

REPORT
OF THE
INDIAN ACT
CONSULTATION MEETING

FORT WILLIAM, ONTARIO
AUGUST 16, 17, 18, AND 19, 1968

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DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

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Department of Indian Affairs
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BAND SPOKESMEN

BAND

SPOKESMEN

Martin Falls

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Ogoki Post, Via Nakina, Ontario.

Long Lake #58

Mr. Leo Bouchard,
Long Lac, Ontario.

Long Lake #77

Mr. Sinclair Chapais,
Long Lac, Ontario.

Nipigon

Mr. Frank Sasines,
Auden, Ontario.

Whitesand

Mr. Stanley King,
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Gull Bay

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Fort William

Pic Heron Bay

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Mr. Robert Donio, Sr.,
MacDiarmid, Ontario.

Lac des Mille Lacs

Mr. Frank Churchill,
Upsala, Ontario.

Pays Plat

Mr. Lawrence Musquash,
Pays Plat, Ontario.

BAND

Pic Mobert

Sandpoint

Trout Lake

Caribou Lake

Fort Severn

Lac Seul

Deer Lake

Pikangikum

Osnaburgh

Couchiching

Seine River

Naicatchewenin
(North West Bay)

Lac La Croix

Strangecoming

SPOKESMENMr. Bert Labelle,
Mobert, Ontario.Mr. Victor Esquega,
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General Delivery,
Fort William, Ontario.Mr. Steven McKay,
Round Lake, Ontario.Mr. Saul Keeash,
Round Lake, Ontario.Mr. Esias Thomas,
Fort Severn, Ontario.Roy Carpenter,
Lac Seul, Ontario.Mr. Louis Fiddler,
Sandy Lake, Ontario.Mr. David Strang,
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Lac La Croix, Ontario
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Big Island

Sabaskong

Rainy River

Nicickousemecaning
(Red Gut)

Big Grassy

Shoal Lake #39

Shoal Lake #40

Northwest Angle #33

Northwest Angle #37

Whitefish Bay

Islington

Wabigoon

Eagle Lake

Grassy Narrows

Wabauskang

Rat Portage

SPOKESMENMr. John Daniels,
Morson, Ontario.Mr. Fred Kelly,
Nestor Falls, Ontario.Mr. Joe Major,
Emo, Ontario.Mr. Jim Windego,
Fort Frances, Ontario.Mr. Jim Comegan,
Morson, Ontario.Mr. Fred Green,
Kejick, Ontario.Mr. Archie Redsky,
Kejick, Ontario.Mr. Henry J. Kelly,
Penasse, Minn., U.S.A.Mr. Walter Oshie,
Box 232, Sioux Narrows.Mrs. Nora White,
Pawitik, Ontario.Mr. Isaac Mandamin,
Whitedog, Ontario.Birdie Cantin,
Dinorwic, Ontario.Mr. Phillip Gardner,
Eagle River, Ontario.Mr. Robert Keesick,
Grassy Narrows, Ontario.Mr. Charlie Petiquan,
Eagle River, Ontario.Mr. Alex Skead,
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BAND

Dalles

Constance Lake

Fort Hope

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Regional Indian Advisory Council

Kenora Fellowship Centre

Regional Indian Advisory Council

Lakehead Friendship Centre

Regional Indian Advisory Council

Fort William Band

Rat Portage Band

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Calstock, Ontario.

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via Nakina, Ontario.

Mr. William Mawakeesic,
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Mr. Ralph Bruyere,
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Kenora, Ontario.

Mr. John Yesno,
Eabamet Lake P.O.,
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Mr. Lorenzo Big Canoe,
R.R. #2,
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Mrs. Charles MacLaren ,
Ft. William Mission Reserve,
Ft. William, Ontario.

Mr. Peter Seymour,
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Kenora, Ontario.

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CREE

Reverend Steve Beardy,
Bearskin Lake, Ontario.

OJIBWAY

Mr. Tom Medicine,
Manitou Reserve,
Emo, Ontario.

CONSULTATION TEAM

Minister Without Portfolio

President, National Indian Brotherhood

Department of Indian Affairs and
Northern Development

Department of Indian Affairs and
Northern Development

Department of Indian Affairs and
Northern Development

Department of Indian Affairs and
Northern Development

Hon. Robert Andras

Mr. Walter Dieter

Mr. Cy Fairholm

Mr. Greg Harris

Mr. Les Smith

Mr. William Fox

August 16, 1968.

The chairman pro tem Mr. Lorenzo Big Canoe opened the first session at 9:30 a.m. and introduced Mr. McGilp, co-chairman and Mr. McGilp in turn introduced The Honourable Robert Andras, Minister without Portfolio, and the Consultation Team from Ottawa.

Mr. Lorenzo Big Canoe spoke in Ojibway to the delegates, and then asked each delegate to introduce himself.

Mr. McGilp then said that the Government was here to listen rather than talk.

Mr. Fairholm then explained the procedure of the meeting. He said that the Minutes of all 19 regional meetings across Canada would be sent to all Indian spokesmen, the Chief and Councillors. He said that he hoped all the delegates would feel free to raise any questions on any topic during the meeting. He said the role of Departmental officials was to report what the delegates had said. He continued by saying that the Minister, Mr. Chrétien had mentioned in Moncton, New Brunswick, that a meeting of all the representatives of all 19 regional meetings would be held probably after Christmas. Mr. Andras, Minister without portfolio then addressed the delegates as follows:

Ladies and Gentlemen: Most of you well know I am no stranger to this part of the country. This is my home as it is your home. I am no stranger to northwestern Ontario and yet in many ways we who are non-Indian people I think have been strangers to your problems. We have not understood the needs of Indian people but even more importantly I think perhaps it would be fair to say we have not tried hard enough in the past to understand and to listen to your views. Making comparisons can be misleading but in some important ways the needs of Indian people are similar to the needs of other northern Ontario residents. For many years in Toronto and in Ottawa the needs of northern Ontario have not been heard frequently enough. In the last few years in Ottawa and especially now with the new Government, the new Prime Minister and Cabinet, I can say that northern Ontario will not be ignored, because to ignore or to deny access to Government leads to a deep frustration, a deep frustration of the real needs of the people as expressed by them and similarly the Indian expression cannot continue to be ignored.

Well I would like to tell you a very brief story of what I learned in Yellowknife in the Northwest Territories and in Toronto. As you may know, there are 19 meetings across Canada from coast to coast and I have been to 2 of the 3 meetings, the first in

Yellowknife and the second in Toronto which just concluded and both these places are pretty far from Fort William, but the lessons learned there, the views of Indians, many of which I learned for the first time meant very much to me. In Yellowknife we went, as we are here, for the prime purposes of discussing the Indian Act and any suggested changes to the Indian Act. In Yellowknife we did that and I learned, for instance, that Treaties 8 and 11 were the real concern of the delegates there. In Toronto, in the heart of the big city, in the somewhat cold and artificial surroundings of the big hotel ballroom with all the chandeliers and microphones and gilded ceilings, we came to consult and yet we could not consult in such surroundings with a history of distrust and of distant administration, of sometimes half fulfilled commitments as well as somewhat uncomfortable surroundings and dialogue. A real exchange of views and attitudes just didn't seem to flow at the beginning. I asked at the outset of the Toronto meeting, as I ask again here today, for a real exchange. But there in Toronto it came only slowly. The first thing that we heard and that I learned in Toronto was the need for Indian people to consult among themselves and I asked then that full opportunity be provided for the delegates to these meetings to discuss problems amongst themselves without us around and so they could do it in private, and I asked that this be done at all the future consultation meetings.

Personally I cannot nor will I condone the hypocrisy of the ritualistic consultations between this Government and the Indian people. This is not the spirit of the Prime Minister, nor that of my colleague, Mr. Chrétien, nor that of the people of the Department nor myself, and that is why in Toronto I listened to what the Indian delegates said and readily responded to the request for more time and more opportunity to consider the very important Indian Act revisions and other Government policies. We do recognize that there may be other areas which are of equal or even perhaps more concern to you than Indian Act revisions. Well I said that at first in Toronto the exchange of ideas was slow in coming but it did come. We talked in the meetings and then we talked in the halls away from the microphones and the chandeliers and the noise, and I talked in the evenings in an informal and frank way with the delegates and something happened because the real dialogue, a real exchange started and I heard what was on the minds of the delegates and the fears and the frustrations somehow began to melt away and we got together and began to talk together honestly and openly and frankly and thoroughly. I learned of the need for greater consultations among and between Indians both at the conference and before having such meetings. I learned the attitudes of the delegates to a degree towards the administration

of Indian policies and their feelings about past failures in past years to consult and relate to Indian people. I learned that the words 'participation' and 'consultation' have new meaning and on returning to Ottawa last Wednesday I asked to see the Prime Minister to report my findings. I did and he and Mr. Chrétien, the Minister of Indian Affairs and Northern Development, listened with very great interest to what I had learned. I said in Toronto that if you feel more time is required, if you must talk over these policy changes with your people, then we will find a way of meeting again with you. This is not the last meeting. You will have further opportunity after you become more familiar with what is involved and how you feel about it and have a chance to talk among yourselves. You will have every opportunity to consult again. We will listen to your voice because the Indian voice and the Indian views and the Indian ideas must and will be the major force in writing new policies.

So I hope today and tomorrow and on Monday that in spite of all the factors which perhaps make communication difficult here, we will talk together and I assure you that we will listen and, more than just listening, we will hear what you have to say. Then, after the will of you and your people is known, sometime in the future, a new justice for Canada's Indian people will start. Perhaps the first step should be an Act maybe written by you yourselves that we could look at. Perhaps you will choose otherwise, let us know. Thank you.

Mr. Lorenzo Big Canoe, co-chairman pro tem then spoke in Ojibway to the delegates and asked if the delegates and other Indians present would like to attend a closed meeting after the coffee break. He said they might wish to choose a chairman from among themselves and to select the most important topics in order of priority that might be discussed during the afternoon sessions.

Mr. Andras said they also might consider whether they would want an interpreter to translate into Cree and/or Ojibway.

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closed session
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The co-chairman, Mr. McGilp reconvened the public session at 1:00 p.m. and reviewed the purpose for which the delegates had assembled, and covered some of the points that were to be discussed. He recognized the attendance of Mr. Keith Penner, Member of Parliament for Thunder Bay and noted the importance and value and interest of the members of parliament. He then announced that the Indian co-chairman elected for the remaining sessions was Mr. Peter Kelly from Kenora.

The co-chairman Mr. Peter Kelly told the delegates that he wanted the meeting to be flexible to accommodate delegates and that he would try to see that the meeting was carried on effectively.

Because there were some delegates who were not able to speak or understand English, the Reverend Steve Beardy was selected as an interpreter for those delegates who spoke the Cree language and Mr. Tom Medicine was appointed as interpreter for the Ojibway people.

The co-chairman, Mr. Peter Kelly mentioned that the group had decided that the top priority item to be discussed was Indian rights.

Mr. Ralph Bruyere of the Regional Indian Advisory Council asked what section in the Indian Act, Indian rights came under.

Mr. Fairholm said there were several sections which were considered to involve Indian rights and that before he could comment further he would like to know what was meant by the question.

The co-chairman Mr. McGilp said that he would like the group to be aware that they were free to discuss any question, whether or not it referred to the Indian Act, although this was preferable. He encouraged them to speak what was on their minds and in their hearts on matters of great concern to them.

Mr. Archie Redsky, Shoal Lake Band No. 40 wanted to know why Indian land had been taken since the Indian Act said that they would get money in payment, which they had never received.

Mr. Jim Comegan, Big Grassy Band then asked if the Minister was present to answer questions.

Mr. Andras replied that his role was not to answer questions but to hear the view of the delegates, make notes and then ensure that the views were recognized. He said that the Departmental representatives present would try to answer any questions raised.

Mr. Jim Comegan then mentioned that his little band had experienced all kinds of trouble with the Lands and Forests Department and wanted to know what could be done in the way of a settlement.

The co-chairman, Mr. Kelly at this point wanted to know to what extent the interpreters would be used. It was agreed that this service should be used at all times.

Mr. Alex Skead of the Rat Portage Band told the delegates that he was promised that the Indians would be able to obtain game both on and off his reserve (on crown land).

Miss Myrna Legarde of the Red Rock Band expressed her wish to see the Provincial Department of Lands and Forests give back to the Indians the right to hunt.

Mr. Louis Waswa of the Fort Hope Band expressed his concern that the people in the north had only one way of life -- to hunt wild game. He felt that the laws were not adhered to in accordance with past agreements.

Mr. Charlie Chisel reminded the delegates that they were at the meeting to do something good for their people. He realized the law had to be respected but said that the Indians must have the freedom to hunt since this was their only means of livelihood.

Mr. Joe Major of the Rainy Band wanted to know who issued the right to hunt on crown land.

Mr. Charlie Chisel replied that permits were required.

Mr. Joe Major then asked who promised the Indians that they could hunt. As far as he was concerned, the right was given to the Indians in 1873 through a treaty signed by the Queen.

Mr. Fred Kelly of the Sabaskong Band agreed that the question of hunting and fishing rights was an important one. He also mentioned the treaty signed by the Queen in 1873, but said that after the recent well known Supreme Court ruling, Indian people had wondered about the value of the treaty. In view of this, he would like to see that the Indian Act includes the benefits of the treaties.

Mr. Archie Redsky said when the Queen signed the treaty she controlled the Indians but now the Indians wanted to control themselves.

Mr. Fred Kelly recommended that the federal government arrange to include the treaties in the Indian Act. He felt that the federal government should have a working agreement with the provincial government regarding certain matters of concern to the Indians in order that the rights or benefits to Indians would be a fact and not just a theory.

The co-chairman, Mr. McGilp noted that the representative from Sabaskong made a clear recommendation that the Indian Act should set out the hunting rights for Indians. He suggested that the delegates should indicate whether they supported the recommendation.

Mr. Bannon of the Fort William Band observed that Indians were under the federal government but in some cases provincial laws were involved. He said that sometimes the two governments' responsibilities overlapped and the federal government usually agreed with the province, in preference to observation of the rights of Indians. In a brief later submitted to the meeting, the Fort William Band wished to record as favouring the Indian people having a law or conditions of some sort to protect their rights, Indian crafts and arts from duplicators, patents, registrations, trademarks, etc.

Mr. Fred Kelly thought that the hunting and fishing rights would probably be a matter of concern to the Indians for some time. He felt, therefore, that all Indians should concur and recommended that the federal government protect the rights in writing - a show of hands confirmed that there was unanimous agreement.

Mr. Elijah Baxter of the Martin Falls Band referred to a matter of concern on his reserve. He said helicopters and other equipment were present on the reserve and it appeared that they were going to flood the reserve of the Indian people. He asked the people who had the equipment what was going to be done but received no satisfactory answer. Mr. Baxter was concerned about what would result if the reserve was flooded.

Mr. Joe Major wished to know who would enforce the terms of the treaty with the Queen.

Mr. Archie Redsky agreed with the two gentlemen who spoke on the treaty rights. He said that when the treaty was signed with the Queen, he could understand how the treaty rights would have been broken if rivers were diverted or the growth of the grass stopped. Several delegates agreed.

Mr. Joe Major asked if the Indian Affairs personnel would explain why treaties were broken.

The co-chairman Mr. McGilp noted that Fred Kelly referred to the Supreme Court ruling concerning the Migratory Birds Convention Act. He said there was no doubt the Government made an agreement with the United States Government in contradiction to the terms of the Indian treaties. It is now known that the Indian rights had been broken and there was no excuse. He thought that the Government made two promises and that they could not keep both.

Mr. Bert Labelle of the Pic Mobert Band asked who signed the agreement between Canada and the United States and where the document was.

Mr. Robert Andras, the Minister without portfolio said the matter of hunting and fishing rights appeared to be one of the most serious questions to be discussed. He said he had been concerned about the matter for one month and had heard many expressions of concern. He said the point was well made, and that he quite understood that it was imperative to review the question.

The co-chairman, Mr. Kelly asked where the documents were.

The co-chairman, Mr. McGilp said copies of the Ministry Bands Convention Act could be supplied immediately.

Mr. Fred Kelly said the delegates were grateful for the support of the Minister, and would pass the information on to their people. He strongly urged that since the Government had made two promises, the treaties signed first had to take priority. He said they would like to make sure that the Indians come under the Canadian Government and not the United States Government.

Mr. Joe Major asked how the United States Government could run Canada.

The co-chairman Mr. McGilp explained the need to provide for the preservation of wild life including migratory birds and said that the United States and Canada had entered into an agreement but Canada overlooked the promises made to the Indian people. He said he thought that the Government was trying to solve the problem but it had to be realized that if the right to hunt was not governed it would not be long before there was nothing left to hunt, as in the case where the buffalo were wiped out.

The co-chairman Mr. Peter Kelly said there were reasons why the buffalo and passenger pigeons had become extinct but asked what happened to one tribe that was wiped out.

Mr. Archie Redsky said that every time he went hunting, he had to buy a licence for one dollar to shoot the game.

Mr. Louis Waswa asked if the Indians were consulted when the Migratory Birds Convention Act was signed.

Mr. Fairholm said that when the agreement was made with the United States there was no consultation with the Indian people at that time.

Mr. Waswa asked why not.

Mr. McGilp the co-chairman said that at that time the Indians were not considered as the problem, it was the sportsmen.

Mr. Toussant Michano of the Pic Heron Bay Band said that his band resented hunters. He said that they had a meeting with the Department of Lands and Forests who said that if Indians were caught hunting, the law would be enforced. He said Indians used the wild game for meat.

Mr. Redsky said that before any decisions were made, he would like to have the Queen in attendance. He said that she signed the treaties and that she could help the Indian people in discussions. He thanked everyone who had come from a long distance and said that he was speaking on behalf of his chief.

Mr. Joe Major asked if the Queen knew all the treaties had been broken.

Mr. Robert Andras said that in the legal sense, the Queen was represented by the Government and the Cabinet of which he was a member. He said the Cabinet was aware of things which were not right. He said the consultation was the process by which the government was trying to solve problems, not only with respect to the Indian Act but in other matters as well.

Mr. Joe Major said he would bring a book of treaties with him for the next session.

Mr. Andras said that as a result of the recent Supreme Court ruling, a study was made and the results discussed with the Indian Advisory Board. It was proposed that the Migratory Birds Convention Act provide for the issuance of separate permits to Indians but this posed a problem since there was a question of whether it would be totally legal in terms of the law. The proposal was turned down as it was felt rights must be restored to the Indian people without any reservations.

Mr. Fred Kelly said that for the sake of the record it should be noted that Indians were not consulted by the Canadian Government prior to the signing of the Migratory Birds Convention Act. He said that the Sabaskong Band wanted to go on record as being opposed to any repeat of a similar situation such as delegates had discussed so far. The items included:

Indian rights, hunting rights, Crown land, treaties, flooded Indian lands, licensing of guns, gill nets, and the wasting of animals by tourists.

Mr. Walter Dieter, the President, National Indian Brotherhood, was introduced and mentioned that he was President of the Saskatchewan Federation of Indians and the National Indian Brotherhood. He said that the National Indian Brotherhood had been formed from the various Indian organizations across Canada and would soon include the new Northwest Territories Indian Association. He said the object of the Brotherhood was to present the most important issues to the Government on formulation of the new Act. He said that Section 87 of the Act was contrary to all the treaties and that the time had come for a change. He said that in Saskatchewan they had worked on the Indian Act for two years.

The co-chairman Mr. Peter Kelly then asked the Minister to comment on the Indian lands situation.

The Minister said that he had asked the Departmental officials to get a report on this matter.

The co-chairman Mr. McGilp said that he would check with the Water Resources, a Department of the Provincial Government, with regard to the survey that was now under way.

Mr. Richard Bannon of the Fort William Band said that treaty Indians should not have to pay Provincial tax but only Federal income tax.

Mr. Ralph Bruyere of the Regional Indian Advisory Council speaking of the Federal income tax said that prior to 1952 Indians were exempt from such tax on or off reserves. He said he had a letter from the Minister of Justice dated in 1936 to this effect. He said that he assumed when the Government had given voting rights to the Indian people in 1952 that this tax concession was taken away from them in exchange for voting privileges. He said a provision concerning the tax exempt position, like that in the Act prior to 1952 should be inserted in the new Act.

The co-chairman Mr. Peter Kelly said that this tax affected their land and that they had children who would now have to go to school and asked how the land issue would affect them.

Mr. Bert Labelle said that they had a large federal school on the reserve but his children had to be driven 20 miles away to another school.

Mr. Colin Wasacase of the Kenora Fellowship Centre said that he was an Indian of treaty status living in an urban area and that Indians who were working on Crown property had to pay income tax. He said that this was a new regulation coming from the Department. He was under the assumption that Indians working on Crown property were exempt from taxation as those working on reserve property.

Mr. Fairholm said that any person earning income on a reserve was not required to pay income tax and this was found under Section 86 of the present Act. He said according to the present law anyone working on Crown land off a reserve must, however, pay income tax.

The co-chairman Mr. Peter Kelly asked whether the delegates wished to discuss reserve land, head waters, headlands, etc.

Mr. Fred Green of Shoal Lake No. 39 Band said that the Band was asked to draw boundaries on a map from headland to headland and this was forwarded to Ottawa. He continued by saying that some years ago the Department sold an island within what the Band considered were its headlands. Although the Band considered this a mistake, they were still awaiting the outcome of a Departmental decision (translated in Ojibway).

The co-chairman Mr. Peter Kelly then asked if anyone could give an acceptable explanation and definition of headland to headland.

Mr. Ralph Bruyere said that he had asked Hugh Conn in Ottawa but he didn't know either.

Miss Myrna Legarde of the Red Rock Band then asked about taxation and said that her brother had driven a school bus from his own reserve to another reserve. Would he be taxable?

Mr. Fairholm said that he could not answer this question.

The co-chairman, Mr. Peter Kelly said that there seemed to be two topics on the floor; a discussion about headland to headland and the tax issue. Exercising his prerogative as chairman, he said the delegates should continue the discussion of the headland to headland situation (translated into Cree and Ojibway).

Mr. Fairholm explained that in the Treaty 3 area there was a dispute many years ago between the Government of Canada and the Province of Ontario as to who had the right to set aside reserves. The dispute was resolved and about 1894 an agreement was entered into regarding the setting aside of reserves. Part of the agreement contained a provision about headlands to headlands. Mr. Fairholm then read part of the agreement of 1894 as follows:

That in the case of all Indian reserves so to be confirmed or hereafter selected, the waters within the lands laid out or to be laid out as Indian reserves in the said territory, including the land covered with water lying between the projecting headlands of any lake or sheets of water, not wholly surrounded by an Indian reserve or reserves, shall be deemed to form part of such reserve, including islands wholly within such headlands, and shall not be subject to the public common right of fishery by others than Indians of the band to which the reserve belongs.

Mr. Fairholm said this was the main provision in the agreement about headlands but no one had determined what "headlands to headlands" means on the ground.

The co-chairman, Mr. McGilp then explained the various ways the definition of headland to headland could be explained from a diagram. Mr. McGilp continued by saying that in the past two years he had been intimately involved within personal discussions with the Department of Lands and Forests along with Mr. Lorenzo Big Canoe. He said that the Superintendent of the Kenora Agency had been asking Chiefs and Councils to draw headlands boundaries of what they believed they should have, and that the Band submissions would be discussed with the Department of Lands and Forests. He said if there was agreement this would be suitable to both parties. But if the Department of Lands and Forests did not agree then they would be asked to draw their own headlands boundaries and negotiations would then begin. He said that this might take some time since there were 50 or 60 individual cases to be examined. He suggested that delegates inform their people what the Department was doing so that negotiations could then begin between the Department of Lands and Forests, Department of Indian Affairs and the Band Councils.

The co-chairman Mr. Peter Kelly said that if an island, for example, at Rat Portage was found to be within the reserve that is within the headland to headland boundary, what would happen to the residents of the island? He also asked what would be the case if the water level fluctuated and the boundaries changed. He said that the Indian Claims Commission related to this matter.

Mr. Ralph Bruyere said that all the islands in Strangecoming Bay were reserve land but if the headland definition went one particular way, then the Band would stand to lose about six islands.

Mr. Jim Windego of the Nicickousemecaning Band mentioned that non-Indian people were damaging Indian nets in water belonging to the reserve.

Mr. Alex Skead of the Rat Portage Band said that they had also lost some islands.

The co-chairman Mr. Peter Kelly then asked what right the Department of Lands and Forests had to issue licences to Bands to pick wild rice on reserve waters.

Miss Myrna Legarde agreed.

The co-chairman Mr. Peter Kelly said that in his discussions with the Indian people in his area with regard to Treaty 3, he learned that the islands had not been sold but that Americans had been living on them.

Mr. Robert Donio Sr. of the Rocky Bay Band said that they had a reserve at Sandpoint that reverted back to the Crown and that the Department of Lands and Forests had now put a road into the reserve with a Provincial park on part of it.

Mr. David Henderson of the Strangecoming Band asked if a non-Indian could erect a building on a reserve and Mr. McGilp replied that he could not unless he had a lease.

Miss Myrna Legarde said that they had a lake on their reserve and questioned whether non-Indians could pick up drift wood from the shore.

The co-chairman Mr. McGilp explained that the laws of trespass prevailed as outlined in the Act and that if the lake was on reserve land, the Band Council should speak to the police.

The co-chairman Mr. Peter Kelly said that the Provincial or Federal Development Officers should point out to the Band that this might be a hidden resource that they could use for economic development. At this point a person from the audience interrupted and clarified the matter and said that it was pulpwood and not driftwood on the shore of the lake.

Mr. Louis Fiddler of the Deer Lake Band asked how much authority an Indian had on a reserve and he illustrated this by mentioning specifically wild rice.

The co-chairman, Mr. McGilp said that the Department of Lands and Forests renewed and gave all wild rice licences to Indian people on or off reserves.

At this point Mr. Archie Redsky asked if the meeting was discussing rice or legislation.

The co-chairman Mr. Kelly said that the meeting had so far discussed off-reserve employment and natural resources.

At this point one of the delegates asked how one set up a reserve and Mr. McGilp replied that reserves were generally set up at the request of the Indian people under the terms of their treaty and that if an Indian group wanted more land to be set aside as a reserve they should approach the Superintendent and the Provincial Lands Department. He said it would then be a matter of negotiation since there would be no set rule as to the outcome. He said that if the treaty had not been fulfilled, then there would be no question of allotting reserve land.

Mr. Bert Labelle asked why the Government couldn't give the Indian people the land that they already owned and why they would have to make application for it.

The co-chairman, Mr. McGilp said that an Indian could acquire land from the Department of Lands and Forests for himself just as any other citizen of the Province could.

Mr. Archie Redsky said that he didn't want to give up the Indian Act.

Mr. Toussant Michano said that the veterans of his Band had been promised 3 acres of land with a house under the Veterans' Land Act but Indian Affairs said the reserve could not be extended to this land even though it had been surveyed by Ottawa.

The co-chairman, Mr. McGilp said that the Department of Veterans' Affairs would not grant land to an Indian without the approval of the Band Council and the Department. He said that a reserve could not be extended to individuals but that it would go to all members of the Band.

Mr. Fairholm said that any Indian was free to buy property off the reserve but when they did so they were subject to land tax just like every citizen.

Mr. Steve McKay of the Trout Lake Band mentioned that he had a licence to hunt on his reserve and also that the white man had been removing logs from the reserve (translated into English from Cree).

The co-chairman, Mr. McGilp said that since 1956 the situation at Big Trout Lake was that the Band had applied for a reserve but that complications had arisen since other non-Indians were living on the land to be set aside as a reserve. He said that trespass provisions under the Act did not apply unless the land was a reserve (translated into Cree).

Mr. William Mawakeesic of the Indian Advisory Council said his Band would not allow liquor on the reserve by virtue of a Band Council by-law but that the Hudson's Bay Company said it was permissible for them to consume liquor on the reserve.

Mr. Fairholm said that the law with regard to liquor should be enforced.

Mr. Fred Kelly spoke on Section 35 of the Act - lands taken for public purposes.

Mr. Fairholm said that under Section 35 it was possible to take Indian land for public purposes, such as a highway. He said that various Provincial departments, school boards or utilities such as the Ontario Hydro had the right to take land for public purposes. When reserve land is involved, there is authority to have this done with the consent of the Governor-in-Council -- the Government of Canada. He explained that in recent years it was the practice when reserve land was involved that the company or group wanting the land was referred to the Band Council to negotiate the compensation to be paid. If there is a satisfactory agreement on this, then it will be recommended to the Government.

Mr. Kelly, co-chairman said this is an example of where treaty rights can be broken.

The co-chairman, Mr. McGilp reiterated that the practice had been for Government corporations or a Highways Department to go to the Department of Indian Affairs who then told the Highways Department or company to go to the Band Council with regard to terms for compensation either in land or money. He said that there had been only one case in recent years where land had been taken without Band Council consent and that this was in the case of the St. Lawrence Seaway.

Mr. Robert Donio said that this was how they had lost Sandpoint Reserve. He said that there was a 99 year lease and about 45 to 50 years remaining but he had been told that this land had now reverted back to the Crown. He said that if he transferred to another Band, he would sign a consent form yet several cases had taken place where no consent form had been signed.

Mr. Isaac Mandamin of the Islington Band said that when they wanted to deal about roads the Department of Indian Affairs recommended they not hire a lawyer in their case and so they lost.

The co-chairman, Mr. McGilp said that the Department would have no right to say this.

Mr. Fred Kelly then offered a vote of thanks to the chairman, the translators and the Minister.

The meeting adjourned at 5:15 p.m.

August 17, 1968.

Mr. Peter Kelly, the co-chairman convened the second session at 9:45 a.m. and said he wanted to give Mr. Medicine the interpreter, a vote of confidence for the difficult job he had to do. Mr. Kelly then called on the Minister to speak.

Mr. Andras, Minister without Portfolio said that the last session was constructive and the co-chairman was to be commended for the way in which he conducted the meeting. Mr. Andras acknowledged the presence of Mr. Hubert Badani, M.P. Fort William and Mr. Jack Stokes, Member of the Provincial Legislature for Thunder Bay. He also mentioned the presence of Dr. Martin O'Connell, Member of Parliament from Scarborough East.

The co-chairman Peter Kelly acknowledged the presence of Mr. Peter Seymour, Chairman of the Grand Council, Treaty No. 3.

Mr. McGilp said that perhaps Mr. Seymour could represent the Rat Portage Reserve in the absence of Mr. Alex Skead. Mr. Seymour agreed to this.

Mr. Peter Kelly, the co-chairman then reviewed material covered so far.

Mr. Tommy Medicine said that he was a Civil Servant but he thought everyone should express their opinion. He believed the Federal Government had lacked adequate communication with Indian people. He said the delegates represented the various bands and the meeting should be told what the people wanted. He said that there should be more specialists sent out in the field.

Mr. Kelly the co-chairman asked Reverend Steven Beardy to speak, in connection with Indian rights.

Reverend Steven Beardy said Superintendents were changed a lot and each didn't get the chance to finish various projects. He stated that there were four or five families at Big Trout Lake about one hundred miles from his office. The Indians wanted to have a Chief on their reserve and the Band members had to travel from Big Trout Lake Reserve to meet in connection with the treaty made in 1929. Since all transactions were ordinarily carried out at Big Trout Lake he said he was certain Chief McKay wanted a Chief in each settlement.

Mr. Fairholm indicated how this might be brought about. He said he understood that there was something being done and that possibly Mr. McGilp could elaborate.

Mr. McGilp said there were approximately 2,000 members at Big Trout Lake and for the past 2 years they had tried to arrange for a reserve to be set up. Each community wanted to have one Chief and this did not seem compatible with the regulations. However, he stressed that if the band wished to have separate reserves, it was not too late to arrange for the first request. He realized they would have to meet with representatives from the band in the fall or winter to insure the arrangement was in accordance with the wishes of the people at the particular reserve.

Mr. Peter Kelly, the co-chairman, said the meeting seemed to deal with 5 different languages, Ojibway, Cree, political, Government, and official. It was difficult to deal with all this, and hard for people from the reserves to comprehend. He said they contended with the economic aspect where dollars and cents were of great concern while the Indians dealt in feelings. He said that the delegates would have to deal in dollars and cents and that their views should be expressed on this basis.

Mr. Ralph Bruyere said that he had gone through this for the past several years and that he was partly responsible for "Choosing a Path". There were other things of greater importance. He said the National Indian Advisory Board dealt with Indian people and their problems across the country and that some things had been discussed that don't concern the Indian Act. There are also some important matters such as hunting and fishing rights, medical matters and income tax exemptions. He said the delegates were there to not only change the Act, but make additions.

Mr. Kelly the co-chairman asked if the delegates wanted to do anything about the proposed lands claim commission.

Mr. Ralph Bruyere suggested the meeting request the Indian Claims Commission be revived and reactivated.

The co-chairman Mr. Kelly referred to the publication of a book which mentioned red power and said that although he did not like the term he thought the Indian people had to assert themselves and adopt the outlook as presented in the book.

Mr. Richard Bannon recommended to the Federal Government that the Band be allowed to make short term leases on its land. He said that if the Government wished the Indians to make progress, this could be one way in which it could be done. He said that the Band had an opportunity to lease land, but during the lengthy time to obtain approval through the Department, the lessees backed out. It was desirable that the delegates concur and make a recommendation in this matter.

Mr. Fairholm said that Mr. Bannon had raised an important subject which was also raised at other meetings, and that in fact this was the reason for question No. 25 which read, "Should Band Councils be able to enter into short term leases on their own authority?"

Mr. Ralph Bruyere said he thought the authority should be delegated to councils. He asked why land had to be surrendered before it was leased. He said that in northern Ontario most Indian land was common land and that the term "surrender" scared the Indian people because it appeared to indicate disposal.

Mr. Fairholm said that the term "surrender" and its meaning, went back quite a few years when lands were lumped together for sale or lease. It required the consent of the membership. He said it might be well to separate surrenders for sale and for leasing, where a sale would require consent of all members and a lease would require the consent of the council or band membership.

Mr. Ralph Bruyere said that when one "surrendered" one gave the Minister authority to sell or lease.

The co-chairman, Mr. McGilp stated that conditions are sometimes attached to a surrender. He suggested the meeting might select another term not so offensive but permit the process for band members to give their consent.

Mr. Ralph Bruyere mentioned that it was still not clear why the term "surrender" was included in the Act.

Mr. Fairholm said that Section 37 stated "that lands in a reserve shall not be sold, alienated, leased or otherwise disposed of until they have been surrendered to Her Majesty by the Band...", and that consent of the membership first had to be obtained. He said that possibly it went back to the treaties and was carried forward into the legislation.

Mr. Ralph Bruyere suggested that the Act get away from the paternalism of the past.

Mr. Kelly the co-chairman said that delegates must realize the fact that they were sent from one officer to another when they asked something from the Department. He said that no Indian person in the audience would be controlled or suppressed, if he wished to speak it would be in order.

Mr. Peter Seymour of the Rat Portage Band said there seemed to be a need for more communication with Indian Affairs. He said the number one priority concerned Indian rights. He suggested that a motion be made that they handle the specific problems at the proper place on another date or at the present meeting, but the delegates were now here for consideration of the Indian Act. There was the brief exchange of views and Mr. Seymour was in favour of another meeting with both Federal and Provincial representatives present.

Mr. Ralph Bruyere mentioned they didn't have to be concerned with the Province when making the Indian Act.

Mr. Kelly the co-chairman summarized by saying that Mr. Seymour had suggested a later meeting with officials of the Federal Government and Provincial Government and that Mr. Bruyere disagreed.

Mr. Richard Bannon pointed out that they should deal with the Federal Government but the Provincial authorities should attend.

Mr. Kelly the co-chairman asked for an elaboration on the proposal presented by Mr. Seymour.

Mr. Raymond Bruyere of the Couchiching Band said they were only about one-half way through the conference and there were still 34 questions to cover. He suggested they couldn't deal with them all at one consultation meeting and that another meeting would be needed.

Mr. Peter Seymour agreed with Mr. Bruyere that they should have another meeting.

Mr. Archie Redsky said he had no consideration whatsoever for the Indian Act they were trying to change.

Mr. Lorenzo Big Canoe agreed with Mr. Seymour that the problems of interest and importance should be discussed further due to dropping of the Claims Commission. He recommended that it be started again and asked the Minister how the Commission was formed.

Mr. Andras, Minister without Portfolio thought there seemed to be a movement afoot to deal with treaty and land rights. The Bill was held up he said because the British Columbia Indians objected to the wording. He said the matter was now under review. He suggested that there might be a motion to this effect.

Mr. Kelly the co-chairman said there were two things of concern to the meeting:--1) a further meeting and 2) the Land Claims Commission.

Mr. Peter Seymour said the Indian Claims Commission was set up a few years back but there had been no results so far.

Mr. Andras mentioned that formal approval would require legislation. The Claims Commission Bill was introduced in 1963 but did not pass. He said he believed other attempts had been made to get another one and that it could be brought in again.

Mr. Fairholm pointed out that Bill C-130 was introduced in 1963. It was revised and introduced again in Parliament in June 1965. It received first and second reading and was then referred to a special committee following which Parliament was dissolved. Later on, the B.C. Indians made representations to the Government that the Bill not be proceeded with. It was indicated in the House of Commons that further consideration would be given to it however.

Mr. Kelly the co-chairman asked for a show of hands on the number of delegates who had a complete understanding of the Indian Claims Commission (about 6 people signified 'yes'), and then called upon co-chairman McGilp and Mr. Fairholm to explain the Indian Claims Commission.

Mr. Fairholm said there would be five people in the commission, the chairman would be a judge, one would be an Indian, three others would be, he hoped, good men. He said this remark applied to Bill C-123 -- the last one which was presented in the House of Commons. He said that the Bill would have to be made law before the five people could be appointed. Then, he said, if there were Bands who had claims, they could put them before the five people mentioned. He said from memory of Bill C-123 the kind of claims that Indian people could make were:

1. If land had been taken without a treaty agreement, then a claim could be made.

2. If land which was set aside as a reserve or set apart for Indians, was taken without compensation or the compensation was so small or so little as to be unfair, then a claim could be made.

3. Failure of the Crown to discharge a treaty obligation or failure of the Government to live up to a treaty.

4. Mismanagement of Band funds.

5. Transactions that were not fair or honourable with the exception of lands which were provided for under the previous items.

It would be up to each band council to decide what kind of a claim they would want to make, if any. The five people, after hearing the claim, would then decide if any money was to be paid.

Mr. Archie Redsky reiterated that he spoke on behalf of the Shoal Lake Reserve and that he appreciated the conference, but all he could recollect from the delegates in attendance, was that there was negligence. He said that before he signed a new Indian Act or treaty, the Queen had to be present.

Mr. Kelly the co-chairman said he did not think anyone could sign unless they understood first who was going to select the five members of the Claims Commission.

Mr. Fairholm reiterated that he could only tell them what was in Bill C-123. The Governor-in-Council would be the appointing body he said. This meant that it was the Governor-General, representing the Queen, and advised by Cabinet who would select the commission.

Mr. Kelly the co-chairman asked Mr. McGilp if the members could be supplied with copies of the Indian Claims for study.

Mr. Fred Green of the Shoal Lake No. 39 Band said he had Ojibway and Koweeagan interpretations of the meeting on tape concerning the Indian Claims Commission.

Mr. Kelly, the co-chairman said he felt the Indian Claims Commission to be a very important issue and that perhaps all groups interested in it could meet on their own time. The individual groups could decide how they could best arrange a meeting. He said he had contacted the Canadian Civil Liberties Association of Canada who had said that legal interpretation was available in connection with the Indian Claims Commission. Mr. Kelly then asked Mr. Fairholm to give a specific example for the benefit of the group.

Mr. Fairholm mentioned he could give a few examples. If copies of the Act could be provided, then delegates could look at the five points when they had an opportunity.

Mr. Kelly, the co-chairman then explained delays in dealing with the matters at hand and suggested that a meeting might be held on Sunday.

Mr. Andras said he was committed to leave the following morning but he said that a report of the meeting would be available to him.

Mr. Archie Redsky reminded the delegates that they were here for an important meeting and not just for fun.

Mr. Kelly, the co-chairman suggested the delegates respect the circumstances of the Government officials.

Mr. Raymond Bruyere, addressing his remarks to Mr. Fairholm, said that on his reserve they had leased land to the town of Fort Frances and the local newspaper said that the payment was shameful. In the event that the matter was submitted to the Claims Commission, he asked if it would be retroactive. He said it was a 99 year lease and they got 35 dollars per year for 95 acres which the city had developed into a park and golf course.

Mr. Fairholm said he was not sure it would be the job of the Claims Commission. He said that the lease was a contract and if the town felt that it was not a good deal, it might be possible to rewrite the contract with better terms, with the agreement of both parties. If the payment was not sufficient for the land, by agreement of the band council and the town council, a revision could be made.

Mr. McGilp said that he was agreeable to meet any time up until Monday evening. He then distributed a few copies of Bill C-130, the original Bill submitted to Parliament.

Mr. Fairholm was agreeable to meet any time and pointed out that Bill C-130 mentioned the appointment of three people but that this number had been increased to five in Bill C-123. He said he could not remember what the other revisions were to Bill C-130.

The session reconvened at 1:00 p.m.

Mr. Charlie Petiquan of the Wabauskang Band mentioned that he would like to get some houses on his reserve. He said that they were making a parking lot on the reserve and that they were going to lease some land. (Translated from Ojibway).

Mr. Ralph Bruyere said that the conference should be confined to a discussion of the Indian Act.

Mr. Alex Skead of the Rat Portage Band said that there may be some misunderstanding with regard to his representation, but that he had two councillors in attendance and that he would like to speak on the "headland to headland question".

Mr. L. Redsky, an observer said the delegates should be dealing with the Indian Act and the questions in the booklet "Choosing a Path".

Mr. Peter Kelly, co-chairman asked Mr. L. Redsky to leave the table since he was not a spokesman.

Mr. Ralph Bruyere said that the meeting should be discussing surrender proposals such as who had the right to surrender, and why the term "surrender" was in the Act.

Mr. Peter Kelly, co-chairman suggested that the meeting continue with the lands discussion.

Mr. Steven McKay of the Trout Lake Band said that he would like to discuss land at Big Trout Lake and he was thankful for the opportunity to discuss his Band's problems. He said he was glad he could turn to the Department of Indian Affairs for assistance. He said that it was only possible to reach his reserve by plane and that he would listen for other comments from the delegates. He then said that he would like some letters read into the record (Translated from Cree). (See appendices A and B).

Mr. Ralph Bruyere said that the Indian Claim's Commission Bill should be reactivated and that the delegates could not go any further in the discussion at this time. He moved that "this delegation recommend that the Indian Claim's Bill C-123 be reactivated in Parliament". The motion was seconded by Raymond Bruyere, (Translated into Ojibway and Cree).

Mr. Archie Redsky said that the delegates were here at the meeting to change the law and should be discussing the questions found in "Choosing a Path".

Mr. Peter Kelly, co-chairman said that he would like to see some discussion on this, but according to efficient procedure.

Mr. Ralph Bruyere said that a continuation of the discussion on Indian claims was a waste of time and that there was a motion on the floor. He said the delegates were here to discuss the Act but they were changing from one subject to another. He agreed that surrender of land was an important topic and that this should be settled once and for all. He then asked again what the term "surrender" meant, why it was included in the Act and for what purpose. He said a discussion on this would be vital to the Indian people. He said the Chief and Council of Bands must be given the authority to act because the Minister always had had too much authority. (Translated in Ojibway and Cree).

Mr. Richard Bannon asked for a count of how many bands wanted the Indian Claim's Commission to go ahead. He said that one province (British Columbia) should not delay the legislation.

Mr. Peter Kelly, co-chairman said that a motion was on the floor and after being put to the delegates, was carried.

Mr. Peter Sevmour suggested that the listing and surrendering of lands should be maintained by the band members and that this should be discussed by the delegates. He said that under some conditions some Indian people who were not councillors were selling portions of the land without the band's permission. (Translated from Ojibway to English).

Mr. Ralph Bruyere suggested that band councillors could not be assumed to be stupid but band councils should be able to take on responsibility for listing lands.

Mr. Peter Kelly, co-chairman said that the Indian people could not blame anyone but themselves for poor band councils.

Mr. Alex Skead expressed his thanks to the delegation. (Translated from Ojibway to English).

Mr. Richard Bannon said the Act must be revised since it would then last for the next 50 years.

Mr. Ralph Bruyere said that the delegates had to revise the Act well, so that the Indian people would have something to fall back on.

Miss Myrna Legarde said that a pipeline had ruined their reserve road so that it could be no longer used and they had had a case of a dishonest contractor on the reserve. She suggested that the Indian Claim's Commission could have corrected this situation.

Mr. Louis Waswa said that he agreed that the band council should handle short term leases and said that in Fort Hope they had not obtained provincial authority to lease a particular piece of land from the municipality for 2 years.

Mr. Peter Seymour moved "that band councillors and members by simple majority will have the authority to be able to negotiate leases at the discretion of the band council and members without the consent of the municipality". (Translated into Ojibway and Cree). The motion was seconded by Mr. Fred Green, and carried.

Mr. Colin Wasacase of the Kenora Fellowship Centre suggested that the motion of the short term lease should not be included.

Mr. Peter Kelly, co-chairman said that there should be no limitation with regard to the number of years and that the band council should be able to decide how long the term should be.

Mr. Fairholm said that it seemed that some communities might want to have varying short terms and that others might wish no restrictions whatsoever. He said that perhaps each band might want to deal with a particular situation as they saw fit.

Mr. Peter Kelly, co-chairman, asked if chiefs, councillors and band members were to be included in the motion and Mr. Seymour replied that they were.

Mr. Ralph Bruyere said that presently the band was able to undertake short term leases up to 5 years.

Mr. Lorenzo Big Canoe reported on the cost of renting a hall in Fort William for entertainment but not enough supported the idea.

Mr. Kelly then asked for a vote on whether they wished to hold an evening session. The vote having been taken, there were 18 against and 13 for. Mr. Isaac Mandamin of the Islington Band suggested the meeting carry on during Sunday, August 18, 1968. The vote being taken, it was unanimous that they meet Sunday, August 18 at 1:00 p.m.

Mr. Raymond Bruyere of the Couchiching Band said that the spokesmen were at the meeting to speak for their band and not for the council.

Mr. Peter Seymour said that when a short term lease was negotiated with a non-Indian, a fee was charged. He said that the Provincial Government also charged a tax. This hindered the Indian people's advancement and was therefore unjust.

Mr. Ralph Bruyere said that this more appropriately concerned the municipality and not the province and, therefore, would come under the Municipal Act.

Mr. Peter Kelly, co-chairman said that this item should have been considered before the motion had been made and carried.

Mr. Ralph Bruyere said that the Indian people should charge the taxes on Indian reserve lands for services rendered and not the municipalities (Translated into Ojibway).

Mr. Peter Kelly, co-chairman then directed a question to the Minister and asked if the meeting could have a clarification with regard to the Municipal Assessment Act and facts about members on the reservation.

Mr. Fairholm replied that the Ontario Municipal Assessment Act provided that the lessee of Crown land might be taxed on his occupancy interest in the land itself. He said that when an Indian used the land himself, he did not have to pay land tax, but when an Indian band or person leases the land to a non-Indian then a tax was levied. It would be the non-Indian who paid the tax on land leased from an Indian. It is a personal tax on the individual who leases the land and not on the land itself. (Translated into Cree and Ojibway).

Mr. Archie Redsky suggested that the meeting had jumped to question No. 34.

Mr. Peter Kelly, co-chairman said that the discussion about the tax should be confined to Ontario.

Mr. Fairholm said that the answer would be for the Indian people to approach the Provincial Government in Ontario to put a tax rebate into legislation.

Mr. Ralph Bruyere suggested that the matter of taxation of leased reserve land, should be put into the Indian Act so that the provinces would have to approach the Indian people. He then moved a motion "that any taxes from lands leased by non-Indians, should be collected by Indian people themselves;--not the Provincial Government or the Municipality". (Translated into Cree and Ojibway).

The motion was seconded by Fred Kelly.

Mr. Peter Kelly, co-chairman asked how this affected the British North America Act.

Mr. Andras, Minister without Portfolio replied by saying that the British North America Act gave certain rights to the provinces and certain rights to the Federal Government. He said that he suspected that the province had the right to levy the tax, however, he continued by saying that this constitutional question would not affect the motion on the floor. (Translated into Ojibway and Cree).

Mr. Peter Kelly, co-chairman said that perhaps the meeting should be considering the British North America Act.

Mr. Ralph Bruyere said that the taxation matter should be included in the Indian Act and to forget about the Provincial Government.

Mr. Steven McKay said that this seemed to be the desire of all the delegates present, that the land belonged to the Indian and the tax should go to the Indian people themselves. He continued by saying that in Northern Ontario, the Band had been told that the tax was given to them but they had never known where the money went. (Translated from Cree into English).

Mr. Bert Sutherland of the Constance Lake Band said that he agreed with Mr. McKay and that his band had not received any of the tax money either.

Mr. Ralph Bruyere said that it was possible for the Indian people to tax the leased lands as well, but that it would amount to double taxation and that prospective lessees would not want to lease the land.

Mr. McGilp said that where there was unorganized territory, the Municipal Act was then administered by the Department of Lands and Forests. (Translated into Cree).

Mr. Peter Kelly, co-chairman asked if any representatives from Northern Ontario understood the situation and called on Mrs. MacLaren sitting in for the Fort William Band, for comments.

Mrs. MacLaren then asked the Minister about the purpose of the booklet "Choosing a Path" and when the new Act would come into effect. She suggested that the Indian people should have a set period of time, 2 years to go over the old Indian Act, with professional assistance to help the Indians of Canada.

Mr. Andras, Minister without Portfolio stated that the booklet "Choosing a Path" was only a guide and that after the combined results of the delegates' meetings were known, the Government would begin drafting an Act; perhaps, however, not before 1969.

Mrs. MacLaren referring to Sections 18 to 29 said that at present reserve land was held by the Crown for the band. She said that band councils should be able to do what they saw fit on their own reserves and suggested that they be given more power to act on various matters and that field staff be Indian. She suggested that the delegates give a yes or no answer to the questions in the booklet "Choosing a Path", since the Government was not concerned with the delegates' personal grievances.

Mr. Peter Kelly, co-chairman suggested that Mrs. MacLaurin had given the delegates a new name for the new Act -- "yes-No"! He then said that the meeting had previously considered a motion by Mr. Fred Kelly that more consultations take place.

Mr. Fred Green said that he would support this view and that there were delegates that would like to relate their bands' feeling on the questions themselves to the Government. He suggested that a means be worked out so that this would be possible.

Mr. Peter Kelly, co-chairman said that discussions taking place during the sessions would probably cover all of the questions outlined in the booklet "Choosing a Path" and were related to it. He then suggested that perhaps a more appropriate name for the booklet "Choosing a Path" was "Leading us down the Garden Path". He then suggested the delegates follow "Choosing a Path" in point form and that they put everything down on paper according to the list of priorities on the board and he would make a decision as to which should take priority for discussion.

The list was as follows:

- 1) Band Elections
- 2) Land
- 3) Membership
- 4) Band Funds
- 5) Canada Pension Plan
- 6) Indian Rights
- 7) Education
- 8) Name of the Act

Mr. Archie Redsky said that he had a submission from his band on the questions. He said the delegates had not come to discuss personal problems but what changes were to be made in the legislation.

Mr. Fred Kelly said there were many things in the Act that concerned the delegates and then introduced a Member of Parliament and a champion of Indian Affairs, Dr. Martin O'Connell and asked the delegates if they would give him permission to provide a brief dissertation as to what the Indians were going through. He suggested that Dr. O'Connell had a lot to offer to the Indian people and said that he was one of the few Members of Parliament that he could trust.

Mr. Peter Kelly, co-chairman then asked the delegates if they wished Dr. O'Connell to speak and it was agreed he would do so.

Dr. O'Connell said that he was grateful to have the opportunity to speak to the delegates and that he was impressed with the clarification and determination with which so many of the delegates were putting their grievances and claims for justice on their various problems in front of the whole group. He said that he liked the view that the band councils wished to take more control of their own affairs in matters relating to discussions. He said that he hoped this view would be felt in Ottawa where he was a Member of Parliament, and then said that the Prime Minister during his election campaign had said that he wanted the new Government to be sensitive to the needs of the Indian people and that the Indian people as individuals and as a group of citizens would have the confidence that their rights were being maintained. He said that he wanted to feel that the delegates had enough time and that the delegates did, in fact, represent their own people so that the Government would feel that when changes in the Act came about, it would really be a truly acceptable Act to the Indian people. The people of Canada would feel that it was a just Act - an Act that all Canadians could live with and that would make the Indian people part of the country. He thanked the delegates for giving the Government a clear view as to what path the Government must take in the future.

Mr. Fred Kelly assured the delegates that this was not a parliamentary address, but that Dr. O'Connell was truly a champion of the Indians' rights.

Mr. Ralph Bruyere thanked the Chairman, the Minister and the Ottawa staff.

Mr. Robert Andras, Minister without Portfolio in his closing remarks to the delegates said that the most important things he learned from the meeting were:

1. The Indian people's desire and wish and insistence upon complete consultation on matters concerning changes in the Act.
2. That he should pass on to the Cabinet and to his colleague, Mr. Chrétien that the Indian people were most desirous to have the Indian Claims Commission implemented as soon as possible.
3. The Indian people's strong feelings about Indian hunting and fishing rights, that they had not been recognized in the past or in the present, and that they should now be settled satisfactorily so that the Government and the white man's word would be honest.

4. That more power must be delegated to the band councils and the band members. He said that perhaps the delegates would be dealing with other matters that did not directly relate to the Act and that perhaps such matters as membership and enfranchisement, etc., would yet have to be considered. He said that the Indian delegates' desires had been recorded and that it would form part of the permanent record of the meetings. He said that the delegates' decisions had been clear, perhaps more so, than any other meeting to date. He said that the consultation process was vital and that he would not presume what the policy should be until all the Indians' needs were known. He continued by saying that the consultation process would continue and said that it was an exercise in democracy. He said that all bands must have their opinions registered. He then expressed his thanks to the Chairman and the delegates for the clarity with which they expressed themselves and said that the Government was far from finished with the consultations, but that he believed that a great beginning had been made and would look forward to seeing all of the delegates again in the future.

Mr. Peter Kelly, the co-chairman then expressed his thanks to Mr. Bob Christianson and Mr. Walter Currie.

The meeting adjourned at 5:00 p.m.

August 18, 1968.

Mr. McGilp, the co-chairman convened the third session at 1:00 p.m. and gave a brief explanation of the purpose of the meeting and asked if any delegate wanted to read prepared submissions from their bands.

Mr. Bert Sutherland then presented his band's submission (see Appendix C).

Mr. Louis Waswa and Mr. Elijah Baxter then presented their papers (see appendices D and E, respectively).

Mr. McGilp after expressing thanks to the three spokesmen for their presentations asked Mr. Kelly if he wished to continue with the prepared statements or to discuss matters of most concern to the delegates.

Mr. Kelly agreed to carry on with the band submissions.

Mr. Frank Churchill said that business men in the tourist trade were issued with licences to trap and hunt but that his own son was refused a licence because he was a treaty Indian. He felt that the Indian, who made his living by trapping, should be given the first opportunity to obtain a licence.

Miss Myrna Legarde felt that interdiction and the black list should be abolished, with reference to the liquor issue (question No. 24). On question No. 17, she felt that, as the Indians were wards of the government, the government should pay Canadian Pension Plan costs in cases where Indians could not afford this.

Mr. Kelly referred to the statements by Mr. Frank Churchill and expressed his belief that Indians should be given top priority for hunting, fishing and trapping rights.

Mr. Frank Churchill stated his belief that licences were dealt with in his area by the Department of Lands and Forests.

Mr. Stanley King presented his band's brief orally (see Appendix F).

Mr. McGilp then pointed out the highlights of Mr. King's brief.

Mr. John Daniels wanted to know who signed the sale papers giving up Indian lands.

Mrs. Charles MacLaren presented the Fort William Band's answers to the 34 questions (see Appendix G).

Mr. John Yesno, after explaining that he was not educated and after expressing the importance of the meeting, gave his answers to the 34 questions (see Appendix H) (translated from Cree).

Mrs. Nora White presented her paper (see Appendix I).

Mr. McGilp noted that it was quite significant that four or five delegates wished to have more information on the matters under discussion. He thought this pointed out a great need to better inform the Indian people on all matters of concern to them.

Mr. Fred Green clarified his position by saying that he was a delegate to the meeting as appointed by the Band and that he was not a Chief. He gave the answers to the 34 questions but before doing so said that he could give an explanation on any answer if requested to do so (see Appendix J). Mr. Green added that Indians will never have equality nor will their rights be honoured until they are put in law as are the rights set out for others in this country.

Mr. McGilp said that a number of the speakers had indicated residence rather than membership should be used to decide voting privileges.

Mr. Louis Fiddler presented his paper (see Appendix K).

Mr. Kelly said he wished to cite an example of the situation the Indian people were in. He referred to Mr. David Wesley who was going to school in Port Arthur. He said he was happy to see that young people had taken it upon themselves to be heard. It was his personal opinion that the Agency Superintendents should not be appointed as Justices of the Peace and if there were other delegates holding this view, he said, they should give their reasons. He said the meeting might wish some discussion to explain the recommendation.

Mr. Fred Green speaking on his band's answer for question No. 23 said that where his people answered 'no', the Council had taken into consideration the present circumstances. When offences were committed, the Superintendent was always in the immediate area to apply justice; in cases where forest products were cut down and people were trespassing on the reserve, Superintendents or Mounted Police were in the area to set up court on the spot. He said this avoided the delays and problems where cases might have to be heard in another way.

Mr. Kelly said many things concerning the 34 questions asked were inter-related and suggested that perhaps Mr. Walter Dieter could give his reactions or make some comment.

Mr. Dieter said that in past meetings regarding question No. 6, the Yellowknife delegates had had considerable discussion on the adoption of Indian children and had agreed that the child of an unmarried mother would take the mother's status. Toronto delegates were indecisive on this question. Other delegates had gone through the whole book. In Saskatchewan there were some Superintendents who were Justices of the Peace and the Indians didn't want the Superintendent to have more power. He said the Indians had approached the Saskatchewan Government and had had two Indians appointed as Justices of the Peace. Before the year could be finished, he said, the Indians would perhaps have one on every reserve. Appointments were determined on the character of the man, he said, and by the way he conducted his business within the band. He said he would carry on the fight in Ottawa to get what he thought the Fort William delegates wanted.

Mr. Kelly said he had handled this session as the Indian Affairs officials wanted but he now wanted to give the delegates an opportunity to present whatever matters they wished to.

Mr. Lorenzo Big Canoe said that at Toronto the delegates didn't make any definite decisions or recommendations, and that it was known that the discussions were being taped and would be reviewed for consolidation afterwards. With regard to question No. 6, the delegation in Toronto viewed the need to consider two kinds of children, a child of Indian background and a child of white ancestry. With regard to question No. 9, the majority of delegates in Toronto had indicated that, when parents withdrew, the children should have an opportunity to choose membership status on their 18th birthday.

Mr. Kelly stated that in future consultations, the Department should meet with urban Indians as they were treaty Indians also.

Mr. McGilp suggested he would like to be sure that the meeting was conducted as Indians would like and he preferred to proceed as the delegates wished. He said it was realized that there were a number of band members who lived in cities, and it was the Department's intention to give all Indians an opportunity to express their views. He said all Friendship Centres had, therefore, been invited to attend the meetings.

Mr. Fairholm remarked that the Department had received representation from Indian people who lived in cities as they were also vitally concerned with the new Act. He said they had tried to find out who these people were and it appeared that there were a number of them who could be represented by Friendship Centres. This one possibility was acted upon and it was thought to be appropriate to have the centres select persons who were members of a band and who lived off a reserve. This matter came up after the meetings were announced and there was little time to make other arrangements.

Mr. Toussant Michano pointed out that recently the Ontario Provincial Police had indicated that they had no knowledge of the Indian Act or how it applied to chiefs and councils. He said that if the Indian Act was to protect Indians, it should be known and available to the Provincial Police. He asked if the delegates could have copies of the original Indian Act that was signed by their forefathers.

Mr. McGilp explained that certain provincial departments were aware of and recognized chiefs and councils, the same as other municipalities.

Mr. Toussant Michano remarked that the latest copy of the Indian Act was the only one he had seen and asked if there were any other Indian Acts that they should have.

Mr. McGilp said there were previous editions of the Indian Act and he was sure they could obtain copies of these.

Mr. Lorenzo Big Canoe said that perhaps Mr. Michano referred to the Municipal Act, under which municipalities operated. He thought the question could be "Can the Band Council operate in the same way as other municipalities?"

Mr. Toussant Michano asked if anyone could show us the Act from the date it was signed up to the present time.

Mr. Fairholm said that when the treaty of 1850 was signed there was an Indian Act. The legislation had to do with reserve lands and contained a few provisions concerning membership. A few years later another Act was passed by the Province of Canada which provided for additional matters such as liquor. Another Act was passed in 1868 and further changes in the law by the Parliament of Canada. In 1876 everything was consolidated in the Indian Act which brought together all the laws relating to Indians in Canada. This Act with some amendments in 1880, 1885 and on down through the years remained pretty well in effect until 1951. The 1951 Act was amended in 1952-53, 1956, 1958, 1960 and 1961 but the revisions were not extensive.

Mr. Robert Donio, Sr. said that the Indian people did not have an Indian Act but it was a White Man's Act. He said they had no Indian rights - just privileges, and that he had listened to the delegates talk about their problems on the reserves but he thought they were fortunate because they at least had a reserve. The Rocky Ban Indian Reserve, which he represented, was not recognized as an Indian reserve. He said they did not own anything yet the government wanted us to govern ourselves by maintaining our own living and improving our lands. He said they had requested assistance with commercial fishing, from which they made their living, but it was rejected. He said that when he returned home his people would want to know what had been accomplished. He wanted to know what could or should be done to get some help for his band.

Mr. John Daniels pointed that there were many things discussed which he did not understand and which he would like to have explained.

Mr. McGilp replied that as a result of this meeting, the delegates would be asked to select a delegate for a final meeting. A draft, in all probability would be made and at that time it would be sent out for review by bands before it became law. The Government was seeking to find out what the people wanted so that they could include or take out whatever provisions were best. He assumed that before it would become law, all bands would have a chance to see it.

Mr. Ralph Bruyere stated that he would like to hear an opinion on adoptions, since the present Indian Act makes adoptions difficult. At the present time he said, the non-Indian child must leave the band at age 21 while, on the other hand, bands could have any race of people become members of the band, if the adopted children were to take the status of the parent.

Mr. McGilp remarked he was aware of at least 20 cases where non-Indian children were adopted by Indian parents who wanted them to become members of the band, but under the Act this was impossible.

Mr. Kelly asked if the Ojibway understood what discussions were taking place. He asked for a show of hands and from the response decided that continued interpretations were necessary.

Mr. William Mawakeesic, speaking of question No. 5 said that Indian women marrying non-members should retain Indian status after marriage, however, there should be a trial period during which time the success, etc., of the marriage should be assessed. With regard to adoptions his people had said that adopted children should have the same status as the parents. His people also felt that the band councils should decide on legal matters as covered in question No. 4.

Mr. Esias Thomas gave an example of the difficulties they had in dealing with liquor problems in his reserve. He said he would like to be able to get rid of the drinking that takes place there. He also gave an example of a status problem where a child was born to an Indian before she became a non-member. The child was an Indian but not included on the treaty list. Mr. Thomas wanted assistance from Indian Affairs to clear up the problem.

Mr. Herbert Nabigon speaking from the audience said that people of Indian status who left reserves should have the same benefits as those extended to members on the reserve.

Mr. Kelly discussed the possibility of a meeting in the evening, but by a show of hands, it was turned down.

Mr. Colin Wasacase remarked that he was not objecting to adoption and in this regard would say that a non-Indian child adopted by members should have the same status as that of the parents.

Mr. Peter Seymour asked if this was the final meeting.

Mr. McGilp said that he understood there would be a further meeting, as mentioned by the Minister. He suspected that after a draft was finalized, the Indian people would be consulted again.

Mr. Ralph Bruyere asked if the matter Mr. Herbert Nabigon raised would be brought up as the first order of business at the fourth and final session. He said there could be more elaboration on this matter since Indian reserves were so small, people did not leave because of choice but because they had to leave to obtain work. He pointed out that these people were actually penalized and felt that the matter deserved more discussion.

Mr. Kelly said he would note Mr. Bruyere's request and it would be the first business to be discussed in the morning. He stated he would also like to see question No. 19 discussed further.

Mr. Archie Redsky asked when it would be possible to hold the meeting referred to by Mr. McGilp.

Mr. Kelly then noted that there must be some reason why delegates were not speaking up.

Mr. Archie Redsky then asked a further question as to what information Fred Green and he could take to their people.

Mr. Kelly then spoke to Mr. Redsky in Ojibway and Mr. Redsky replied. (No interpretation into English). Mr. Kelly said he would like to point out to everyone what had just taken place. He said Mr. Archie Redsky was the link between old and new ways of thought in the Indian people. The problem was not personal but existed due to the age difference. Mr. Kelly said he knew he had a tendency to think in terms of today and not in the past, but that they must try to bridge this gap.

Mr. Fred Green spoke in Ojibway regarding Mr. Archie Redsky's question as to what reports and information they could give to their people upon returning home. Mr. Green indicated that he did not share the same concern as Mr. Redsky as the two represented two different bands.

Mr. Fred Kelly of the Sabaskong Band said he thought there was no one person who could represent all delegates at the final meeting in Ottawa. He felt there should be separate representatives for the Cree, Ojibway and certain other geographical areas. (Translated into Cree and Ojibway)

Mr. Robert Donio presented his paper which covered certain questions (see Appendix L).

Mr. Kelly felt that the suggestion put forward by Mr. Fred Kelly, concerning representation, should be considered further.

Mr. Fred Kelly considered that there were four main groups which required separate representation - the North (Cree), the Ojibways, Urbanite Indians and those who are very much Indian but did not have rights. He wondered who could represent this vast area. He was sure no one present, except himself, could represent his own people.

Mr. Fairholm agreed that the representation aspect was an important point but advised the delegates that he was not in a position to answer. He suggested that it might be a good idea to appoint a number of alternates. He pointed out that the Minister mentioned the choosing of one delegate. He said he would refer the matter to the Minister of Indian Affairs and to Mr. Andras, Minister without Portfolio.

Mr. Fred Kelly moved "That every regional group be represented, not only the Ojibways, but the four types of people mentioned earlier".

Mr. Kelly, co-chairman asked for discussion of the motion.

Mr. Fred Kelly clarified what he meant when he referred to the four groups. The first priority would be the people on the reserves. The second would be the Ojibway people. The third would be the Cree people, and the fourth would be those who became non-reserve Indians. He said he left the reserve because there was no incentive there. He was concerned about his children and how they would be brought up since he lived in the city and was married to a non-Indian.

Mr. Herbert Nabigon from the audience was given an opportunity to speak. He said he left the Pic Mobert Reserve in 1960 for much the same reason as explained by Mr. Fred Kelly. He said he was a treaty Indian and was unable to see why Indians who are not residing on their reserves should be penalized by being denied benefits enjoyed by Indians who remained on their reserves. He wanted to go to university but was refused assistance because he did not reside on a reserve. It was his belief that Indians in his position should be entitled to the same services as people on reserves.

Mr. Colin Wasacase indicated he was, basically, in agreement with Mr. Fred Kelly's motion. However, he wanted to know how much of an area the term 'Cree' would cover. He thought there should perhaps be three groups as everyone could not be involved.

Mr. Fred Kelly stated that he had quoted four groups but that he really did not think that he should mention Cree or Ojibway. The point that he was trying to make, he said, was that the Sabaskong Band did not take it upon itself to represent all people, but it did reserve the right to represent the Sabaskong Band. He stated that no one present could represent all geographical areas.

Mr. Kelly, co-chairman, noting that all delegates were not present, asked Mr. Fred Kelly if he would agree to vote on his motion the next day at the last session.

Mr. Fred Kelly agree.

The meeting was recessed with a specific notation that it was not being adjourned.

August 19, 1968.

Mr. Peter Kelly, co-chairman introduced the Indian Superintendent from Fort Frances Agency, Mr. Henry Gauthier, and then asked the delegates if they wanted to have an afternoon session (translated into Cree and Ojibway).

Mr. Robert Donio, Sr., Mr. Raymond Bruyere and Mr. Fred Green said that they would be leaving at noon.

The Director of the Indian Youth Centre, Mr. Xavier Michon then spoke briefly on the matter of treaty Indians speaking at the meeting.

The co-chairman, Mr. McGilp said that only Indian people could speak as official representatives.

Mr. Fred Kelly elaborated on his motion of the 18th of August that there should be at least four delegates to represent Northern Ontario at the next consultation meeting in Ottawa. The motion of August 18 was seconded by Reverend Steven Beardy (translated into Cree).

The co-chairman Mr. McGilp suggested they choose the delegates for the Ottawa meeting.

Mr. Peter Seymour asked if an amendment to the motion was in order and the chairman agreed it was.

Mr. Seymour then moved the amendment as follows: "There are three different treaties represented and the meeting should choose two representatives from each treaty to be present at the next meeting".

Seconded by Mr. Raymond Bruyere (translated into Cree and Ojibway).

The vote having been taken, 38 delegates agreed. A motion was carried. There were none opposed.

Reverend Steven Beardy, Cree Interpreter suggested that the representatives should be spokesmen from the bands, not necessarily chiefs, but anyone who could understand English.

Mr. Peter Kelly, co-chairman said they should perhaps choose only one representative for the Indian people and not necessarily one from different treaties (translated from Cree).

Mr. Fred Green said that the meeting seemed to have bogged down with side issues apart from the presentations the delegates were supposed to make. He said that the delegates were present to change the Indian Act, to discuss matters affecting their reserves and to put their views forward to the Government. He said the Indian people were told that the meeting was theirs and that they should say what they had on their minds when they were ready to say it. He said that he had noticed that some delegates had not said anything and that perhaps Indian people did not thoroughly understand the Act. He suggested that perhaps they should ask the Government for another meeting, but before this would take place, they would have a body or a group visit the reserves consisting of a lawyer and Ojibway and Cree interpreters. He said that when the Indian people were knowledgeable and informed about the Act, they would be able to speak on all of the points (translated from Ojibway and then from English to Cree).

Mr. Green then suggested that those delegates who knew the Act should signify it to the meeting (translated from Ojibway and then from English to Cree).

The co-chairman Mr. Peter Kelly then called for a show of hands and three delegates indicated that they understood the Act, the balance said they did not. Mr. Kelly then suggested that the delegation did not seem to have a thorough understanding of the Act.

Mr. Archie Redsky said that he had studied the Indian Act for 14 years and that he hoped the delegation would not be too shy to speak out.

Mr. Peter Kelly, co-chairman said that because the Indian Act was written in English this did not mean that the delegates could not understand the Act in their own language.

Mr. McGilp, co-chairman said that for many months the Government had been asking the Indian people how they felt about the Act and a number of delegates had thought about questions to ask. He said that he thought many delegates had an opinion about adopted children, etc., and that their thoughts about how it should be changed and what should be in the Act were the most important matters at this stage. He said the delegates knew how long a chief should be in office and whether the liquor provisions should be deleted. He said this was clear advice to the Government since they knew what the people felt about the Act. He said the Act had to contain the Indian viewpoint and that perhaps there was too much reticence prevailing on the part of the delegates (translated into Cree and Ojibway).

Mr. Peter Kelly, co-chairman, said that Mr. McGilp seemed to be telling the meeting that the Indian people knew the Act, but delegates affirmed that they did not. He said that if the delegates felt that monies should be expended for another meeting, then this is what should be done (translated into Cree and Ojibway).

Mr. Richard Bannon thought that most delegates in attendance had answers to the questions from "Choosing a Path" but that exposition of these answers would take too much time. He felt that someone should go to each reserve and get an outline in written form of what should be changed. He said the delegates representing the three treaties would then have the correct information to present.

Mr. William Mawakeesic said that two delegates should be chosen from each treaty area.

Mr. Richard Bannon said that perhaps each band should mail in their submissions to the Government and that he was at present waiting to express his opinions on particular topics that had not as yet been raised.

Mr. Fred Green then suggested to the co-chairman, Mr. Kelly, that he had neglected to have a translation made of Mr. McGilp's remarks previously. He also said that the delegates should know all the Subsections to the Act that were proposed for amendment.

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Miss Myrna Legarde said that the Indian people needed a lawyer versed in the old and new Indian Act and interested in the Indian welfare.

The meeting was then opened for discussion on education.

Mr. Henry Kelly of the Northwest Angle, No. 33 Band said that public schools should be on reserves. He said that on reserves, children were being forced to go to residential schools (translated into Cree).

Mr. Walter Oshie of the Northwest Angle No. 37 Band said that he supported Mr. Henry Kelly's remarks since his band in Northwest Angle had similar problems.

Mr. William Mawakeesic said that his band has its own public schools, but there was no transportation on the reserve even with an Indian Affairs bombardier available (translated from Cree).

Mr. David Strang of the Pikangikum Band said that many of his band's children had been frozen in 40 below zero weather because of the lack of transportation. He asked if the Indian Affairs Department could do something about this situation. Mr. Peter Kelly suggested that Mr. Strang should be assisted. Mr. Richard Bannon of the Fort William Band said that these were local problems and not matters to be dealt with under the Indian Act. Mr. Peter Kelly, the co-chairman, said perhaps these delegates were trying to tell the meeting something and that the delegates should try to understand what these representatives meant.

Mr. Fairholm said that under the Indian Act agreements can be made with local school boards for the education of children -- Section 113. Where such arrangements are made and where children are taken away from the reserve, the parents are consulted. He said that today over 50 per cent of the Indian children are attending such schools. He continued by saying that in Northern Alberta provincial schools were located on or off reserve depending on the local situation.

Mr. Archie Redsky said further meetings were required (translated from Cree). Mr. Peter Kelly, the co-chairman, said that it had been expressed by many delegates that another meeting was needed.

The Reverend Steven Beardy, the Cree translator, then read a submission by Mr. Saul Keeash of the Caribou Lake Band (see Appendix M).

Mr. Peter Kelly, the co-chairman then asked if they were in favour of a meeting in the afternoon. The vote having been taken, eighteen were opposed and five were in favour.

Reverend Steven Beardy, Cree translator, then read a brief from the Trout Lake Band (see Appendix N.) Mr. Steven McKay, spokesman for the Trout Lake Band spoke with regard to question No. 24 that there should be no liquor on the reserve and that it would be a good idea to have two representatives from Northern Ontario. He said that if someone did travel to the reserves, the band would want to know beforehand so that they could be prepared to meet him. The people from Fort Hope had the same ideas he said. Regarding education, he stated that what Mr. Strang had said was exactly what happened. He said there was no

transportation for children living across the lake and asked if anything could be done about this. He stated that one of his fellow Cree Indians asked if the Act could be translated and written into Cree and Ojibway.

Mr. McGilp, the co-chairman, said this would be a good suggestion for the proposed new Act.

Mr. Fairholm felt that the suggestion was a good one and if one could translate the legal words into Cree or Ojibway, one could give consideration as to how it might be done. It would probably not come out exactly in legal wording but one could get the sense of what the words in the Act would be so that one could then read what the different provisions were in one's own language.

Mr. McGilp, the co-chairman, said the Indian Affairs bombardier would be turned over to the Big Trout Lake Band Council so that it could be used to transport the children.

Mr. David Seymour said that the Act should be put in such language that everyone could understand it.

Mr. Ralph Bruyere said that he was not entirely satisfied with the outcome of the meeting and mentioned especially the sections in the Act on liquor. He said that some Indian people had agreed and some had disagreed and if the liquor sections were repealed, it might be detrimental to some Indian people.

Mr. Richard Bannon said that his band felt there should be at least two Indian members of Parliament elected to the House of Commons. He said that a white man should not represent the Indian people in Parliament and moved the following motion:--"That the Federal Government take into consideration that we be able to elect at least two members of Parliament who are treaty Indians to represent the Indians of Canada" (translated into Cree and Ojibway).

Mr. Peter Kelly, co-chairman, asked what kind of members of Parliament should be elected.

Mrs. MacLaren said treaty Indians should be elected to Parliament and they would represent treaty Indians alone.

Mr. Colin Wasacase said that at the last general assembly of the Presbyterian Church of Canada in June of 1968 a motion was presented to the Government to have three Indian representatives in the House of Commons.

The motion by Mr. Richard Bannon was seconded by Miss Myrna Legarde. Mr. Bannon then mentioned that an Indian representative from British Columbia was representing a constituency of Indian and non-Indian people. He suggested, however, that only Indian people should represent other Indian people.

Mr. Steven McKay said that people always wanted to break the Indian Act. He said that the white man had promised to help the Indian forever and that the old men who were present at the treaty signing had told him so and that these treaties would not be broken (translated from Cree).

The vote having been put to the delegates, the result was as follows: thirty-four for, none opposed and 2 abstentions.

Mr. Fairholm said this motion would come to the attention of the Government and it would be up to Parliament to decide whether to make provision for special Members of Parliament who were of Indian status.

Mrs. MacLaren asked if this would be the case even if there were seventy-five per cent of the Indian people in favour of such a motion across the country.

Mr. Fairholm said if there were to be Indian constituencies, provision would have to be made by Parliament since there were only 264 constituencies at present. He said that the House of Commons Representation Act would have to be changed.

Mr. McGilp, co-chairman then said that some Indians in Southern Ontario were considering approaching their elected representatives so that an Indian person could be appointed to the Senate. Mrs. MacLaren asked how much power the present Indian Senator had and Mr. McGilp said that this was not a question which he could answer and would rather listen to what they were saying.

Mr. Richard Bannon said that Senators only voted on Bills passed to them by the House of Commons. He said the Indian people needed a Member of Parliament in the Lower House.

Mr. Fred Green said that since the meeting was now coming to an end and much unfinished business was left to be done, it was moved "That the delegation have another meeting in order to continue the business of discussing the new Act". The motion was seconded by Mr. Robert Sonio Sr. (translated into Ojibway and Cree).

Mr. Peter Kelly, co-chairman then asked Mr. John Yesno and Mr. Henry Kelly if they understood the proposal and Mr. Green then reported Mr. Kelly's remarks in Ojibway.

Mr. Elijah Baxter said that he agreed with the motion.

Mr. Fred Kelly agreed and said that his band had found it hard to penetrate the bureaucratic jungle of the Indian Affairs Department. He thought lawyers were very important and Saul Keeash, Myrna Legarde, Steve McKay, Ray Kabatay and David Strange agreed.

Mr. Peter Kelly, co-chairman said that the delegates could go back to their reserves and be better prepared to discuss the Act.

Mr. Toussant Michano said that if another discussion were to take place, perhaps it should proceed on the basis of the questions in "Choosing a Path" and in the correct order.

Mr. Fred Green mentioned that the questions Nos. 1-34 and any other matters should be discussed.

The motion put to the delegates was unanimous (38 for).

Mr. Fred Green then moved, seconded by Miss Myrna Legarde "That a lawyer who is versed in the old and new discussion - Indian Act, and one who is sincerely interested in the Indian people's welfare and competent Cree and Ojibway interpreters should visit the bands and explain completely the contents of the Act so that people can better understand it" (translated into Cree and Ojibway).

Mr. Green continued by saying that the Indian people of today must not be accused by future generations of Indians that they had hurried the job of changing the Act. He said they must carry out their work honourably.

One of the delegates mentioned that Mr. Fairholm was competent to explain the Act.

The Chairman addressing his remarks to Mr. Ralph Bruyere, the Indian Advisory Council member, said that Minutes of the Indian Advisory Council and the National Board were not made available to the bands and councils.

Mr. Ralph Bruyere said they were mailed by him to the band councils.

Mr. Toussant Michano said that he had received Mr. Bruyere's information and perhaps it had stopped at some local councillors' desks.

Mr. Esias Thomas said that he agreed with the motion.

Mr. Peter Seymour said there was no proposed Indian Act as such and that perhaps the word 'discussion' should be used. He asked when the new Act would come into effect and who would pay for it.

Mr. Fred Green said that he hoped it would come into effect as soon as possible.

Mr. Ralph Bruyere said that a reply perhaps could come from Mr. McGilp or Mr. Fairholm.

At this point there was a suggestion that further consultation should take place with all the individual bands in Ontario.

Mr. McGilp the co-chairman said that the only answer the Department could give on this matter was to indicate to the Minister what the delegates had said at this point. He said that if the Department did hold meetings with the 113 individual bands in Ontario it would take at least a year to complete the meetings.

Mr. Fairholm said that the consultation team worked for the Government and that they would report the motion back to the Government and the Minister of Indian Affairs and to Mr. R.K. Andras. He said that they could make sure only that the motion was brought to their attention.

Mr. William Mawakeesic said that everyone knew this would take time.

The motion was put to the meeting and the results were as follows: 31, for; abstained 1; no one against.

Mr. Peter Kelly then said he was open to criticism and suggestions with regard to the procedure of the meetings.

Mr. Saul Keeash of the Caribou Lake Band then said that he would like to say that his band wanted to have for themselves the authority to decide how they wanted to run their own reserves. He said there were white people who visited reserves who had no concern about what the Indian people wanted to say (translated from Cree).

The co-chairman, Mr. Kelly asked who the delegates wanted to represent them at the next meetings (translated into Cree). He then announced that the Government officials had suggested to him that they leave the meeting (translated into Cree and Ojibway).

The opinion of the meeting seemed to be that the Government officials should remain.

Mr. Colin Wasacase then suggested that the delegates break into three groups representing the three treaties and elect the representatives. This was done with the following result:

Treaty 3

Mr. Peter Kelly
Mr. Raymond Bruyere (if Mr. Bruyere declined, then Mr. Fred Green)

Robinson Superior Treaty

Mr. Toussant Michano
Mrs. MacLaren

Treaty No. 9

Mr. Louis Waswa
Reverend Steven Beardy

Mr. Toussant Michano asked about medical care.

Mr. McGilp, the co-chairman said that he did not want to prolong the meeting and that he and Mr. Fairholm would be available at 2:00 p.m. to discuss individual problems.

Mr. Michano and Mr. Sutherland said that they enjoyed the meetings and were happy to see so many delegates in attendance.

Mr. Peter Kelly expressed his thanks to those who had taken part and assisted in the meeting (translated into Cree and Ojibway).

Mr. McGilp then adjourned the meeting at 1:00 p.m. and expressed his thanks to the Indian people on the reserves who had chosen the delegates.

APPENDIX A

S U B M I S S I O N

Mr. Steven McKay--Trout Lake Band

I don't want to let anyone take my place, that means I won't let anyone take it, which the Lord gave me to use and live on it, as long as we live here on earth, and as long as the river flows and as long as the sun to shine and the dry earth.

(1) earth (2) mud (3) rocks (4) wood (5) sand (6) flowers
(7) valvets (8) juries (9) water

The other thing, the wandering of animals in the woods during the day, we are going to use them for food.

Next thing is the every human which we see here on earth, which means animals and we are gonna use them for living.

The other thing is the other animal which live on sea, we are also gonna use them for food.

We don't mean that we dislike our queen.

We are gonna use everything as to sale. Like the Lord gave us everything, we will try and use them all, like gardens for planting, which means everything.

We are praying for our queen every day, who helped us during our time right now and we are sincerely hope this will keep up during our future.

Thank you.

Mr. Judas Winter No. 97
Angling Lake, Ontario

Cathecist -- Eleazar Winter No. 229

APPENDIX B

S U B M I S S I O N

Mr. Steven McKay--Trout Lake Band

Indians who adopt non-Indian children.

1. It would be better if the foster parents wait until the child is 21 years of age so he will be able to decide for himself to which status he will belong.
2. From this, he wouldn't lose his natural birth.
3. There should be payment for the adoption of the child so the parents will be able to care for him properly.
4. Non-Indian adopting Indian children.
 - (1) The parents who are not paid to take the child with treaty rights.
 - (2) The child should maintain the treaty rights.
 - (3) It would be easier for the non-Indian parents to look after the child. Also, the parents would wait until the child is 21 to decide fro himself.

APPENDIX C

S U B M I S S I O N

Mr. Bert Sutherland—Constance Lake Band

1. The Registered Indian Act.
2. Band Councils and field staff should have more authority to make their own decisions.
3. No persons or Bands should be excluded from the provisions of the Act without their consent.
4. All children of unmarried Indian mothers should take their mother's status.
5. In marriages between Indians and non-Indians, each person should retain the status they had before the marriage.
6. Non-Indian children adopted by Indian families should have Indian status.
7. An Indian should be able to withdraw from Indian status by simply deciding that he wishes to do so.
8. People should not be allowed to withdraw from Indian status under 21 years of age.
9. When a family withdraws from Indian status the children should not lose their status. They should be allowed to choose for themselves at age 18.
10. When a Band wishes to give up its status it should require a two-thirds majority vote.
11. Individual persons should be able to own their own property within the reserve.
12. Present rules about selling reserve land should be kept.
13. Indians should have the right and responsibility for dealing with their estates.

14. Indians and Bands should be able to pledge all property other than real estate as security for loans.
15. Individual Indians should be able to pledge their right of possession to land to their Band Council (or the government) as security for loans.
16. Indians should be able to borrow from any source using their income from leased out property as security for the loan.
17. Indians should be able to contribute to the Canada Pension Plan.
18. The Band wants to have further discussion on this point, because the question is too tricky.
19. All adult members of a Band should vote on lease proposals whether or not they live on the reserve.
20. The Band Council should have the authority to order surveys and subdivisions undertaken.
21. The provisions giving the Minister authority to operate farms on reserve land should be repealed.
22. The section of the Act concerning selling animals or produce with the Agent's permission should be repealed.
23. The section giving authority to appoint the Agency Superintendent as Justice of the Peace should be repealed.
24. The sections on liquor should be repealed.
25. Band Councils and the Band, should be able to enter into leases with no limits.
26. The Band Council and the Band should be able to handle any leases without the minister's permission.
27. Band Councils should have much wider power over Band Funds.
28. It should be required by law that a Band vote before changing the local government system.
29. Voting age should be 18 years old.
30. Candidates for Band Council should be over 21.
31. It should be possible for a Band to choose its chief and candidates from a single list of candidates.

32. Councillors should have a fixed term of two years.
33. Each Band should be able to choose its own kind of local government.
34. Bands should be allowed to form corporations to administer the business affairs of the reserve community.

The Band also wants to know why the Treaty money does not go up while the high cost of living goes up. Treaty money should go up while everything is changing.

The Band wants to know why the Hospital or the Doctor takes the OHI number and also takes the treaty number from the Indians, at the same time, because the Indians think the Doctors are getting paid twice.

SUBMISSION

Mr. Louis Waswa—Fort Hope Band

1. We feel some consideration should be given renaming on the Indian Act. We realized that Indian Act gives the Indian the special status. Band feels that word Indian is a word or term looked upon with disrespect by other members of society.
2. Yes. One of the purposes of these should be to encourage to administer the affairs.
3. We feel that no person who has Indian status should be excluded under the new act, unless, he is consulted first. Band councils should be consulted before the action is taken.
4. We recommend it. Child of an Indian mother be granted Indian status under the new act. (b) We also feel that the right of the Indian mother to demand support from the non-Indian father should be enforced.
5. Each Indian should be allowed to make their own decisions as to whether or not she wishes to retain her Indian status. Equally a non-Indian woman should be able to decide whether or not she wants to acquire Indian status when she marries an Indian.
6. Should have Indian Status.
7. We feel use of the enfranchisement is an incorrect use. Sect. should be rephrased so that Band Council and Indian members could decide for themselves whether to withdraw from Indian status. Counsel services should be made available to those who are considering a change in Indian status.
8. We don't feel that people under the age of 21 years should have the right to give their Indian status. Without the consent of the Band Council and without having suitable counselling service.

9. The child should not lose status because the family make withdrawal from status. They should be allowed to choose for themselves at the age of 18.
10. We feel that a 2/3rds majority should be allowed necessary be the Band can give Indian status /78%/.
11. Answer note book.
12. Answered also.
13. Provincial law.
- 14.
15. Yes Band Council.
16. Note Book - Yes.
- 17.
18. We are not concerned provide school. However, we would like to have education improved.
- 19.
20. There should be a provision for the Band Council to make the decision. With financial provision to be provided by the Crown.
21. This is a power that a Band Council should exercise.
22. We are unable to answer this.
23. Yes. We agree this section repealed and the people who are trained in the law should be solely responsible for the administration of justice.
24. Indians should be dealt with just as others.
25. Answered.
26. We feel the Band Council should be able to enter leases with the minister, except in situation where the issue involved is one which is, in the opinion of the Band Council, one which be voted on by all members.
27. The Band Council should have same powers over funds as those of any other town.
28. Yes.
29.)
30.) Refer Back to Draft
31.)

32. Should have 2 years.
33. Each Band should be able to consult with people who have training in Municipal affairs and then be able to choose the type of local government which will suit.
34. Yes. There should be business corporation etc. to administer business affairs of its reserve, but these corporations should not be allowed to discriminate against private people.

APPENDIX E

S U B M I S S I O N

Mr. Elijah Baxter--Martin Falls Band

Recommendations for the Revision of the Indian Act

NEW NAME

1. We do not feel there is any reason to change the title of the Act itself. The title "Indian Act" describes the bill adequately.

ADMINISTRATION

2. To avoid as much red-tape as possible, we recommend that section 3 (2) be changed to allow local Band Councils and Indian Agencies to make more decisions on local affairs. This would be an advantage if the Reserves adopted Local Band Governments.

APPLICATION OF ACT

3. Where Section 4 is concerned we feel that no person or persons who have Indian status should be excluded from any of the provisions of the new Act. This section should be revised to such an extent that Band Councils and band members be consulted before any action is taken either on their behalf or against them.

REGISTRATION OF BAND MEMBERS

4. We recommend that Section 12 (1a) be repealed. We recommend that a provision be included in the new Act which would allow illegitimate children to retain their mothers' status.
5. We recommend that Section 108 (2) be repealed. The section violates Article 1 of the United Nations Declaration of Human Rights. Under the new Act an Indian woman who marries a non-Indian should be free to either retain her former status or withdraw. The children would take their father's status.
A non-Indian woman who marries a band member should also be free to decide whether she wants to become a member of her husband's band. The children would be members of their father's band.

6. We recommend that the adoption clauses under the present act be removed so that legal adoption will mean a change of status.

- (a) Non-Indian children adopted by Indian parents would automatically be admitted to their parents' bands,
- (b) Indian children adopted by non-Indian parents would automatically lose their band membership.

WITHDRAWING FROM INDIAN STATUS

7. We feel that section 108 restricts freedom of choice. We recommend that it be changed so as to allow Band Councils and individual band members to withdraw from Indian status if they wish to do so.
8. We assume that when a young couple gets married that they also assume other responsibilities, such as deciding only good can come out of the act of withdrawing. If the couple, regardless of age, are well educated to meet the demands of a 20th century society they should withdraw if they wish to do so.
9. The new Act could provide that the withdrawal of parents does not change the status or membership rights of their children. This would mean that they would make their own choice when they reached the age of 21.

BAND WITHDRAWAL

10. We recommend that section 111 be changed to require a two-thirds majority vote when a band wishes to withdraw. The remaining minority group would retain their status by becoming a new band, provided that it is of reasonable size.

RIGHTS IN RESERVE LANDS

11. We agree and strongly support the following suggested changes:
 - (1) Outright ownership of a parcel of land distributed equally by Band Council surveys.
 - (2) The right to transfer possession of the land to his heirs.
 - (3) The right to give away or sell the land to another member of his band or to the band.
 - (4) The right to pledge his land to his band or the government as a security for a bank loan.
 - (5) The right to lease his land but subject to approval by the Band Council and the Minister.
 - (6) The right to settle land disputes in court if that individual thought he was being treated unfairly.

SALE OF RESERVE LANDS

12. We recommend that Section 37 be retained. But the rules on leasing should be made more flexible.

ESTATES

13. We believe that provincial laws which have jurisdiction over estates should be made applicable to the Indians. The sections on lands would protect the land itself.

CREDIT FOR INDIAN BUSINESSMEN

14. We recommend that Section 88 of the present Act be altered so that the clause only applies to real property, that is land and buildings, inside the reserve. Then all other property would be available for Indian business men to pledge to lenders to get more credit. If the loan were not paid then the lender could seize all real property which was pledged.
15. The Indian businessmen should be able to pledge his land as a security & for a loan, with the understanding that the Band Council could seize
16. his land if the loan were not paid.

THE CANADA PENSION PLAN

17. We recommend that Section 86 (1) (2 a, 2 b) be retained in the new Act. We sold our country and we do not feel it is right or justified that we should be taxed to receive benefits from it. When a treaty is signed each party should abide by it. However, if an Indian wants to make a personal contribution, the new Act should see to it that there are no provisions to stop him from doing so.

EDUCATION

18. We recommend that section 114 (c, d) be removed from the new Act. These religious organizations have a very poor record of contributing its former students into the main stream of Canadian Society. They provide only second rate teachers and education. There should be more public schools on Indian Reserves, operated jointly by the Federal and Provincial governments. Indian students would abide by the provincial attendance regulations.

Section 120 (1, 2) should be repealed. Moral obligations on religious grounds should attended to by the parents and clergymen.

Section 121 should be repealed. All students in public schools use the same textbooks under provincial law and it seems childish that this was over in the old Act.

Those who have reached high-school should attend school in the cities. Indian children have been known to make more progress when they were assimilated with non-Indian children. The foster home has also contributed a great deal to the Indian students' understanding of the Canadian Society.

SURRENDER PROPOSAL OF RESERVE LANDS

19. We feel that section 39 of the present Act discriminates against some band members who have interest in their reserves even though they don't ordinarily reside on the reserve. It should be repealed. The new Act should carry a provision abling those members to vote on such proposals, if they are able to attend.

COMMUNITY ASPECTS OF LAND MANAGEMENT

20. We recommend that section 19 be repealed. The authority to authorize surveys, subdivide reserves, and determine location of roads should be given to Band Councils. Section 34 should be deleted from the new Act. This responsibility should be given to the Band Council.
21. We feel that section 70 should not be retained in the new Act. All such projects should be under the direction of the Band Council.
22. Section 32 should be repealed. This responsibility should be left up up to the farmers and cattlemen on the reserve.
23. Sections 105 and 106 are outdated and should be eliminated from the new Act. Criminal offences committed on the reserve should be handled either by the O.P.P. or the R.C.M.P. and the laws of the land should prevail.

LIQUOR

24. We recommend that sections 93 to 99 be removed completely from the new Act. The Indian will be subject to the same rules and the same penalties that apply to other residents of the province in which he or she lives.

LEASING RESERVE LANDS

25. We feel that the band council and band members should be able to decide on what terms they should lease their reserve lands.
26. We feel that the same provisions be retained in the new Act for long term leases (over 21 years).

MANAGEMENT OF BAND FUNDS

27. The regulations about the use of band capital funds should be broadened so that they can be used for grants, loans, guaranteeing loans and other uses of benefit to the Band when the band council decides that this is a good use for the money. Revenue funds should not be used for the same purposes. Revenue funds should be used to repay capital funds.

Section 64 (a) should be retained but it should be made more flexible so that other capital assets could be distributed equally among Band members, not just from sale of surrendered lands. The rest of section 64 should be repealed. Instead there should be a general provision giving authority to band councils to make request for use of capital monies for any worthwhile project.

Section on 65 (b) should not be included in the new Act. Section 60 (3) should also be repealed.

BAND ELECTIONS

28. Section 73 (1) should be repealed. There should be a provision in the new Act which enabled bands to vote before any change in band council elections.
29. We believe that there should be a provision in the new Act which would allow 18 year old band members to vote in Band Council elections.
30. We recommend that in the new Act provision be included which would disqualify any candidate under 21 years of age. The election official should not be a candidate for office.
31. We believe that chiefs and councillors should be elected in the manner prescribed in Section 73 (3) (a) and (b) of the present Act.
32. We feel that the Chief should be elected for a three year term. The Councillors' terms would be for one year. There would be an election for councillors' every year. However, the outgoing councillors should be eligible candidates.
33. Under the new Act, Bands should be able to select the kind of local government which suits it best. Since Bands are stretched right across Canada this seems to be the only suitable solution.
34. To protect private enterprises on the reserves, Bands should be allowed to form Band Business Corporations.

APPENDIX F

SUBMISSION

Mr. Stanley King—Gull Bay Band

1. Should the name of the new Act be "The Indian Act" or would another name be better?
It should be the same "The Indian Act".
2. Should the Act permit delegation of authority so that Band Councils and field staff can make more decisions?
To be left as it was in the past.
3. At present, persons or Bands can be excluded from the provisions of the Act without their consent, should their consent be required?
There consent should be required.
4. Should the children of unmarried Indian mothers take their mothers status regardless of who the father might be?
The children of unmarried Indian mothers should take their mothers status.
5. Should an Indian women marrying a non-Indian take the status of her husband? Should each retain their own status as it was before they married? Should a non Indian women who marries an Indian gain Indian status (Not to be changed).
6. Should non-Indian children adopted by Indian families have Indian status. They should have Indian rights or Indian status if their adopted by Indian families.
7. Should the term enfranchisement be dropped? Should an Indian be able to withdraw from Indian status by simply deciding that he wishes to do so. Up to the Indian to withdraw from Indian Status.
8. No.
9. Yes.
10. Two-thirds majority vote should be required.
11. Page 14 gives a list of suggested changes in property ownership regulations for reserve property. Are they suitable suggestions for your Band?

12. It should be kept as it is.
13. They cannot sell any land.
14. The lender cannot seize the pledge property if the dept is not paid.
15. No.
16. No.
- 17.
23. No.
24. No.
25. No. Bands consent first.
26. No.
27. Should Band capital funds be used for making grants, loans and guarantee loans to individuals? "No".

Should revenue funds be used for such purposes? "No".

How wide should Band Councils powers over Band Councils powers over Band Funds be?
28. Yes.
29. The voting age should be that of Federal Law.
30. To be the same as Federal Law.
31. To be the same as before Chief elected from a single list of candidates.
32. Be same as before. Two years.
33. Yes. To be governed as it was in the past.
34. No concern of ours.

S U B M I S S I O N

Mrs. Charles MacLaren—Fort William Band

1. The Fort William Band suggested the name be changed to:

"The Canadian North American Indian Act"
2. The Fort William Band feels that Band Councils and field staff should be free to make certain decisions regarding Band business without consulting the Band as they feel that they have been elected with confidence and would vote as they feel it best to the interests of the Band.
3. The Fort William Band feels that since they are the people in question they have a perfect and legal right to make a decision regarding their right to be or not to be excluded from the provisions of the Act.
We feel that we are mature enough to be given permission to decide our own faith.
4. The Fort William Band take the stand that children of unwed mothers should not be recognized as a Treaty Indian. We feel that where a father is definitely a Treaty Indian then the child of an unwed mother should be recognized as a Treaty Indian and take the status of his mother.
5. We felt that this should remain as it is.
6. Non-Indian children adopted by Indian families should have Indian status.
7. The term enfranchisement should be dropped and an Indian should be able to withdraw from Indian status simply by deciding to do so.
8. The Band decided that it would be in the best interest of the young married couples to wait until they were twenty-one before they are able to withdraw from Indian status.
9. We decided to leave question No. 9 as it is. We did decide to drop Section 15 - 3(a).
9. No change.
10. We felt that a 75% of the electors should cast votes to decide whether a Band should withdraw its Indian status. We also felt that a minority should be allowed to retain their Indian status but that a minority should not be less than 10%.

11. We felt that Indians should register lands which they hold title to in the form of a Certificate of Possession.

We also feel that it should not be necessary to have the Minister's approval to lease certain lands for revenue funds.

On the matter of Clear Title, we feel that an Indian should be allowed to sell lands to whitemen. This should be put in the Indian Act.
12. It was suggested that the matter of Provincial Tax be discussed.
13. We recommended that the Act be left as it is. We felt that as it now is it is to our advantage. We also feel that it is not too important at present.
14. We feel that Indians should be able to put up cattle and tractors (as an example) as security for loans.
15. We think that individual Indians should be able to pledge their right of possession of land to members of the Band only.
16. We felt that Indians should be able to borrow from any source using their income from leased out property as security for the loan (money from the Watershed).
17. Make provisions in the Act for Canada Pension Plan. It was suggested that we be allowed to be exempt from taxation on the reserve even though we contribute to the Pension Plan.
18. We agreed that the Federal Government should handle education on reserves rather than the Provincial Government.
19. No, because if they have moved off the reserve, then they have no more interest in that land and they would only agree to surrender proposals on what money would be coming in, so the people that are still on the reserve, if they want out will. We would be lost - we would lose out.
20. Yes.
21. Repeal.
22. Yes.
23. Repeal. This should be repealed because sometimes it puts Indian Agent in an embarrassing position.
24. We feel that Section on liquor should be taken out of the Indian Act completely.
25. (a) Yes (b) 5-10 years

26. (a) Yes (b) Yes
27. (a) No (b) Yes providing the revenue funds are sufficient
(c) Band Council to have whole say.
28. (a) No, our band agreed that the local government system should take place through the band council.
29. Yes, if Provincial voting age is 21 years - if voting age is lowered to 18 - we will also agree.
30. 21 and over.
31. Remain as it is at present.
32. (a) On our reserve our people wish for the Chief to have a 4-year term and the Councils a 2 year term.
(b) Councils terms would not overlap.
33. Yes.
34. Yes.
35. A recommendation to the Government of Canada to the effect "that we should have a set part of time - 2 years to go over the old Indian Act with Professional help to help the registered Indian of Canada.

APPENDIX H

S U B M I S S I O N

Mr. John Yesno--Regional Indian Advisory Council

My Chief Louis Weswa and the band council and members met to discuss answers to the reamendment of the Indian Act.

Can't say I came up with any solid answers.

I myself brought up and made my own answer to every question which I have here.

I never went to school in my life and only go by instinct and experience, so therefore have had a rough time and have difficulty in presenting any form of speech to meet other standards.

I hope I am not putting myself in any dangerous position but only to try my part in making a solid foundation towards this delegation as a member of the Advisory Council.

I also represent and answer to Bert Sutherland of Constance Lake Calstock.

1. Answer, Yes - The New 1968 modern Indian Act.
2. Band Councils and Field Staffs should be authorized to make more decisions, for the benefit of the band.
3. Yes, their consent should be required, regarding exclusion.
4. Yes. If the father of the child is unknown, and if the known father of the child evades responsibility.
But if the child's father accepts responsibility of parenthood to the child, the decision should be his.
5. Each of the questions, should be mutually agreed upon between the parties to be married.
6. Yes.
7. The term enfranchisement should not be dropped - an Indian person should not be allowed to withdraw. Unless he is capable of assuming the duties, and responsibilities of citizenship, and capable of supporting himself and dependents when enfranchised.
8. No.
9. No. They should make their own choice when they become 21 years of age. (choose for themselves after they attain the age of 21 years. Optional when they become of age).
10. To withdraw band status, it should require a two-third majority vote. Minority could be transferred to another band.
11. Yes, suitable suggestions on page 14.
12. Kept.
13. No.
14. Yes personal property.
15. Pledge to Band Council.
16. No. Only on property not situated on the reserve.
17. Personal decision.
18. Present educational Sections remain.
19. Yes.
20. Yes with Co-Operation between the two.
21. Not familiar with the question, in this area.
22. Not familiar with the question, in this area.

23. We agree to the agency superintendents appointments as J.P. But feel that one of the band members with the necessary qualifications should also be appointed.
24. Yes. Regarding any member convicted for drunkenness or neglecting his family responsibilities, because of his drinking habits. He should be placed on the prohibited list.
25. Two years.
26. Yes to both questions.
27. Yes with Co-Operation between the Band Council and the agency Superintendent.
28. Yes.
29. Yes - 21 years of age.
30. Yes - 21 years of age.
31. Yes.
32. Three years with yearly elections to replace the retiring member and vacancies.
33. Yes.
34. Yes.

APPENDIX I

SUBMISSION

Mrs. Nora White—Whitefish Bay Band

1. We feel that the name the "Indian Act" should be changed due to the fact that only the Indian people are singled to give a name to their "Act". For example: There are many special acts applying to different nationalities, but do not specify which nationality.

The name our band recommends is "Treaty Act".
2. Yes.
3. Yes.
4. Yes.
5. An Indian woman who marries a non-Indian should be given the freedom to choose her own status and this also applies for a non-Indian girl marrying a Indian.
6. Yes.
7. Yes.
8. The young married couple should have the freedom of choice.
9. We feel that the children should not lose their Indian Status because of the parents. When reaching the age of 18, they would have the right to choose their status.
10. We agree to two-thirds majority vote but the minority be given the right to remain under the Act.
11. For #11 we would need further study and consultation.
12. We feel the present rules should be kept but in leasing reserve land, regulations governing the Act should be made easier.
13. to We need further study and consultation on these questions.
- 16.

17. We would like some information regarding Canada Pension Plan.
18. Here again we are in need of some interpretation as to what exactly #18 requests.
19. The reason for our answering no to this question is that a band member who is not living on the reserve has shown by absence to have no personal involvement in the affairs of his band.
20. Yes.
21. Yes.
22. Yes.
23. Would we have some explanation for #23? What does it mean?
24. There should be no mention of liquor.
25. Yes - See book.
26. We feel that #26 is answered by #25.
27. We feel that full authority should be given to the band council.
28. We would like more information be given.
29. Voting age we feel would be 18.
30. Yes.
31. We like our present system of electing band council.
32. #31 answers the question #32.
33. Yes.
34. Yes and at present in our reserve we have already a Corporation and with the help we received from the Indian Affairs, the Corporation is going well.

SUBMISSION

Mr. Fred Green--Shoal Lake #39

1. When the revision has been completed on the Act with the full participation by Indians in revising it, the name of the Act should be changed. When the Europeans came to North America, there were a race of people living here already. This first European made his first mistake when he named the first inhabitants of this country Indians - he thought he had come to India. Now there is a race of people living on another continent who bear the name of Indians and they are proud of it. We in this country bear the names of our tribes and are also proud of them. Therefore, we feel that a new Act drawn upon for the original inhabitants of this country should bear the original name.
2. Yes, we feel by their having authority quick action in business could result.
3. Yes, their consent should be required.
4. Yes.
5. Yes.
6. Yes.
7. Yes. (b) No, they should consult the Band and the Band should appraise the person, whether or not he is capable of coping with life outside the reserve before he is allowed.
8. The same as above.
9. (a) No (b) 18 years (c) Yes
10. We believe that a Band as a whole should not give up it's status.
11. (a) Yes (b) Yes (c) Yes (d) Yes
12. No answer.
13. Yes.

14. No.
15. No answer.
16. No answer.
17. Yes.
18. Do not know Provincial laws.
19. Only those living presently on Reserves.
20. Yes, it would enable to bring about prompt action rather than wait for months for answers from Ottawa.
21. No opinion, our reserve is not farming country.
22. Yes.
23. No.
24. Yes.
25. Yes, limitation of 5 years with approval of the Band members.
26. No, because it is important that the band should fully participate in its long term lease. (b) Yes.
27. (a) No answer (b) Yes, under strict requirements for persons applying
(c) complete control of revenue to be put into business ventures so that money can produce money.
28. Yes.
29. Yes.
30. No, this would allow promising young individuals to participate in local band councils.
31. Yes.
32. Yes.
33. Yes.
34. Yes. Indians will never be in equality or their rights be honourably enacted, until they are part of the law-making body of the Canadian society who are laying down the foundation of law for Indian people in this country.

S U B M I S S I O N

Mr. David Wesley--Lakehead Friendship Centre

1. It was strongly suggested that the term "Indian Act and its contents be abolished completely, and that there be a section inserted into the citizens act pertaining to the protection of the native peoples of Canada.
2. It has long been felt that band councils and the field staff of the IAB should be given more freedom to make decisions especially those that require immediate attention. This would serve two good purposes:
 - (a) Because of our lengthy distance from the Capital, priority decisions could be made without delay;
 - (b) The Band councils would be able to play a more self-supportive role.
3. Not sure - Decision after some discussion.
4. Yes, the child should take the mothers status since she is the sole supporter of this child.
5. No, an Indian woman who marries a non-Indian, who is of Indian descent and whose background shows that, that person through no fault of his own, had lost his treaty status, should be able to retain her status.
6. Legally, it would take the status of its adoptive Indian parents. If the child is of white heritage, then the Band Council should exercise that decision.
7. Following a decision by Eastern Councils, it was agreed that the term "enfranchisement" be eliminated and for those who wish to drop their Indian status, that decision to be the prerogative of the Band Council. It should be discouraged, if possible.
8. Included in #7.
9. In reference to #7, if the voting age is 18 years, then when that person reaches that age, he should be able to decide of his own whether wants to withdraw from Indian status, and again the Band Council should discourage such moves.

10. A 100% vote should be required.
11. Interpretation of the laws for sale of their land must be explicit.
12. Left up to the discretion of Band Council.
13. Yes, if he so wishes; it was strongly recommended that he refers his case to the Band Council, and the Superintendent of Estate (lawyer takes 10-20% for fees).
14. Personal belongings such as cars, home furnishings should be able to be used as security for obtaining loans.
15. No.
16. No, in Northern reserves no individual Indian has a certified (certificate) of possession for their property.
17. Left up to Band Council.
18. Residential schools should be eliminated and responsibility should become provincial.
19. Yes.
20. Yes, in that way they would be exercising themselves for self-government.
21. Law should be repealed. If the Minister feels fit to operate a farm on some of our reserves in Rocky Northerwestern Ontario. We wish him luck.
22. Yes, it should be written law, that animals and produce can be marketed at any time at the owner's discretion.
23. Yes, law should be repealed, although it would be justified that the Superintendent remain as a Commissioner of Oaths.
24. Liquor Act for Indians should be done away with and be brought under Provincial Law and then IFA reserve wishes to disallow liquor on their reserve it should be at the discretion of the Board Council and its members.
25. Yes, a length of a term of the lease be the decision of the Band and should get legal aid.
26. Left up to the Band.
27. Decision of the members of that reserve.

28. Discussions.
29. Yes, in the Democratic System the age of voting is 21 years, therefore, it should be likewise.
30. Band Councils should be aware of the requirements of Municipal law in their role of self-government.
31. It has been suggested that the single list system be used because in this way, no candidate be excluded.
32. In the case of voting for a Chief, this term should run for not more than 2 years. The councillors term should run 1 year and 2 years.
33. Yes, local bands should be able to select their own government system according to the Band Council and its members.
34. Definitely Yes, as a part of a Democratic system, the Bands should be allowed to set up their own corporation businesses.

APPENDIX L

S U B M I S S I O N

Mr. Robert Donio, Sr.--Rocky Bay Band

1. The Treaty Indian Act.
4. No.
6. No.
7. No, Treaty Indians.
8. No.
9. Not till 21.
17. No, contribution.
23. No, repeal.
24. Majority rules - controlled by Chief and Council.
29. Be eligible to vote at age 21.
30. 21 years.
31. Government procedure.
32. Government procedure.
33. No, reserve.
34. No, reserve.

APPENDIX M

S U B M I S S I O N

Mr. Saul Keeash--Caribou Lake Band

1. I don't want change name for Indian Act.
2. Yes, for an educated person.
3. Yes, should help Indian Affairs.
4. Yes, I mean own Indian.
5. But Indian woman married - non-Indian should be made Indian this white man.
6. But non-Indian children should be take with him - Indian.
7. No.
8. No, after past years * I mean after twenty-one years old.
9. Not in the North. Maybe better for 21 years old.
10. Yes, all Indian Band.
11. No.
12. Just little - not much.
13. No.
14. Nobody want selling anything about this.
15. Nobody wants the sale own house if his not know where is home.
16. Should be paid time and time until all.
17. No.
18. Yes, still looking after Indian Affairs.
19. No.
20. Yes.
21. Yes.

22. Yes, first ask - make sure.
23. Yes, same.
24. I don't want liquor inside reserve that is first promised.
25. Ask. First Indian Affairs.
26. If not make trouble inside Reserve.
27. Yes.
28. Right.
29. 18 years old.
30. If better doing anybody.
31. Yes.
32. I don't want be quit. Everyone Councillors.
33. Yes.
34. Yes.

S U B M I S S I O N

Mr. Steven McKay--Trout Lake Band

1. Indian Act (will be better to change the name).
2. Yes.
3. Yes.
4. Yes.
5. Yes.
6. Yes.
7. I don't know.
8. No.
9. Yes.
10. Yes.
11. See 14.
12. No.
13. No.
14. Let the Indians decide about own property.
15. Do not answer.
16. No.
17. No.
18. I don't know.
19. No more interest in the land.
20. Yes.

21. No.
22. I don't know.
23. No.
24. Change Liquor.
25. Did not answer.
26. Yes. Vote please if not make any trouble.
27. Yes.
28. Right.
29. 18 years old.
30. Yes.
31. Yes.
32. This is 32. It is up people.
33. Yes. Making better this job.
34. Yes.