbia, and one from the National Indian Brotherhood.

Mr. Wilmer Nadjiwon thought that the motion was out of order; he did not think that the delegates should pass a motion saying how many delegates the other Provinces should have. He suggested that the motion should only state that Ontario would have 7 delegates.

Mr. Mervin Dewasha explained that he moved the motion in order to accept the basis on which to decide about the number of delegates from each Province. He felt that the Toronto meeting, being just about the last one, would only suggest that this method be adopted and would not force any other Province to accept this suggestion - it would only show them that the delegates from Ontario agreed to have 7 delegates at the Ottawa meeting.

Mr. Omer Peters suggested that instead of mentioning the actual number of delegates from the other Provinces, the delegates should state representation at the Ottawa meeting would be based on the population throughout Canada and if this method were accepted by all of the Indians, Ontario would agree to have 7 delegates.

Mrs. Rena Hill asked what had happened to the National Advisory Committees from coast to coast.

Mr. Fairholm replied that the Regional Advisory Councils' term came to an end and they were asked in a number of instances whether this should be continued. In some Provinces the answer was in the affirmative while in others the suggestion was that the Indian Association be the spokesman for the Indian people in that Province. In some areas, the Councils have not yet been fully selected and at the present time there has not yet been a selection to a National Board; and it was uncertain whether or not it would take place. In the last year there has developed a National organization of the Indian people and there was a period of flux as far as any National Advisory Board was concerned. There were some Regional Councils and in some cases there were Brotherhoods that were acting on behalf of the Indian people of their Province.

Mr. Michael Bernard wanted to know what was going to become of those hundreds and thousands of Indians who were not in any Association in Canada, were they going to be neglected?

Co-Chairman Walter Dieter replied that in Saskatchewan they never made any suggestions about a Regional Advisory Council because they already were pretty well organized and were going on the assumption that when a Regional Advisory Board was elected there would be a Federation of all Saskatchewan Indians anyway. In the Union of Ontario Indians there had to be a lot of ground work done and through the National body, they were willing to help as much as they

could so that they would not forget those Indians that were on the outposts. He said that the Union of Ontario Indians were making up an agenda and a program that would be accepted by all the Indians in Ontario. This was their aim and object and no one would be left out. He then asked Mr. Peters for his comments.

Mr. Omer Peters said that in Ontario they were making plans that funds would be available for all the Indians, and not only for the registered Indians. He then suggested that the delegates should give the floor to the two guests from the Department of National Health and Welfare.

Mr. Wilmer Nadjiwon agreed and suggested that everybody was in agreement with Mr. Dewasha's original motion. He proposed an amended version of that motion and moved that the delegates adopt the Indian Affairs Branch's policy in the selection on the basis of population and that Ontario be represented by 7 delegates. After this motion was seconded, the question was called, and all the delegates voted unanimously in favour of the motion. The motion carried.

Co-Chairman Walter Dieter then asked Dr. H.A. Procter, Director General of Medical Services of the Department of National Health and Welfare to address the delegates.

Dr. Procter: "Mr. Dieter, ladies and gentlemen. It is a privilege, of which I am very deeply appreciative, to be invited here. It is not the object, I am sure to hear me talk, but to give you the opportunity to talk.

"To explain: Medical Services is a composite organization within the Department of National Health and Welfare; which brings together those various services which deal with people as individuals. It consists of Indian Health Service, Northern Health Services which looks after the people in the Northern Territories, the Immigrants, the Quarantine Service, the Public Servants, Civil Aviation Medical Pilot Examination, this sort of thing. By far the largest agency within this group is Indian Health Services; I have been associated with it for the last 22 years; I have, of course, met a great many of you people on your home ground and at meetings. And of course, this is a very unusual occasion now.

"Indian Health has a very long history if we take all of its ramifications. Three hundred years ago, you obviously knew more about health conditions in this country, how to deal with them, than anyone else. And that situation pertained at least until a hundred years ago if not more recently; and, I think probably explains the fact that there is very little said in the Treaties which were signed about a hundred years ago and more recently. Because there was nothing we could offer you that you didn't already have.

"There was no formal Indian Health Service until about 40 years ago, 1928, and up until that time, from Confederation at least until that time, 1928, it was a Welfare matter. You looked after it from your own arrangements, your own funds, or assistance from your Welfare Appropriations. In these last 40 years, the government has annually provided dollars specifically for the purpose of Indian Health and Treatment. And those dollars have been used we believe, as judiciously, as carefully and as widely as they would permit.

"The period of the thirties, of course, was very difficult for everyone. And the early forties, of course, were very difficult too because of a war, but in these twenty years since the war, the appropriation for this purpose has gone

up 5 times what it was before; of course, this means that the staff devoted to this purpose has gone up in proportion. So that speaking in round figures, and I cannot give you final figures because even for this year, the final amounts available to us have not been settled, there is such a thing as supplementary estimates; there will be something like 27 million dollars for the operation of Indian Health Care in the provinces.

"I won't talk here in this group, about the Northern Health Service which looks after all of the people, including the Indians in the two Northern Territories. And next year it will be more, somewhat more.

"Speaking very generally, and of course there are peaks and plateaus, the appropriation has gone up at about 10% per year. At the same time we have engaged ourselves as strenuously as we can in making available to you the Health services of the provinces and of the communities close by, in confidence that one integrated service will provide you with a better service over the long pull, than can be done in any other way.

"This, of course, has to be a matter of opinion. I give you our opinion.

I think, Mr. Chairman, that is as much as I should say as an introduction. You had introduced to you Miss Freisby our Chief Nursing Officer in this area, and Dr. Nicholas our Chief Medical Officer in this area; and, I come from Ottawa."

Mr. Wilmer Nadjiwon said that he heard rumors that doctors had to volunteer their services to travel in the North. He asked what difficulties were found in an area where doctors had to volunteer their services to give adequate health attention to the people. He also brought up the question of dispensing of drugs in the North; he felt that there was no medical control in this regard.

Dr. Procter: "I think that the information that you have seen is part of the story only. For close on to 40 years, there have been doctors engaged full-time, hopefully as career men by the Federal Government for services in the North. The North, I think if you'll look on the map is a fantastic problem. There are 10,000 miles of coastline. There are 11,000 Eskimos on that coastline and as you know, they live in almost family groups. There are only three large communities, there is over 30,000 people in the Northwest Territories spread over 1/3 of this country. Now how do you devise a Health Service that is going to be there all the time at peoples' elbows. We have had constantly, in recent years, at least 12 full time men of our own across the Northern Territories and this does not take in the larger towns such as Yellowknife, Hay River, Fort Smith, Whitehorse. But, if we are going to put more and more and more in there, then I think it is only reasonable, that if doctors are prepared to volunteer their services to go to Africa, to go to the Carribean, to South America, they at least have the welcome mat out to volunteer to take a little of their time and perhaps to make a little of it a holiday, to volunteer some of their services in the North, in the northern parts of the provinces and the Northwest Territories.

"So I think that it would be very foolish of us to say no, this is a preserve. There is no fence around this medically or any other way. We're simply saying we will welcome any reasonable offer of additional services we can use.

"No, so far as the program 'The Way It Is' it has given us pretty fair coverage, I mean, if one believes that all publicity is good publicity, then we are getting some good publicity. The way it was handled is something very much different; and the Indian lady who appeared upon that program got a letter from me of commendation, because I think she conducted herself just as finely as possible. She was alleged to be illiterate with a minimum of education, well you can use this information whatever way you like, but in a week's class which was held for about 30 of these people which volunteer their services, she stood at the top. She can write English very well indeed, she can speak English, she can speak her own language.

"So far as the medicines that these people have available, there are two groups of them. First of all, they have available the, what you might call the household remedies; the simple things, the aspirin, the band-aids, the cough medicines and the dispenser is free to use these within the judgement. I don't say his judgement, because I have the strong feeling that the judgement exacted by the dispenser in a community is the combined judgement of that community over the years. And if you noticed, on that program, the one thing that the dispenser did say to the mother who brought the child in, "What do you think is wrong with this child?" Exactly the same things I would say, because she was gathering the combined judgement of people who have been dealing with illness, simple illness for some little time.

"The other group of medicines which they have available are stockpiled because the doctors and nurses who travel to those small communities, and they do, would be overburdened if they tried to carry a drugstore with them. And therefore, we have cached at thousands of locations across this country, medical supplies which are there for the doctor and nurse, or to be given on the instruction of the doctor and nurse.

"I have made, and you perhaps saw me quoted, I have made the request, that anyone who knows that the dispenser has done harm, let me know."

Mr. Peter Johnston proposed that an amendment to the Indian Act be made where health services to the Indian people would be the responsibility of the Federal Government. He said that at the present time the Federal Government was giving them these health services at their whim, they could be cut off at any time. He said that he left this matter to the delegates for their decision whether or not such a provision should be contained in the Act.

Mr. Michael Bernard said that the National Health and Welfare had been doing a good job but unfortunately when an Indian was taken to the hospital door he was left there until other patients were looked after first. In questioning this fact, Mr. Bernard had learned from people and medical personnel that Indian Affairs paid a minimum of hospital expenses for the Indian patients whereas the taxpayer had the advantages of all of the various hospitalization plans that were sold in Ontario. The one who paid the most was therefore served first, the Indian paid nothing, the Indian Affairs paid only a bare minimum, so the Indian was being looked after the last.

Mr. Raymond Bruyere brought up the question of whether or not the Indians were able to choose their own doctor.

Dr. Procter: "Thank you, there are three or four items here. Obviously, I have no right to mention the Indian Act which of course, gives me access to it, like you. There has not been provision for Health Services in Indian Acts in the past and whether there should be in another one is of course a decision which will be made by you. I merely offer one caution, that if full entitlement to health care, and I don't know how you are going to describe that because it changes daily, what is the right type of health care; if that is tossed in the hands of the Federal Government, obviously from your own experience, you know that the door is closed to you for Provincial Health Services and Municipal Health Services.

"Maybe it shouldn't be this way, but you are old enough to see how those things have happened in the past as either, or. Now I put to you for your own wisdom and judgement, is it possible for the Federal Government with all its commitments to match the Health services which are being developed very heavily, at Federal expense, in the provinces and in the communities, What is the best for you tomorrow?

"With respect to the access to hospital care, I think it would have to put a time-tag on this. May I enquire, is there anyone in this room who is not covered for Hospital Insurance in Ontario?"

Mr. Michael Bernard answered Dr. Procter's question by explaining that the Indians were often not covered by the Ontario Hospital Plan because they did not work long enough to get that coverage; yet they lost the coverage of the Indian Affairs and had therefore no coverage at all.

Rev. Steven Beardy explained that he was from the very far north section of Ontario, right by the Hudson Bay and that he had to look after himself since he had a full-time work. He said that he paid for his own coverage himself.

Dr. Procter: "Well, I am curious about this, the question was not 'covered by us or otherwise' but 'a person who is not covered for Hospital Insurance'. I gather from what you say, you are covered at your own expense, which I commend, obviously. Well, now in this period, and remember Hospital Insurance in this province as a ten-year old child, it is not perfect by any means and there are gaps in it. Fifty thousand people are going to run into instances where the imperfections show up; but, again giving a small percentage for these imperfections, we have the utmost assurance of the Hospital Insurance Commission in this province, that there is absolutely equality of access to hospitals depending upon the seriousness of the condition and nothing else. And we will be very curious if you can give us instances where you can demonstrate discrimination based on something other than the medical condition of the person.

"With respect to the doctor, I think that the question centers on do you have at this time free choice of doctor."

Rev. Steven Beardy asked if he, being employed and married, was entitled to the medical and health service from the Indian Affairs.

Dr. Procter: "I believe that you are aware the system is that if you are employed by an employer who has a group of 15 people he must deduct the premiums. If you are employed either on your own or in a group of less than that either you must pay the premium or you must request assistance in paying.

To return to the matter of the doctor of choice, this has been a sore point for a very long time.

" Now, let me explain briefly, our attitude towards this. The most valuable thing in the health field that the individual or his family can have is the family physician who has the records of that individual and his family, if possible, going back for some considerable time. We are very much in favour of that or certainly have been very much in favour of that in the past.

" You are now on the verge of medical care insurance, it is here today for those of you who take it voluntarily, it is here today for those who have engaged in the shared prepayment medical care plan, and we can look forward to as broad a coverage of medical care insurance for the Indians in Ontario from one source or another as there is for hospital insurance.

" Then, you will have free choice of doctor. I suggest to you, be careful, if you shop for medical services, you will get a lesser quality of care."

Mr. Wilmer Nadjiwon suggested that the delegates should give a serious consideration to the fact that the Act did not contain any provision as far as medical and health services were concerned; he said that he spoke along the lines expressed in Peter Johnston's proposal stated earlier. He said that he objected to Dr. Procter's remark that the Indians had to be cautious when dealing with this matter, because the provincial and municipal health services would not be available. He said that in the field of education of the Indian people, this matter was simply given to the Province. He felt that adequate medical health services could be done on the very similar basis. He told the delegates that the reason for their attending this meeting was to ensure that they would get into the revised Act those provisions that would protect the Indian people, and medical health service constituted a very necessary protection.

Mr. Peter Johnston stated that he took a very, very great exception to the attitude of Dr. Procter, who had mentioned monetary issues, the costs involved for providing medical services to the Indian people. Mr. Johnston questioned the point whether or not it was a matter of monetary considerations, he thought it was a matter of the Indian health care that was of the utmost importance. The Government of Canada was spending so many millions of dollars on foreign aid to Africa, India, Asia and the rest of the world and was, in effect, neglecting its own Indian people.

Mr. Omer Peters remarked that all of the delegates had realized that the Indian Health Service was in a poor state of affairs insofar as Indians were concerned. He said that the Indian people needed a better health service and it was up to the delegates to make such changes that were necessary to bring an improvement in the whole field of Indian health. He said that the public wanted to believe that these services were modern and up-to-date, but it was certainly a wrong conception. The Indian people in the North had especially great problems in this regard. Mr. Peters said, that it was always the question of money; the lives of the people were balanced with money. He asked the delegates to speak out on the subject and state clearly what they felt.

Mr. Harry Miskokomon asked Dr. Procter to give the meeting the statistics of the mortality rates of Eskimos, Indians and non-Indians in Canada as they stood at the present time on the nation-wide basis.

Dr. Procter: "I do not have a volume of statistics at this time, and I would give any statistics with a great many precautions. Statistics have no meaning, so far as the small groups in which the Eskimos live, statistics are recorded in terms, in some instances of hundreds of thousands, tens of thousands or thousands; and to apply say, one birth to a family group of 10 or three births to a family community of 50, can give very fallacious results.

Generally speaking, the birth rates of the Indians across the country are twice the national average. They have stood at that generally for a number of years; but, the variation in actual terms is in the order of from 35 to 50, per thousand of population per year, as compared to the remainder of the country's 22 or 23. The Eskimo birth rates are higher still, one of the highest in the world, if you apply statistics to these very small groups of people.

"The death rates, again remember what we are talking about, death rates; if you take them as a broad brush, everyone is going to die and the rate at which the Indian is dying is just about exactly that for the remainder of Canada. However, there are certain ages among both the Indian and Eskimo people where the number of deaths are exceedingly high, 2, 3, in small groups sometimes 4 times the national average.

"The reasons for that are as obvious to you as they are to me. It is where they live, how they live. They are subject, especially the Eskimos, to some of the fiercest climatic conditions in the world. What can we do about that? If boys at a young age go off to the edge of a flow and it breaks off, they don't come back; this is not a health problem, but it becomes a statistic."

Mr. Peter Kelly said that if the delegates were going to deal with the medical care of the Indian people in a proper way, they should go beyond Dr. Procter and Dr. Nicholas and go right to the top of the ladder. He said that he could have gone to the University in the morning and could have taken a lecture on statistics, geography and so forth, and it was not his intention to sit at this meeting and listen to a lecture; he wanted something to be done for his people. He wanted people to be treated as human beings and not only as figures in statistics. He then moved a motion that the delegates meet in camera at this time to discuss among themselves those things that they wanted to bring up in the afternoon.

Mr. J.G. McGilp said that in view of Mr. Kelly's motion, and the fact that both Co-Chairman Messrs. Big Canoe and Dieter were absent attending other duties, he was an Acting Co-Chairman. Since the delegates were to meet in camera he and all the other non-Indians were ready to leave the room if Mr. Kelly's motion carried. He thanked Dr. Procter and Dr. Nicholas for their appearance and asked the delegates if they wanted to meet in camera. He then suggested to the delegates that they select a new Chairman.

Mr. Peter Kelly moved a motion, seconded by Mr. Peters that Chief Plain be the Chairman from that time on.

Mr. Peter Johnston remarked that Mr. McGilp was taking it as his own prerogative that it was the wish of the delegates that they sit in Conference by themselves. He wanted to find out what was the opinion of the majority of the delegates on this matter. He personally felt that the delegates would not get anything done by themselves; he said that their biggest problem was the fact that there was no provision in the Indian Act in regard to medical services and he thought that it was possible to wrap this whole matter up if the delegates decided

on his own motion presented earlier.

Mr. George Hill asked Mr. McGilp if the departmental officials felt uncomfortable in the meeting; he then asked whether or not they would be available to return to the meeting.

Mr. J.G. McGilp assured Chief Hill that he and other officials felt quite comfortable and perfectly at home. He then reminded the delegates that there was a motion on the floor that Mr. Fred Plain be the Chairman in the absence of Messrs. Big Canoe and Dieter and the question having been called, all the delegates voted in favour of the motion, and the motion carried.

Mr. Fred Plain after having taken over the Chair, said that ever time the delegates submitted their suggestions or asked questions they generally had to deal with civil servants; it was recognized that the Indian Affairs Branch had always very cleverly answered the questions and suggestions put forth to them. This was also the case with the two officials of the Department of National Health and Welfare who were present - they gave an open expression of their policy. He said that it was true that they had been requested to come, but when he had asked them questions he did not like to be given rationalization, he liked to be given direct answers to his questions. He did not want to be given any excuses; history would record that this was the case with the Indian people. He said that the delegates in a closed session could come to a clear-cut course of action that they would follow, where the Government of Canada and the Canadian public could be made aware of the deficiencies that had existed over the years and of the fact the Indian people were united, who would not beg anymore but would demand what was rightfully theirs. He then asked the delegates to indicate, by a show of hands, if they wanted to meet in camera.

Mr. Omer Peters remarked that in all their past meetings, the press had always been excluded and they therefore had very poor publicity. In Ottawa when they had held their last Conference, the press had been allowed to be present, they had talked quite frankly and as a result they had got the best press they had ever gotten. He suggested that for these reasons he would prefer to continue with the open meeting. If the delegates expressed their ideas frankly and said openly what they felt in the open meeting, he felt that the delegates would gain, rather than do any harm to their cause.

Mr. Michael Bernard said that he would prefer to have the open session for the same reasons as stated by the previous speaker.

Mr. Wilmer Nadjiwon asked the delegates if they wanted to have in the new Indian Act something that would protect the health of the Indian people; he said that there was too little time left for their discussion.

Mr. Harry Miskokomon agreed that there was very little time left to discuss the enormous issue of medical services to Indians. He agreed with ideas expressed by Mr. Peters - he had nothing to hide, he wanted to have the press at the meeting and the tapes to continue to record the procedures. He felt that to express openly their views was the primary reason for the delegates to attend the meeting; he was not ashamed to express his own feelings. If the delegates wanted to have these health provisions in the new Indian Act, this was the place to do it - right now at the open meeting. The two doctors were there

as employees of the country who were only administrators of regulations and they had no bearing on the delegates' desires on way or the other.

Mr. Richard Isaac felt that there should be something in the Act which would provide for the medical services for the Indian people. He told the delegates that the reason why they were at this meeting was to protect themselves and to keep, delete or add to the present Indian Act those provisions that would bring about this goal.

Co-Chairman Fred Plain remarked that there appeared to be a consensus of opinion among the delegates to continue with the open session and he asked the delegates if they had any further questions or remarks before dealing with Mr. Peter Johnston's motion.

Mr. George Hill asked Dr. Nicholas if it were true that his Department planned to close their operations in his area.

Dr. Nicholas replied that he knew of no plans to discontinue medical services in that area.

Mr. Wilmer Nadjiwon said that he was not sure about the wording of Mr. Johnston's motion, but he himself wanted to move a motion that the responsibility for health and health services be entered into any future revision of the Indian Act.

Mr. Michael Bernard said that before this motion was dealt with he wanted to state that in his area the National Health and Welfare had pulled out more than a year ago, had left an empty clinic room, all the medical supplies were locked in and were ruined; when the Indians asked what they were supposed to do, they were told to approach their nearest county health unit and ask these people if they would accept the Indians under their services. He said that they had never heard anything from these people until now; they were therefore for over a year without any medical services in their area.

Mrs. Emily Johnson asked Mr. Nadjiwon if his motion covered every band or just the reserves.

Mr. Wilmer Nadjiwon replied that he assumed that they were dealing with the Indian Act and if Mrs. Johnson was presently under the Act then this would cover her - if she was not, however, he felt that the purpose of this meeting were the revisions of the Indian Act, and his motion was moved to that effect.

Mr. Harry Miskokomon said that he was in full agreement with the motion and seconded it.

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

Co-Chairman Fred Plain asked the delegates whether they had any more questions to the two officials from the Department of National Health and Welfare.

Mr. Wilmer Nadjiwon asked the officials of the Department of Indian Affairs if they saw any great difficulties in securing the provincial and municipal health services through the authority of their Branch.

Mr. Fairholm replied that at the present time the actual provision made for Indian Health Services was through the Department of National Health and Welfare and not through the Department of Indian Affairs in any way. This was so since 1945 when the Department of National Health and Welfare was established.

Funds were allocated by Parliament each year for health to that Department. Parliament, of course, can make laws as you know and so as far as the authority of Parliament is concerned I see no difficulty. Parliament can do it. It is a matter of Parliament wanting to do it or deciding to do things.

Mr. Raymond Bruyere wanted to know at what time would the Minister of Indian Affairs arrive.

Mr. J.G. McGilp replied that he should arrive around 2:00.

Mr. Raymond Bruyere moved a motion that the meeting adjourn.

Co-Chairman Fred Plain mentioned that Dr. Procter asked to be allowed to make a final statement before the adjournment of the morning session.

Dr. Procter: "I want to reiterate my appreciation of the invitation to be here. I have benefited by it. I apologize if I have ruffled some people, but for these 20 years I have been talking to Indians man to man and expressing my opinion straight. I thought that that was the proper thing to do here. I think that it has been expressed very clearly to you from a gentleman that I am an Officer of the Crown, that I have no authority whatsoever with respect of what goes into Acts of Parliament. I think if you will consider it, it will make our life exceedingly more simple and easier if there are Acts and regulations covering a matter where we have been attempting to do the best we can over some number of years. And I wish to correct another impression. I am sure that I did not attempt to boast of the quality of this service. I am not ashamed of it, believe me, with respect to what we have had and what we have done. I did give you my opinion of the forecast of what was a better future, but it was my opinion.

Thank you again."

Mr. J.G. McGilp suggested that the afternoon meeting should begin at 1:45 p.m.

Co-Chairman Fred Plain adjourned the meeting at 12:15 p.m.

Co-Chairman Big Canoe announced one item of business to be cleared up before the Minister's arrival, i.e., the choosing of two delegates from this conference to attend the Ottawa conference, presumably this spring. He asked for suggestions as to how they might be chosen. When suggestions were not forthcoming, he asked Mr. Fairholm to make an explanation of what was involved.

Mr. Fairholm informed the Co-Chairman that the original intention was that a representative be chosen from each of the nineteen meetings that would be held, plus a nominee from each of the Indian associations, to attend a wrap-up meeting of this round of consultations. This would be held in Ottawa, to review the reports of the various meetings and probably see where there was agreement and where there was disagreement, and perhaps discuss the general principles that should be in the legislation.

Mr. Fairholm said there had now been more areas suggested, in terms of numbers, than had been originally thought of, and this morning one way had been suggested of dealing with the matter - roughly population-wise - which would give Ontario seven delegates. Delegates would be selected from this meeting, so they would know what had gone on at their own particular meeting, and would have a sense of feeling for what had gone on at their own particular meeting.

Mr. Big Canoe asked if there were any questions or comments on Mr. Fairholm's remarks.

Mr. Bruyère, Fort Frances, said he thought the panel looked much better now that they were "in this light" (referring to the T.V. high intensity lighting.)

Mr. Johnston, Serpent River Band, informed the meeting that the people who attended the Sudbury conference had got together and decided there would be two representatives from their area - Peter Johnston and Ronald Wakegijig.

Co-Chairman Big Canoe then called for nominations for two delegates from the Southern Ontario area to attend the Ottawa conference.

Mr. George Hill asked for a list of delegates from the area. In lieu of the list handed out at the beginning of the week, Mr. McGilp suggested the delegates look around the table and refer to the report of the previous Toronto meeting.

Mr. Bruyère nominated Mr. Peter Kelly of Kenora, but withdrew his nomination when it was pointed out that this election was for the Southern Ontario area only.

The following were then nominated:

Mr. Harry Miskokmon, by Mr. G. Hill, seconded by Mr. L. Monague;

Mr. Omer Peters, by Mr. Dewasha, seconded by Mr. McCue;
Mr. Wilmer Nadjiwon, by Mr. Mel Hill (Robert M. Hill), seconded
by Mr. Miskokomon;
Mr. Fred Plain, by Mrs. E. Johnson, seconded by Mr. Marsden;
Mr. Richard Isaac, by Mrs. R. Hill, seconded by Mr. Peters.

Mr. Big Canoe was nominated by Mr. Mitchell, but declined to stand
for election.

Mr. Mel Hill moved that nominations be closed; seconded by Mr. Mitchell.
Nominations were closed.

Mr. Peter Johnston suggested that for purposes of this vote, Northern
Ontario delegates refrain from voting.

Co-Chairman Big Canoe agreed, pointing out that only Southern Ontario
delegates should vote.

Voting was by secret ballot, and at the suggestion of Mr. Dewasha, it
was agreed the voters would write two names on each ballot. Mr. Big Canoe
named Mr. Peter Johnston, to count the votes.

Co-Chairman Big Canoe announced that, at the morning session, Mr.
Norman Cafik, M.P. from the Ontario riding was present, and he wished to
record Mr. Cafik's attendance as an indication of his interest.

Mr. Monague introduced his friend, Mr. Phillips, a businessman from
Collingwood, Ontario.

Mr. Bruyère pointed out that a delegation of welfare administrators
on a course in Toronto were visiting the meeting.

Mr. Big Canoe announced the results of the vote as follows:

Omer Peters, 17 votes; Mr. Fred Plain, 13 votes. The two
successful candidates expressed their thanks.

Co-Chairman Big Canoe suggested two alternates be appointed. In
the previous voting, the next in line were Mr. Nadjiwon and Mr. Miskokomon.
These two were accepted as the alternates.

While awaiting the Minister's arrival, Mr. Bernard asked if one of
the social service students from Ryerson, previously referred to, would
speak on their work. One student announced she had obtained the assistance
of 100 Osgoode Hall students to help Indians in the courts. This was her
service to Indian Affairs.

Upon the arrival of the Honourable Jean Chrétien, Mr. Big Canoe
asked each delegate to identify himself. The Minister then spoke as follows:

"I am happy to be here this afternoon. These meetings are not the
last, but it's the first round of consultations which, as you know, will be
completed next week. I am going from here to Terrace, B.C., and it's going
to be the last meeting that we'll have in the first round of consultations
with the Indian people of Canada.

"We started these consultations in July, and it is the first time
that we really consulted with the Indian people on such a big basis. We
have had up to now 15 consultation meetings like this one and it has been
very useful for us and for the Indian people too, because it has given us
the opportunity to listen to your views and see what kind of problems you
face; and it permitted you to exchange views between yourselves, because
communication between Indians is as important as communication between Indians
and the government and the people of Canada. These meetings have been very
good for that purpose. We have received a lot of representations and I think
this first round of consultation has been a great success.

"You know there are some problems we face because in some places,
like here in Toronto, it's quite easy for you to express yourselves. From
the daily report that I receive from the officials of the Department, I
understand that these meetings have been quite good, and you have expressed
your views quite well. In some remote areas we have faced problems in communica-
tion. Many of the Indian chiefs who came there were a bit embarrassed by the
environment and it took a few days before they started to talk. So as a whole
I think that we made a lot of progress in communication.

"Aside from these consultations that I had and the Department had
with all the chiefs or representatives of the bands in all the country, I
have kept in contact with the leaders from time to time. I had the good
fortune to have in Ottawa for a week in December the National Brotherhood,
where they discussed the same kind of problems, but from every place in
Canada. And I think it is very important that we permit the Indian people
of Canada to communicate with each other, because the problems that you face
in one part of the country are not the same that the Indians face in other
parts of the country and it is very, very useful for you to have a chance of
communication between yourselves.

"That is why, I think it is going to be the beginning of March,
we will have a meeting in Ottawa of representatives of the consultation
meetings, in order to give the opportunity for us and for the Indians to see
the views that others have. When you discuss a problem in New Brunswick or
in Saskatchewan or in Ontario or Quebec or B.C. you see that there is a
difference of opinion within the Indian community, and this is normal.

"From these consultations we got a lot of views and a lot of light
on the problems and this will permit the Government to consider the development
of a new policy that will suit both your aspirations and your problems. I
know that what you want is basically, in my judgement, the same thing that I
want as a member of a minority group myself. I think that what you want is
to have the opportunity to share both in the advantages and the responsibilities
of being Canadian. You want to be able to make in many instances your own
decisions. In the past we have been inclined, perhaps, to make decisions for

you. I think that there is some anachronism in the administration because of the heritage of the past. But we are not here to discuss the past, we are here to think about the future. I know that we have, for example, to decentralize; we have to give more authority to the Indian at the band level to make their own decisions - because this is the way you will develop the leadership you need in order to be able to give a sense of participation to your people and a new pride in your history.

"I know that now this is developing within the Indian community of Canada. They want to have the advantages of modern society, because it's normal. The people don't want any more to live in shacks. They don't want any more to live in tents. It's not economically possible to live by fishing and hunting. You want better education so as to have the mobility needed to choose the way of life that you want. I think that all of this is emerging from the consultations we have had over the last six months with the Indian community of Canada.

"I know that you're a member of a group, a minority group, and I know that you are proud of your background, of your tradition, of your culture; and it's something that you should try to preserve. But is not something that others will preserve for you; you must preserve it yourself. If you have the will to keep it, you will find ways and means and we will help. But it has to come from yourself, because a tradition or a culture is something that we have in our blood and if we believe in it we keep it.

"This is what happened to us as a minority group. We speak a different language, and I think that we can be different in our society in Canada and be at the same time full citizens of the country. I am French-speaking. I am proud of that background but I am not less a Canadian for that. I want to share in the advantages and the responsibilities of being Canadian, and I know that you want the same thing. At the same time you want to find ways and means to keep your culture and your tradition, because your history is part of the Canadian history and we have to be aware of it, and I know that you are aware of it just like I am.

"But I am not here to make speeches. I am here to listen because consultation is supposed to be both ways. Perhaps in the past we did too much of the talking, so we let you talk these days. So go ahead."

Mr. Louis Waswa, representing the Treaty 9 area, then read a statement to the Minister, as follows:

"We wish to express our thanks to the Government for their initiative in calling this consultation with the Indian people of Ontario. Also we want to thank those delegates who have spoken so well in the past few days and who have proposed useful ideas concerning changes in the Indian Act.

"However the Treaty 9 Indian Bands in Northern Ontario must be further consulted before any changes are made in the Indian Act.

"The Treaty 9 Indians are not adequately represented at this consultation. Only two delegates were invited from the entire Treaty 9

area, an area which contains a large number of Ontario's treaty Indian people. Even if other delegates had been invited they would probably not be able to understand these deliberations because of language problems.

"No doubt the problems described so effectively here by delegates from southern Indian Bands will affect our people in the future. But we in the north face radically different problems. In fact most of the special difficulties we face can be summed up in one word: isolation.

"Travel between our communities is possible only at great expense and in many cases special aircraft must be chartered which of course operate only in favourable weather conditions. Postal facilities are very limited. Even in larger communities such as Fort Hope the once weekly mail service is often further delayed by weather.

"In addition to the geographical isolation, communication with the outside is further hampered by the language problem. Few of our adult people speak English; very few can read and write.

"Therefore on behalf of the Treaty 9 Indians of Northern Ontario we request that a further consultation be called by the Government with representatives from all the Bands in our area with full translation facilities available in order that the people be given an adequate and fair voice in these matters which are of vital concern to all of us."

Co-Chairman Big Canoe again noted that these presentations are taped and Mr. Waswa's presentation was now on record.

Mr. Miskokomon then spoke concerning a brief (attached as Appendix "B") prepared by the Agricultural Institute of Canada, which was submitted to the Minister last November. He said that the Department, through the efforts of Mr. Len Marchand, now an MP, and the Honourable Arthur Laing, had arranged for the Agricultural Institute to review the agricultural potential of Indian reserves. Eventually, the Department will copy the context of this brief, he said.

On the back of the brief were listed the names of those who attended a conference at Jasper to consider the recommendations. Mr. Miskokomon had attended as one of the Indian representatives. He asked the delegates to take the brief back to their band and assess it. He indicated that the recommendations were listed under four topics and that the project was underwritten by Indian Affairs. He thought the Minister appreciated the effort that was put into it by the Agricultural Institute and the contributors.

The Honourable Mr. Chrétien replied as follows:

"Thank you, Chief. I would like to make only one comment on that last brief. I think that it's a very good brief. Because there is good potential in many reserves for agriculture, I hope that that kind of study will help to persuade the Indian people, wherever they have good land, to become farmers. I understand that in many, many places across the country now a lot of the Indian land is on leases to white farmers and this is one

of my concerns. I think it's a kind of operation that some Indians should take up. You are aware that we have lately passed two pieces of legislation in order to help the Indian people who want to go into the farming business to have access to the same sources of money as other farmers. It was not possible previously, for example, for an Indian to go to the Farm Credit Corporation, and we changed the Act in October and November to permit Indians who live on the reserve to get money from the Farm Credit Corporation on the same basis as any other farmer in Canada. And we are in the process to change too - I don't know if it's completed now, but it had been tabled in the House and studied in the House. I don't know if it has passed the Senate stage. It's an order to permit the Indians to borrow money under the Farm Syndicates Credit Act. I do think that it's a step forward, where we develop policies to permit the Indian people to have access to the same credit facilities as other people.

"It had been in the past a big problem and it's a step in that area; but we'll move forward in other areas, we hope, soon."

Mr. Bernard said he hoped that, if the Minister succeeds in doing what Chief Miskokomon's brief asked, that this (farming projects) would not be intended for Indians of the north who hold large tracts of land that is not farm land.

Mr. Big Canoe then called upon the MP for Middlesex, Mr. Lind, to be introduced, but he was no longer present. He invited Mr. Norman Cafik, member for the federal constituency of Ontario, to the head table.

A delegate commented to the Minister that, while he did not intend any slight to his address, one thing stood out in it - that we should not look to the past, but should look to the future. He didn't disagree with this, but he believed that the past and the present are very closely tied in. He said a motion had been passed from this, that the treaties, which have been in the past, should also be part of the present and the future of the Indian people.

In response, Honourable Mr. Chrétien replied, "Oh, yes, I don't want to create that impression, because I'm on record on that, that if there was some injustice of the past that can be corrected, we will certainly correct it. Because it's a base, you know, for understanding; and if some land had been taken away from a reserve without compensation and soon, I have been on record that we will look into these things and into the treaty problems. We are studying these. I didn't want to overlook these problems at all, I just said that it will help to make a better future if we solve these problems. I agree with you entirely."

Mr. B. Johnson, said he had a matter to bring up, but would concede to Chief Plain, who wished to speak on the same topic.

Mr. Plain said he would make his address directly to the Minister. The consultations had been made known to the rest of Canada through the press releases, and the Indian peoples ought to be grateful to have an opportunity

to express their views, their fears, and their frustrations. He said they hoped that in the end they would not be cast aside, but would be received very carefully by the Government of Canada. In the present meeting in Toronto, the Indians had pointed out very clearly that the Indian Act as it exists is an Act regarding a specific people. It would seem very strange if a government of the world would pass legislation for a people because they are people. If an Act of Parliament can be legislated just for a people because they are people, then he asked why should there not be an Act for the Chinese, the Italians, or the Swedish people.

He submitted that the Indian Act was originally legislated for the purpose of protecting the rights, the privileges, of a people who became dispossessed of their heritage. When they became dispossessed and driven into Indian reserves, for which he had coined the phrase "wilderness ghettos", the various Indian nations made treaties with another nation. He said he assumed treaties such as we know in the world today are effected between nations of people.

Somewhere in the course of history, he said, the Indian tribes or nations of peoples must have been recognized by the British Crown as entities or nations. If they were nations of peoples, they must have had a place of domicile.

Mr. Fred Plain said that if he went to a lawyer at Sarnia, near his home, and asked him to make a title search of land whose ownership was questioned, the title search would be made, and out of the records would come the title vested in the last party. This he would have to concede if he had made claim to it and found that clear title had been given to another party.

He believed that the Minister was going to see an expression of unity - not splinter groups or a people who do not know where they are going - but a people who see clear objectives. They have a voice and they are going to exercise that voice. They are not going to beg and plead, but to demand, that the Government hear and very carefully review what they have said.

Mr. Plain submitted that, when the various treaties were executed, for example, the Jay Treaty, The Robinson Treaties, the Gunshot Treaty, the Indian people were recognized, and he did not see how a treaty could be abrogated unilaterally. He asked when and where and how did the courts decide that the lands in the treaties, reserved by the Indians, ceased to be Indian lands. When was title vested in the Crown? He said he was going to ask the Minister to answer his questions when he was finished.

At what point in history, Chief Plain asked, did these people suddenly become nonentities?

Answers at these meetings were very vague, he said. How can Indians proceed with normal business, if any act can be vetoed by a section of the Indian Act or by power vested in the Minister.

In view of the intimate relation between the Indian Act and the various treaties, he said the meeting unanimously wished to go on record that it will not agree to any revisions to the Indian Act until the Canadian Government acknowledges the existence of, and the inviolability of, Indian treaties and treaty rights.

It was therefore recommended that, before any final decision is made or legislation passed by the Canadian Parliament respecting revisions to the Indian Act, consultations should be held in which treaties, and treaties alone, may be discussed.

There are differences between non-Indian people, he said. Differences of the Indian people with the Canadian Government entailed wholesale violations of ancient treaty rights which, he indicated, were continuing, and were being exercised against a much maligned people because of the existence of the Indian Act which superseded treaties that were effective at one time.

Mr. Plain requested the Minister to inform Parliament that the Indian Act consultations are meaningless until there is a proper and thorough discussion in consultation. Before these consultations, the Indian people must be made aware that this will be done, so that the various Indian delegates can assemble their treaties, they can, if necessary, gain the confidence of legal experts who will point out the intricacies of the various treaties.

Mr. Plain again asked the Minister on behalf of the delegation, to present this to Parliament. If a negative answer is given and the feeling continues to be, that revision of the Indian Act can alone be the answer to the problem, then he submitted that all the consultations and pleas may be written in the pages of history as a gigantic lesson in futility.

Mr. Big Canoe said the Minister would reply after the coffee break. Mr. Chrétien said, however, that he could take a few minutes at once, if the meeting would permit. He then replied as follows:

"You know, you have to understand that there are two problems. You talk about the problems of the treaties and I say it is a problem and in some ways we have to look into that, we have to see which land has been given to the Indians, and which land is in their hands now and so on. It's one of the problems we face and it's a different problem than the Indian Act completely.

"I do think that the Indian Act is the way that we - you operate yourself at the Band level and that you handle your own things. If we were to stop the revision of the Indian Act or change anything up to the time that the problem of all the treaties are over, you know we have to be realistic about these things. It's a different proposition.

"One of the complaints I hear for example, is we should give more authority to the Band level in order to permit the Indians themselves to make some of their own decisions.

"But it is a step that we can take quite easily in a revision of the Indian Act and it would not put aside the problem of the treaties. It's two different problems.

"I am aware and I will report to my colleagues in the Cabinet what you said about the treaties. I think that it is a very important aspect, as I mentioned, to the point of order the Chief made a few minutes ago. I am aware of it and I think that we have to look into that, in order to make sure that if there was some misgivings in the past, we correct these things.

"It is one kind of problem; there are the other kinds of problems. We face problems today that we have to solve today. Your sons and your children, what they need, for example, is a good education. It is a part of the goal that any citizen has, aside from the problems of treaties and so on.

"You have the problem of organization, the welfare problem and the community development problem. These things are problems that we face today. We cannot put these things aside to look into the other questions. It's going to take time.

"When you look into what is happening in the United States now with that problem - they have looked into that and it takes time because even you just said it will need some time because you want to hire good lawyers in order to look into these treaties to tell you what are your rights, what had been signed at that time. If we were to put aside everything to solve these problems we would perhaps lose years and years that are very important for your people.

"When you think, for example, that half of your population is under 20 now we have to be concerned about these people. You spoke about ghettos, and if they live in ghettos, we have to make sure that they will not live forever in ghettos. In order to make sure that they will get out of it, we have to give them the mobility that they need; and they will get the mobility with education. We have a program of building houses and we have to keep on and we have to do these things because we cannot put all these things aside to solve the problem of the treaties.

"The treaties are a problem, I am aware of it and I want to solve it. I have been carrying on these consultations for six months and there is not any place where the people have not referred to it. But let us not divert our attention too, from the other very urgent problems that we face. And we can go and look into these two problems at the same time.

"If we are to put aside the revision of the Indian Act to try to solve the problem of the treaties I think there are a lot of things that we have to change, and quickly, in the administration of the Indian Affairs

Department. Because I feel strongly that we have to permit the Indian people to have access to the same facilities as other citizens in the land. I think that there are a lot of things that I would like to correct. If you want to borrow three or four thousand dollars from CMHC to extend your house or to build a house, I have, as the Minister, to sign it and I think that that is not normal; I think that you should do your dealing yourself.

"You know, because of my background, I am not too good, as I said, in the House of Commons yesterday, as a colonialist. I think that if you want to do business you don't have to ask me to do that business. But I can't change these things right now. The other problem is a different problem but we're looking into that. But I know that what we have to do is to get together to solve all these problems. And not to be too doctrinaire, but to look into all the problems that we face; and there are some very urgent problems. I know that you have devoted a lot of time to the problem of health services, you have talked about the housing problem and you have talked about work for the Indian people.

"I think there are a lot of things that we have to do. For example, last week I said to the Chamber of Mines convention that they have to hire the people who live in the north. For example, if they want them to do their work for them, they will be the most stable labour force you could have in the north because it is their own environment. And when we sign contracts with new operations in the north, we put clauses now, in order to try to force them to hire the Indians that want to work there. And I think that we have to do these things and we should not divert our attention from the other real problems that we face.

"It's a real problem - the treaties. I agree with you entirely. You know, I am looking into that, I am trying to find a way to cope with it as quickly as possible because it is important emotionally for you people and for us too. But, you know, where I disagree with you is that we should not put aside everything else to solve it. I think that we should try to solve it and do the other things that are badly needed right away."

Mr. Plain asked the Minister if he was to take it from the Minister's answer that there definitely is a difference concerning the relationship between treaties and the Act of Parliament. He took it that the Indian Act is an Act alone regarding people, and people alone. He submitted that there is no difference, there could not be, and there never will be between the ancient rights effected in the treaties by his forefathers. He said there could be no divorcement between treaties and the Act of Parliament that was legislated to protect the rights of these people.

Mr. Big Canoe then called a coffee break.

Co-Chairman L. Big Canoe called the Meeting to order. He noted that it would be necessary to adjourn the Meeting between 4 and 4:15. He therefore requested the delegates to make their speeches to the point. He also advised that if they did not have the opportunity to place their comments on the record at this time that written submissions were acceptable. He suggested that the Minister would be available for private discussions for a short time following the adjournment. He called for comments from the floor.

Mr. Peter Kelly enquired whether an Act was already being forwarded.

Honourable J. Chrétien advised that there was no new Indian Act drafted at this time.

Mr. Peter Kelly also asked, based on the discussion between Chief Plain and the Minister, whether it would be possible for the Minister to set a date for the negotiation of the Treaties and simultaneous discussion on the Act.

Honourable J. Chrétien: "On the question of the Treaties - you know it's a problem I am studying now, I know we have to do something about it; I don't know exactly which mechanisms we will give to it. I have received some representations. Basically where we want to go ahead with an Indian Claim Commission, some Indian people have told me lately that they would like a different approach from this; some speak about direct negotiations; and some talk about other possibilities. I am looking at all these things to find which one would be the best to look into that problem. I will come up with a definite answer quite soon I hope. As far as other consultations on the Indian Act I have said that when we propose the changes after the first consultation - you see because the government will have to make up its mind on the problem of the Indian Act - before it becomes a Law, we will organize another series of Consultations. We have asked of you during the Consultation questions and these problems - I will take one for example - like who should be a member of a Band? It is a question that you have dealt with when you go in one Reserve, or when you go in one Consultation, the tendency is to take a strong line. The girl who marries a white man is one of the problems for example, where it is quite difficult for some Indians to tell us an answer. Some say whenever a girl marries a white man she should be out forever - they don't want to see her anymore in the Band - and there is the other group who say no, she is born Indian and she should die Indian, and that sort of thing. So at this point the government will have to make a decision so these questions will have to be solved - I don't know which form because you asked me the question previously do you have an Indian Act written now? I said no. Because I will not start to write the new Indian Act or the new legislation for the Indians until the consultations are over. I know, I have some ideas myself right now, but it would not have been nice for me to come today and discuss these with you if my policy had been developed right now. But you will have these consultations; they are useful and it is the first time that it is done and we hope that we will keep on that form of exchange because it is not valuable only for us, it is valuable for you. In many of the Consultations, I found that the two or three first days when the Indians were together and we were not there it gave them the opportunity to meet together and exchange views. That is something that never happened in the

past and it was quite useful for the Indians themselves because you exchanged your views and methods. Some have techniques that others do not have; and you exchange views on these things. This Meeting in Toronto is the second one that we have had because the first one was found to be not long enough. It was extended. All the deliberations of these meetings are to be printed, and my advisors are reading them and making comments on all these questions and assessing them. From there on, the Government and I will have to make up our minds on these issues, and decisions. It is always difficult to make decisions - but I must tell you that I know much better now about the sentiment of the Indians and their views than I was able to know four or five months ago."

Mr. Peter Kelly: "There will be negotiations on the Treaties?"

Honourable Jean Chrétien: "Oh, yes, I think that this is a problem. We have to meet the Indians on these things. I don't know in which form yet, definitely; it's a matter of policy of the Government and I cannot reveal here the policy of the Government. But, it will be known in due course, and I tell you that it's a problem that you cannot push aside. We have to face it squarely."

Miss D. Opekekew noted that a non-delegate had attended most of the current session and would like an opportunity to speak. She therefore moved that Mr. Mike Mitchell of the St. Regis Band be permitted to address the delegation.

Mr. Wilmer Nadjiwon seconded the motion. He noted that the younger people who expressed an interest in the affairs of the Indian people should have an opportunity to express themselves.

Chairman L. Big Canoe, upon a show of hands, declared the motion carried.

Mr. M. Mitchell (an observer) noted that discussions should be held on the treaties as they appeared to be vague or unknown at this time. He advised that their forefathers had negotiated the treaties, and by so doing had established lands which would be kept, as a place to stay for their descendants, for the use of their people. He noted that a great deal of land had been given up at that time and there was little left. He believed it was very important for the leaders to be discussing the broken treaties. He inquired whether the Indian Act review came before the treaties; did the Indians know the importance of the treaties; did the young know of the treaties; did the old know about them; why were they called Bands today when they were always nations and it was as nations that the treaties were signed? He believed that the reserves were lands that were never surrendered and asked why they were called Crown Lands. He thought these points should be considered. He suggested that the treaties should be re-negotiated as Nations. He believed that one of the major problems with the Indian people at this time was the lack of unity. He suggested that without one mind it was impossible to negotiate the Indian Act or the Treaties. Regardless of the fact that the Indian people were scattered, he thought they could, and should achieve unity. He deplored the various factions within the reserves and between the reserves. He also noted that the leaders who were discussing the Act, the Treaties and similar matters, must do so for their children and those not yet born and ensure that the reservations were kept for them as

their forefathers thought of them. He indicated that the Indian Act was there to protect the rights of the Indian People and their land although it was outdated. He stated that the Indian People were a proud people and must again learn to be proud. He advised that he came as a messenger from his people on the St. Regis Reserve who was sent to plead for unity and their children. He believed that if there had to be an Indian Act, the leaders must be sure, and of one mind, to protect the rights of the young ones. He noted that changes in the Act would affect all Indian people across the country, not just those attending the meetings, and it must be considered in this light.

Mr. Fred Plain noted that he had suggested in the steering committee that either Mr. Chrétien or Mr. Andras attend the entire meeting although this proved to be impossible. He suggested that future discussions should be held with the elected members of Parliament and not the members of the Civil Service. He enquired whether some way could be found for the Parliamentary Committee to sit and consult with the Indian people. He believed that the dialogue must go beyond the established system who are experts only on their own interpretation of Indian affairs.

Honourable J. Chrétien: "You suggested a meeting with a Committee of the House of Commons. You know, the Bill, or any Bill, concerning the Indians will go to a Committee of the House of Commons. I think that the Committee Chairman, and the members of the Committee, will be anxious to hear your views on any of these things. That has been the policy in the past of the Committee. They will probably be very happy to hear you. I cannot talk for them as it is a separate institution. Frankly I am a Member of Parliament, but the Committees work that way, and they invite the people to come and express their views. I will pass along your words to the Chairman of the Committee, Mr. Watson. By the way, the Committee, starting tomorrow, are going into the North to visit some Indian Communities; and they will visit some communities in the Yukon and the Northwest Territories to get acquainted with the problems of the Indian Communities up there. The Chairman was telling me that they hope later in the year to move out elsewhere in the community to see different situations in the Indian communities. So I will convey to him your suggestion that you want to meet with them.

"As far as the consultation here is concerned my colleague Mr. Andras was here on Monday and I decided I was to come on Sunday. You know it is quite difficult too, because we have other engagements; however, it is very important for you that we come. But don't be worried - we receive your views, it is all recorded, and it is analyzed, and we know the substance thereof, and the intervention that the people make here. The people who come here, the Civil Servants who come, are here to help and to give you some technical advice. I don't know everything about the legal technicalities, you don't know either, so sometimes they are quite useful in giving you some of the background of the administration situation. I do think that they have done a very good job on that and for me, you know I came today. So we have been around two days out of the four or five days of consultation. I wish I could have had more meetings. But I must tell you, Chief Plain, that I travel about twenty-five thousand miles a month, and I have stopped and visited about thirty Reserves in the last six months, besides being a Member of the Cabinet, and I twice received the representatives of the Indian National Brotherhood. They spent a

week in Ottawa and they had absolutely no difficulty in meeting me, either personally or as a group. I am always happy to give the opportunity to people to talk with me whenever possible. But the community is so large, and there are two thousand different reserves in Canada, so unfortunately, although I would like to spend hours with every Chief it is quite difficult to do. You know you can probably quite easily have easier access to us than perhaps you had ten years ago."

Mr. Fred Plain enquired as to who informed the Minister of the discussions and comments - Who did the analyzing.

Honourable J. Chrétien noted that the transcript was available for his reading at any time. He added that he himself could not be present all the time although he wished he could do so. In answer to the specific question he noted that the analyzing was done by members of the Department.

Mr. Peter Kelly referred to the Canadian Bill of Rights respecting discrimination, particularly equality before the law and protection of the law. He advised that as a delegate of Treaty 3 he supported Chief Plain's comments respecting legal representation for the Indian people in future discussions at the Treaties.

Honourable J. Chrétien advised that the matter of legal advice for the Indian people was one of the problems that was currently being considered. He noted that some could afford it and some could not. For this and other reasons it was a difficult problem. He thanked Mr. Kelly for his presentation and advised that it would be kept in mind.

Mr. R. Isaac advised that he did not agree with Mr. Plain that we do not deal with the Indian Act before the Treaties. He believed that there should be flexibility; and both sides should negotiate in a proper manner and not make demands. He advised that his Council's approach to these discussions was on the basis that the Indian Act should re-affirm all treaties and should set out fully all rights, privileges and the responsibilities of all Indian Bands, Tribes and individuals. He reiterated that in his opinion the Act was vital to the Indian people and they should deal with it.

Mr. F. Plain noted that in dealing with the Treaties he was dealing with the Indian Act, since there would be no need for an Act if there were no treaties and rights under them.

Mr. Peter Kelly as a delegate of Treaty "3" re-affirmed his position that the Treaty "3" Area would not be subservient to any area and that these people shall deal with the Government on an equal basis.

Co-Chairman L. Big Canoe noted that time had caught up to the Meeting. He extended his thanks to the Minister, the members of Parliament, the Federal and Provincial Civil Servants, the delegates and the visitors. He requested Mr. Chrétien to extend their thanks also to Mr. Andras.

Upon motion the Meeting was adjourned. (4:05 p.m.)

APPENDIX "A"

The delegates to the Conference had unanimously agreed to form three Groups, or Committees, which would meet separately in the mornings and early afternoons of Tuesday, Wednesday and Thursday (January 21-23, 1969) and each of them would then present a report on the plenary Session held between 3:00 - 5:00 p.m. on those days. The three Groups had the following membership:

Group A

Chief Harry Miskokomon
Mr. Leslie Dolson
Mrs. Emily Johnson
Mr. Henry Ashawasagai
Mr. Solomon Pawis
Mr. Harold McCue
Chief Ralph Loukes
Chief Fred Plain
Chief Fred King
Chief Angus Mitchell
Mrs. Arletta Silver
Mr. Louis Waswa
Rev. Steven Beardy
Mr. Basil Johnson
Miss J. Corbiere

Group B

Mr. Omer Peters
Mr. Paul White
Mr. Leonard Monague
Mr. Wilmer Noganosh
Chief Flora Tabobandung
Mr. Arnold Goose
Chief Dalton Jacobs
Mr. Michael Bernard
Mr. Walter Johnston
Chief Richard Isaac
Mr. Robert M. Hill
Mr. Lorenzo Big Canoe
Mr. Raymond Bruyere
Mr. Peter Kelly
Mrs. Charles McLaren
Chief Toussant Michano
Mr. William Meawasige
Mrs. Irene Pawis

Group C

Mr. George Hill
Mr. Mervin Dewasha
Mr. Arthur Sandy
Chief Norman Stinson
Chief Kenneth Marsden
Mrs. Evelyn Sarazin
Mr. Alfred Thompson
Mrs. Rena Hill
Mr. Wilmer Nadjiwon
Mr. Ronald Wakegijig
Mr. Gus Debassige
Mr. Peter Johnston
Mr. Walter Dieter
Miss D. Opekekew

The Agricultural Potential of Land on Indian Reserves

A joint project of

The Agricultural Institute of Canada

and

The Department of Indian Affairs and Northern Development

October, 1968

The purpose of this project was to study and make recommendations which would help the Indian people to improve their economic and social level by developing the agricultural potential on Indian reserves.

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INTRODUCTION

The Agricultural Institute of Canada, to commemorate the International Year for Human Rights, took particular note of the economic, social and cultural conditions of the Canadian Indian people. To help these people the Institute established a project to study and make recommendations concerning the use of agricultural land on Indian reserves.

This document represents the observation and recommendations of four main groups.

1. Representatives of the Indian people;
2. Officers of the Indian Affairs Branch;
3. Interested and knowledgeable people outside of the Agricultural Institute of Canada;
4. Agricultural Institute of Canada members with special knowledge and skills, representing the many areas of agriculture.

These people considered the recommendations at a conference held at the Jasper Palisades Training Center, October 20 - 23, 1968.

The potential exists for the development of approximately three million acres of land on Indian reserves. This land could support approximately 4,000 Indian families on economically viable farm units. However, even the full development of this agricultural resource could only support about 25% of the Indian families now resident on reserves with agricultural potential. Other programs must be found to provide for the remaining 75% of the Indian people on these reserves. (It was not in our terms of reference to consider those Indians on reserves without agricultural potential.)

Because of the tremendous sums involved, we recognize the need for governments to set priorities on expenditures for programs for the social and economic benefit of the Indian people, and consideration must be given to the comparative advantages of alternate courses of action.

In this context the conference recommends that programs to develop the agricultural resources be undertaken on reserves for the benefit of the Indian people.

To support this recommendation we submit:

1. This Conference has established that many Indians wish to farm. It has also established that there are now successful Indian farmers. There are many reasons why some Indian farmers have not been successful in the past but, despite reports to the contrary, Indian people can be successful farmers if established on economic units and allowed the same opportunities as non-Indians.

2. It is logical that expenditures for resource development programs should have a high priority because such programs have the potential for the development of human resources and of increasing the Gross National Product.

3. The establishment of successful farms on reserves could provide ancillary employment for other members of the band. More important such examples of success on the reserve could motivate other members of the band, particularly the younger ones.

4. All our natural resources, including agricultural land, must be developed at the appropriate time in the long range interest of the national economy.

This conference firmly believes that the Indian people must be directly involved in the initiation of decision making, planning and implementation of all programs relating to the development of the agricultural resource on Indian reserves.

It is realized that some of the programs we are suggesting are already in operation in some provinces but we recommend that these programs should be implemented in other provinces where feasible.

It is the hope of this conference that the immediate implementation of these recommendations will help to raise the economic and social level of the Indian people on these reserves.

RECOMMENDATIONS

LAND USE AND ECONOMIC POTENTIAL

1. General

Whereas studies have identified 1,990,000 acres of potentially arable land and 1,239,000 acres of grazing land on Indian reserves in Canada, which fully developed would support at least 4,000 farm units or equivalent, and,

Whereas it has been established that even though census data identifies 1,330 farms on Indian reserves (1966), there is a demand from Indian people to establish more economic farm units which over time would occupy this land,

Therefore it is recommended that policies be adopted to bring this land into agricultural production by Indian farmers for their use.

2. Tenure of Land on Reserves

Whereas Indian farmers require security of tenure on land, or at least the security of the right to the use of land over sufficiently long terms to permit and encourage development inputs and to provide continuity of opportunity in agriculture and,

Whereas such tenure should be subject to satisfactory use,

Therefore it is recommended that a system be developed through which an individual Indian farmer, rancher or group of farmers or ranchers may acquire control of land for continuous use in agricultural production, by a Certificate of Usership. (1) This certificate to be transferable between the parties concerned. Such certificate may be cancelled by band authority (subject to appropriate appeal) on satisfactory evidence of failure to properly use this land. It is further recommended that the leasing of reserve lands to non-Indians be permitted only when such practice does not interfere with the development of farms for Indian farmers.

3. Credit

Whereas it is recognized that adequate capital, both long and short term, is required to establish and develop farm units to provide agricultural opportunity to Indians,

(1) Certificate of usership - a certificate giving the owner the right to use the land for the purposes specified and for the time specified. This certificate will provide the farmer with security of tenure.

Therefore it is recommended that action be taken to establish adequate credit programs which will meet the requirements of developing Indian farmers.

4. Supervisory Services

Whereas the operation of a modern farm business is a complex management process,

Therefore it is recommended that an advisory system be developed to provide essential management assistance to developing Indian farmers.

5. Services

Whereas services, including market roads, telephones, etc., must be available to the modern farm business,

Therefore it is recommended that plans for land development for farms on Indian reserves include provision for the development and maintenance of such services.

6. Land Survey

Whereas in order to establish identification for the purpose of issuing a Certificate of Usership it is necessary to have a survey of the land,

Therefore it is recommended that all land with agricultural potential be legally surveyed at the request of the band council.

7. Planning Development

Whereas in the interests of the orderly development of land on Indian reserves and to ensure that the lands are being put to the best use, and

Whereas it is desirable to have a development plan where there may be conflicting uses for land or where special problems are found,

Therefore it is recommended that in such circumstances a comprehensive development plan be prepared at the request of, and in co-operation with, the band council, as a basis for an action program.

EDUCATION AND EXTENSION

Recognizing that Agricultural Education is part of the total educational process, the conference makes the following recommendations:

1. Responsibility for Education

Whereas Indians proceeding to high school or vocational school will be in programs under the direction of the provincial departments of

education, and,

Whereas there is a variation in educational training between Indian children and other Canadian children, and,

Whereas teachers may encounter difficulties moving between schools under the direction of either the Indian Affairs Branch or the provincial departments of education,

Therefore it is recommended that Indian education should be the responsibility of the provincial departments of education.

2. School Boards

Whereas Indians should have the same opportunity as non-Indians in influencing school administration and determining curricula, and,

Whereas Indians should be considered full community members,

Therefore it is recommended that Indians should have voting rights in elections for school board members and have the opportunity to serve on school boards.

3. Opportunity

Whereas Indians seldom reach their full educational capabilities because of such difficulties as attitudes of non-Indians, poverty, attitudes of parents, geographic isolation, or lack of self-confidence, and,

Whereas it is desirable for a student to continue in an educational program to the full extent of his ability,

Therefore it is recommended that programs be implemented to ensure that every Indian have the opportunity to fulfill his educational capabilities.

4. Orientation

Whereas people moving into a new environment may experience serious difficulties,

Therefore it is recommended that Indians be prepared for programs where necessary through counselling and orientation and that there be appropriate orientation of the non-Indians with whom they will be associated.

5. Agricultural Courses

Whereas it is important that Indian farmers attend agricultural courses, and,

Where there is opportunity for the exchange of ideas if Indians and

non-Indians attend courses together,

Therefore it is recommended that a special effort be made to have agricultural courses and programs scheduled and located so they will be accessible and suitable for Indian farmers and where possible integrated racially.

6. Motivation

Whereas Indian farmers do not now avail themselves of the agricultural training offered,

Therefore it is recommended:

- (i) that evaluations be carried out on every agricultural education program offered to Indian farmers,
- (ii) that alternative methods of agricultural education, such as correspondence courses, be investigated,
- (iii) that Canada Newstart be requested to develop systems to motivate Indians to enter agricultural education programs.

7. Leadership

Whereas there is a special need for leadership skills among Indians undertaking greater responsibility for determining their own development and,

Whereas the Indian Affairs Branch has made a commendable start in providing this training,

Therefore it is recommended that such training be more generously supported and expanded.

8. Opportunities

Whereas the Indian people are generally poorly informed about the opportunities available to them for employment, education and assistance,

Therefore it is recommended that greater effort be directed into communicating to the Indians the opportunities that are available to them.

9. Higher Education

Whereas the need is acute for Indians who are trained to the professional, sub-professional and technical levels,

Therefore it is recommended that great efforts be made, even at increased cost, to encourage and direct likely candidates into higher education.

10. Extension

Extension services were considered as an important part of the total educational requirements so background material and recommendations pertaining to extension are outlined as follows:

Whereas Indian people are participating citizens of the province (e.g. as taxpayers, consumers, and in economic and cultural activities) and therefore have full rights to provincial services, and,

Whereas programs of human resource development and education are necessary to bring about land development and management, and,

Whereas in all provinces, extension services provide one of the major inputs for human development for people occupying agricultural land, and

Whereas there is need for greatly expanded extension services for Indians involved in the agriculture industry, and,

Whereas there will be need for special intensive education and advisory programs for those farmers just starting or adjusting from a subsistence level to a commercial level, and,

Whereas agricultural extension activities are the responsibility of the provinces, and,

Whereas the conference recognizes that agricultural extension is only one aspect of a total program of adult education needed for the development of the Indian people, and,

Whereas care must be taken in the selection and training of staff who will be involved in extension programs with Indian people in order to ensure competence in meeting their special needs, and,

Whereas extension needs vary - so organization and operation of extension must be flexible.

Therefore it is recommended that:

- (i) The Indian people must be involved in defining the needs for and the planning and conducting of extension programs.
- (ii) Agricultural extension services be transferred from the Indian Affairs Branch and be provided by the provinces through established agencies on all reserves with agricultural potential.

Inexperienced farmers must have an intensive total management type of service in addition to the usual extension program. This may be provided through:

- (a) Extension technicians (individual advice)
 - (b) Consultative services.
 - (c) Experienced farmers (on a part-time advisory basis)
- (iii) The local agricultural extension worker initiate and co-ordinate other adult education services requested in the community. The planning for this extension input will be done jointly by the chief, the band council and representatives of the provincial and federal governments.

CREDIT

1. Whereas the Minister has made a proposal to introduce an Indian Development Fund, and,

Whereas we believe this to be an essential tool for agricultural development,

Therefore we commend the Minister for his action and we recommend the immediate implementation of an adequately funded program under the supervision of an adequate staff.

2. Whereas there is a need for additional capital outside the traditional source of the Revolving Fund Loan, and,

Whereas it would be beneficial to Indians to be able to borrow directly from other agencies, such as the Farm Credit Corporation, banks or credit unions,

Therefore it is recommended that the Minister of Indian Affairs and Northern Development be given the authority to enter into arrangements to guarantee loans made by such lending agencies.

3. Whereas Section 88 (1) of the Indian Act acts as a deterrent to Indian farmers in their normal borrowing practices as they are not allowed to pledge chattels held on a reserve,

Therefore it is recommended that the Act be amended to permit an individual to be granted exemption from this section.

4. Whereas it is desirable to have Indians borrow through the Farm Credit Corporation, and,

Whereas it is advisable to allow Indian co-operatives or companies to borrow under this Act and the Farm Syndicates Credit Act,

Therefore it is recommended that:

- (a) The Farm Credit Act be amended to:

- (i) allow loans to be made without land security or on the basis of a certificate of land usership, or with a government guarantee or with other suitable instrument.
 - (ii) allow Indian co-operatives or companies to borrow in relation to active participating membership.
- (b) The Farm Syndicates Credit Act be amended to allow lending to Indian co-operatives or companies.

LEGISLATION

It is recognized that many of the following recommendations are already under consideration. It is hoped that the added support given here will facilitate their implementation.

1. Whereas there is a need for greater participation by Indians in the development of programs and policies designed to improve the opportunities available to them, and,

Whereas there is a willingness to accept these responsibilities on the part of the Indian people,

Therefore we recommend that increased responsibility and authority be delegated to Indian bands.

2. Whereas Section 32 (1) of the Indian Act, requires the agency superintendent to provide written authorization for sale of produce, etc., and,

Whereas this may inhibit normal business practices,

Therefore we recommend that the Act be amended to permit a band or any member thereof to sell farm products without prior authorization.

3. Whereas a number of provincial co-operative acts require more than three incorporators, and

Whereas this may inhibit Indian farmers from forming co-operatives,

Therefore we recommend that the respective provincial governments amend their co-operative acts to allow three or more persons to incorporate a production co-operative.

PARTICIPANTS IN CONFERENCE ON THE
AGRICULTURAL POTENTIAL OF LAND ON INDIAN RESERVES

<u>NAME</u>	<u>ORGANIZATION</u>
Acoose, Riel (and Mrs.)	Farmer, Grenfell, Sask.
Anderson, Carl J.	self employed (Bow Slope Shipping Assn. Ltd.) Brooks, Alberta.
Ash, Bruce	Branch of Indian Affairs, Vancouver
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Brink, Vernon	University of British Columbia, Vancouver
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Nesbitt, J.M.	Nesbitt Educational Enterprises Ltd., Winnipeg
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Pawley, R.W.	Department of Veteran's Affairs, Ottawa
Porteous, G.E.	Sask. Dept. of Cooperation, Regina,
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Roussin, Leopold	Indian Affairs Branch, Oka, P.Q.
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Sparvier, David	Saskatchewan Provincial Library, Regina
Steinhauer, Ralph	Farmer, Brousseau, Alberta
Storr, Edith	Self, Toronto
Sveinson, Keith	Royal Bank of Canada, Calgary
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