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REPORT
OF THE
INDIAN ACT
CONSULTATION MEETING

QUEBEC CITY, QUEBEC
SEPTEMBER 30 AND OCTOBER 1, 2, 3
AND 4, 1968

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DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

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of the Montmorency Consultation

The Quebec Consultation was provided with simultaneous translation in both English and French.

The reports of the meeting were prepared by two teams of French Reporters and English Reporters who worked separately, and prepared their final reports separately. They took translation where necessary from the simultaneous translators.

Neither the French nor the English report of the meeting is a translation of the other.

The majority of the speaking was done in English.

REPORT OF THE INDIAN ACT CONSULTATION MEETING
HELD AT
LA MAISON MONTMORENCY
COURVILLE, QUEBEC
OCTOBER 1, 2, 3 and 4, 1968.

CO-CHAIRMEN

Chief Andrew Delisle
Caughnawaga Band,
P.O. Box 720,
Caughnawaga, Quebec.

Chief Max Gros-Louis
Lorette Band,
Village Huron, Quebec.

BAND SPOKESMEN

BAND

Oka

Odanak

Temiskaming

Abitibi Dominion

Waswanipi

Eastmain

Fort George

Great Whale River

St-Regis

SPOKESMEN

Chief James Gaspé
273 St. Theresa St.,
Oka,
Co. des-deux-Montagnes, P.Q.

Chief Louis-Paul O'Bomsawin
Odanak, P.Q.

Mr. Victor Chief
Notre-Dame-du-Nord, P.Q.

Chief Tom Rankin
R.R. 2,
Dalquier, Amos, P.Q.

Chief Louis Gull
General Delivery,
Matagami, P.Q.

Chief Matthew Shanush
Eastmain, Via Moosonee,
Ontario.

Chief Robert Kanatewat
Fort George, Via Moosonee,
Ontario.

Chief Jean Petagameskum
Great Whale River, Via Moosonee,
Ontario.

Chief Angus Mitchell
St-Regis Indian Reserve,
St-Regis.

BAND

Becancour

Grand Lake Victoria

Kipawa and Brennan Lake

Long Point

Lake Rapid (Barrier)

Obedjiwan

Manowan

Nemaska

Old Factory

Rupert House

Lake Simon

SPOKESMEN

Chief Armand St-Aubin
Becancour, Co. Nicolet, P.Q.

Chief P. Papatie
c/o Roger Gagnon Groceteria,
Louvicourt, P.Q.

Chief Michel McKenzie
P.O. Box 531,
Temiskaming, P.Q.

Mr. Howard McMartin
Winneway River, Via Laforce, P.Q.

Mr. Harry Blacksmith
Miquelon, P.Q.

Mr. Josie Sam
Fort George, P.Q.
Via Moosonee, Ontario.

Mrs. Joseph Manatch
Parc Laverendrye, P.Q.,
c/o Le Domaine, Co. Pontiac.

Mr. Cyril Awashish
Obedjiwan, P.Q.,
Via St-Michel-des-Saints.

Mr. Harry Flamand
Via St-Michel-des-Saints,
Co. de Berthier, P.Q.

Chief Berthie Wapachee
Nemaska, Via Moosonee,
Ontario.

Mr. James Visitor
Paint Hills, Via Moosonee,
Ontario.

Mr. Malcom Diamond
Rupert House, Via Moosonee,
Ontario.

Chief G Papatie
c/o Roger Gagnon Groceteria,
Louvicourt, P.Q.

BAND

Restigouche

Viger

Bersimis

Natashquan

Fort Chimo

Montagnais of Lake St-Jean

Mistassini Lake

Manowan

Manowan

Maria

Seven Islands

Bersimis

Mingan

SPOKESMEN

Mr. Michel Isacc
Restigouche, Cte. Bonaventure,
P.Q.

Mr. Joseph Launière
Viger, P.Q.

Chief Salomon Bacon
Ashini St.,
Betsiamites, P.Q.

Chief Pierre Tettaut
Natashquan, Co. Duplessis,
P.Q.

Chief Joseph Guanish
P.O. 2248,
Schefferville, P.Q.

Mr. Guy Basque
Gaspé, P.Q.

Chief Harry Kurtness
Pointe-Bleue, Cté. Roberval,
P.Q.

Miss Edna Neeposh
Via Chibougamau,
Co. Abitibi East, P.Q.

Mr. Henry Ottawa
Via St-Michel-des-Saints,
Co. de Berthier, P.Q.

Chief Wellie Flamand
Via St-Michel-des-Saints,
Co. de Berthier, P.Q.

Chief Leonard Jerome
Maria, Cté. Bonaventure, P.Q.

Chief Daniel Vachon
1 Gregoire St.,
Seven Islands, P.Q.

Mr. Jean-Marie Bacon
Ashini St.,
Betsiamites, P.Q.

Mr. George Nolin
Mingan Co. Duplessis, P.Q.

BAND

Escoumins

SPOKESMEN

Mrs. David Ross
Escoumins, P.Q.

INTERPRETERS

Chief Tom Rankin
R.R. 2,
Dalquier, Amos, P.Q.

Chief Robert Kanatewat
Fort George, P.Q.,
Via Moosonee, Ontario.

Mr. Josie Sam
Fort George, P.Q.,
Via Moosonee, Ontario.

LEGAL ADVISERS

Indian Association of Quebec

Mr. J. O'Reilly

Indian Association of Quebec

Mr. J. Beaudoin

CONSULTATION TEAM

Minister of Indian Affairs and
Northern Development

Hon. Jean Chrétien

Minister Without Portfolio

Hon. Robert Andras

President, National Indian Brotherhood

Mr. Walter Dieter

Department of Indian Affairs and
Northern Development

Mr. Cy Fairholm

Department of Indian Affairs and
Northern Development

Mr. Jules D'Astous

Department of Indian Affairs and
Northern Development

Mr. Jean Levert

Department of Indian Affairs and
Northern Development

Mr. Les Smith

Department of Indian Affairs and
Northern Development

Mr. George Rimek

Department of Indian Affairs and
Northern Development

Mr. William Fox

TUESDAY, OCTOBER 1, 1968

The Indian delegates held a closed meeting on Monday, September 30. They appointed two Co-Chairmen, namely Chief Andrew T. Delisle, Caughnawaga Band, and Chief Max Gros-Louis, Village Huron Band. (NOTE: Simultaneous translation from French to English and English to French was provided).

Co-Chairman Chief Delisle welcomed the Honourable Jean Chrétien, Minister of Indian Affairs and Northern Development.

Mr. Chrétien's speech -

"Dear friends of the Indian people of the province of Quebec. It is a very pleasant task for me this morning to meet with the Indians of the province of Quebec for the first time officially. I know that we have many things in common. First of all I am myself a citizen of the province of Quebec and coming from the rural area of the province and have lived in a section of the province where there are some Indian reserves such as Manowan. Since I, myself, have lived in this beautiful area of Morisique where we are by temperament, and because of our geographical situation, very close to nature I am indeed very pleased to find myself with you today and to tell you that when the Prime Minister, Mr. Trudeau, asked me a few months ago to become the new Minister of Indian Affairs I accepted the challenge with great pleasure, indeed, because I knew I would have to deal with those people who were the first inhabitants of this land, those people who have a remarkable and most interesting history, a minority in a country where we can and where we hope they will preserve their traditions and their culture. Therefore this task was most interesting for me since I myself come from a minority group in Canada. I understand the very difficult situation which may arise sometime out of the inferior situation. I started my new work in July with a lot of interest and in the course of the past few months I have had the opportunity to visit many reserves outside the province of Quebec to visit reserves in the Northwest Territories, in British Columbia, in other provinces such as Ontario and today I find myself here in Quebec. Of course a few years ago I came by the Village Huron here in Quebec. I was just a tourist of course, I had gone to visit a cousin of mine who was married to a member of the Indian group of Village Huron. I also visited other reserves in the past but since today I am with you in Quebec I have even a greater pleasure because I have had a chance to learn about your problems in the past few months and I think that I know it quite well already and I do hope that in the next few years we can progress surely to give Indians in Canada the place which they deserve in our society.

"First of all I think it is evident, it's obvious that you, yourselves, must play a very important role in this development. You must be conscious, become aware, within your provincial or regional organizations of your position in our country. You must be proud of your inheritance. As I said before your history is most interesting and you have to be proud of it. You have to get together and work together in order to solve the problems which are special to you as Indians in Canada.

"What am I thinking of for the Indians of Canada? First of all I want them to become full fledged citizens of our society. Here in Canada all citizens of Canada are Canadian, some of them have peculiar characteristics because here in Canada we decided that this would be a country with two

official languages and that we hope that groups such as the Indian would preserve their customs and traditions which make of Canada a country where we can live in unity with the diversity we now know. I know there exists among the Indians very frustrating problems. These are problems of adaptation of a rural society to a more modern one. Myself I went through this evolution a few years ago because where I was educated we had to go through this transition and are still doing so, this transition from a rural society to a modern one and when we change over our methods and our ways of life, when we adapt ourselves to the modern age many conflicts show themselves among individuals and they're trying to find which direction we should follow.

"So because the federal government has a particular responsibility with regard to Indians I think it is essential for Indians to express their viewpoint. You should discuss among each other or with me and my representatives discuss their future. We have another way, it's a series of consultations which will enable you to discuss your complaints, your hopes and your projects. Of course it's clear that these consultations will take place and as this is the first opportunity you have had to consult with the federal government it is a little difficult this first attempt. But the experience we have had in other provinces up to now has been a positive one I think. It is a new dialogue and I hope that these first consultations will be followed by many others. You will see in days to come if you have an opportunity to put your views forward on each question that my Department has put to you and the answers that you will give us will serve as a basis for the setting up of the new Indian Act. When we will be finished with the first order of consultations in December throughout Canada, then we will proceed in January with a meeting of the chairmen of these provincial conferences. Then we will draft a new Indian Act and we hope that the new Indian Act will be approved by Cabinet by the spring. After that we will submit this Bill to the House of Commons and to the Indians so that you may be able to see what our decision has been following the consultations. Then you will be able to express yourself again on each of the terms and conditions that we are going to propose to you in the Indian Act.

"Up to the present I have come to the conclusion that fundamental changes have been made as to the statutes and the administration of Indian Affairs. I think that we will have to take means to delegate a lot more authority to your elected body, that is the councils of bands and other bodies that you will constitute. Why? Because this is the very essence of freedom to be able to take decisions. When one has new responsibilities one may make errors but it is the very essence of freedom to take decisions which will be either good or bad. And during the last years we have been able to observe that the internal organization of bands and reserves has progressed enormously. That the sense of administrative responsibility has made considerable progress and I feel certain that if we are ready to give more autonomy and freedom to the entities that are constituted by reserves and bands we will be able to have a more positive result.

"These are only a few ideas I have about the Indian Act, the many problems, the statutes of Indians, what should be done with the children born outside the bands, or what should happen to girls who marry white men and so forth. There are numerous problems and decisions will have to be taken. It is obvious that the decisions we're going to take will not always please you -

we will not be able to please everyone because you realize this yourselves during the discussions. You are going to divide yourselves into two or three groups according to what you want. This is democracy and I know full well I am not here to ask you what the Indians want for the moment because you will not have one voice, you will have many meetings, many tendencies, because human nature values problems differently. Neither one looks at them from one or the other viewpoint, because the very fact that you are expressing yourselves that you are saying what your particular problems are will enable us legislators to understand your problems and offer solutions which might be acceptable to the majority.

"We are also going to try and introduce in our new legislation a lot more flexibility because as I've already said and I repeat it there's just not one Indian problem in Canada, there are many Indian problems. There is a problem of Indians who are attached to large cities or working within large cities such as two examples well known in the province of Quebec the Indians of Caughnawaga reserve and those of Huron Village who live very close to white civilization and there are other Indians who are very close to nature living in the Indian villages, and live traditionally, so the rules that apply to the Indians in one sector do not or will not apply to those working in another sector. So we're going to try and find a formula which is flexible and will enable us to adjust to the areas situation.

"But there is not only just the Indian Act, there are many other problems which are in your mind I am sure. There is for instance the problem of the Indian Claims Commission and we intend to proceed this fall in the House of Commons to setting up of this Commission. I know there will be serious technical problems involved in the implementation and the efficiency of this Commission. Yesterday I had the opportunity of discussing at length with representatives of your provincial association. We discussed some of these aspects but we have to proceed, this is urgent in view of the complaints of Indians with regard to the Acts which have not been respected in the past and it is very important to start at once to give the opportunity to all Indian bands and Indian groups who are interested to make the necessary representations to this Commission.

"We are also going to proceed with other measures in the fall and naturally our task is a heavy one. We want to proceed with many things at once because I think it is time to go into action, the time of setting Committees and Royal Commissions of enquiry is passed with regard to Indian affairs and now we come to the moment of action. We are going to redraft the Indian Act, we are going to establish an Indian Claims Commission and we're going to try and clarify the situation regarding the rights of fishing and hunting of Indians, etc. These are all extremely difficult problems and most important to you."

Co-Chairman Gros-Louis expressed appreciation for the address by the Honourable Mr. Chrétien.

Co-Chairman Delisle then introduced the delegates and each stood to be recognized. He announced that only delegates and Indian Affairs personnel would be permitted to speak. He said he had had an opportunity to discuss changes to the Indian Act with his own people and that they found there were four areas that had to be dealt with. The four aspects of concern

included the laws and regulations dealing with individual Indian bands, individual groups, all the Indians living in one province and all the Indians across Canada. As far as the Indians in Quebec were concerned, he said it was decided to ask each band to list its most serious problem: He felt that in this way it would be more beneficial to find solutions to the problems rather than to specify vague ideas and try to formulate legislation dealing with them. He related that the Indians of Quebec Association had had a meeting last August and asked individual band chiefs to list their most serious problems. He thought it would be useful to find out what problems had been solved, those that had not been solved and what manner was used to solve them. The meeting, he said, also touched upon issues concerning the administration and application of legislation concerning the Indians, and also the constitutional issues affecting the Indians. He added that other things to be considered included the right or legislation to provide A Board or Area of Appeal by Indian Groups not only against each other but against governmental organizations; the concern of the division of Indians into provincial areas; the dissolution of the Indians as a nation; the protection of rights individually and collectively; the protection of aboriginal rights; the interpretation of Aboriginal Rights by legislation; the respect of acquired rights - rights that have been acquired over the years which have not necessarily been written in any treaty or agreement; questioning the inadequacy of existing rights, and the protection of the rights desired by the Indians to be protected; the right to select the proper representatives; and of course the protection of the rights within the constitution of the country in the same manner as rights of other nationalities were protected.

Mr. Delisle then asked the individual chiefs to present what they considered to be the most serious problems of their reserves. He referred, in turn to each reserves' problems which were submitted to the Association's meeting in August and then asked for comments on the present standing of the problems.

Problems of Huron Village as presented earlier by Chief Max Gros-Louis:

- a) Land - size of the reserve. The present reserve serves approximately one thousand (1,000) band members but measures only $\frac{1}{4}$ of a mile in width by $\frac{1}{4}$ of a mile in depth. Elaborate studies had been made by urbanists and other technical advisors of the band and several options on property bordering the reserve had been obtained with a view to enlarging the size of the reserve. The band considered it an absolute necessity that the present reserve be enlarged to encompass at least three hundred (300) arpents.
- b) The collection of provincial sales tax and gasoline tax from Indians on the reserve. The band in this respect, as do many other bands, claimed a complete exemption from any provincial jurisdiction whatsoever, including the necessity of remitting such taxes to the provincial government even if same were later refunded.

Co-chairman Max Gros-Louis said that the Hurons of Lorette Band had asked to have their reserve made larger and that this had been done during the year. He added that he also had problems such as hunting and

fishing and taxation. He said that he thought that band members paid nearly \$4,000.00 per year in provincial taxes from industry, but the people neither had a right to vote nor realized any benefits from the province.

Co-chairman Delisle outlined the problems listed for the Becancour Reserve as presented earlier by Chief St-Aubin:

Re: Becancour Reserve:

- a) Land - dispossession from certain lands formerly belonging to band members.
- b) Difficulties with transportation, especially the condition of roads or lack of same.
- c) Hunting and fishing rights' infringements.
- d) Health problems.
- e) Collection of provincial taxes from band members on the reserve.
- f) Social welfare.

Mr. Armand St-Aubin said his band had problems with territorial rights, schools, administration, medical services, Housing, Welfare and the regulations for fish and game.

Tuesday, Oct. 1, 1968

Co-Chairman Delisle outlined the problems listed for the Seven Islands Reserve as presented in August by Chief Daniel Vachon: -

- a) Infringement of hunting and fishing rights of Indians.
- b) Housing
- c) Existence of a road passing through the Reserve to Seven Islands for which no compensation was ever paid to the Band or on its behalf.
- d) The rights of the Hudson Bay Company on the Reserve, especially with respect to property occupied by it.

Mr. Daniel Vachon said his problems were different to those of Mr. Gros-Louis and Mr. St. Aubin. He confirmed that hunting and fishing rights were still a problem. While he had discussed the hunting problem with the executive of the Association and its legal advisers, he could not understand just how the Indians would fare when the jurisdiction of officials involved was exercised, particularly with respect to game keepers. He knew from experience that the federal officials had nothing to say about fishing and hunting in the Province and he wondered what difference the new Indian Act would make. He said the same thing was true with education and that it had been transferred to the Province without the knowledge of his Band. He said the school board now treated Indian problems as it treated non-Indian problems and that this was difficult for the Band. Mr. Vachon added that his people wanted a guarantee that the administration of the affairs of his people would always be with the Federal Government and they wanted to know if the Federal Government could assist the Band until such time when it was in a position to administer adequately its own affairs. He said that they had started to administer their own funds but they did not have enough experience yet.

Co-Chairman Delisle outlined the problems listed for the Schefferville Indians as presented in August by Chief Joseph Guanish: -

a) Land - there is presently no reserve for the Nascopies of Schefferville, who are currently occupying Provincial Crown Land. The Band categorically requests, and will not be satisfied with anything less than a reserve on the land which it presently occupies. Moreover the Band does not wish to move from the site it presently occupies.

b) Health and welfare problems, particularly in respect to drinking water.

Other problems were presented in August by Mme. Grégoire André: -

a) Land - the Band presently occupies provincial Crown Land and urgently requires a reserve for itself on the site it presently occupies. It definitely does not wish to move from the site.

b) Housing - the accommodation of this Band is woefully inadequate and remedial measures must be taken immediately.

c) Health and Welfare problems - in particular with respect to drinking water. There have also been instances where Band members did not receive welfare payments in full.

d) Fishing and hunting - in particular, white people hunt on the hunting territory of the Band.

There was no comment on the above by either of the two delegates named.

Mr. Jules D'Astous was pleased to inform the meeting that the lands known as Block 16 were transferred by Ministerial Decree of the Provincial Government and that confirmation of the action was received last week.

Co-Chairman Delisle read the problems listed by Romaine and Mingan as presented by Chief Joseph Mark and Delegate Philippe Rietasho: -

a) Land - necessity of a suitable reserve with respect at least to the Montagnais in Mingan.

b) Hunting and Fishing rights.

c) Welfare payments.

d) School transportation.

e) Desire to work in construction and have employment opportunities therein provided to Band members.

f) Request for vacant fields for pursuit of agriculture.

Mr. George Nolin said the problems were the same as before.

Co-Chairman Delisle read the problems of the Weymontachie Band as presented in August by Chief Joseph Boivin: -

a) Land - the Band urgently requires and desires a suitable reserve.

b) Removal of timber by non-Band members from woods belonging to the Band without the Band's permission and without any compensation.

c) Lack of housing.

d) Lack of a school, health and welfare problems.

e) Lack of an adequate road linking the reserve with the population centres.

f) Hunting and Fishing - It is desired to have the rights of the Indians to hunt and fish at all times and in all places definitively asserted.

Chief Boivin was not present to comment on the standing of the problems.

Mr. Delisle then read the problems of the Manowan reserve as presented in August by Chief Isidore Ottawa: -

a) Land - fishing camps have been set up near the Reserve on territory over which Band members have rights. Furthermore, Band members are prevented by these fishing camps from fishing in certain areas and the Band demands that this cease.

b) Necessity of a new road to complete the transportation link between the reserve and St. Michel.

c) Lack of sufficient communication between the Band's Council and the Department of Indian Affairs and Northern Development.

Mr. Henry Ottawa said his problems still were hunting, and a need for an improved road. He said that there were a lot of people on the reserve now and that they needed employment. Construction of a road would provide employment and also be a means to help them develop their reserve.

Co-Chairman Delisle read the problems presented by Chief Albert O'Bomsawin of the Odanak Band: -

a) Hunting and fishing

b) Health

c) Traffic violations and security problems.

There was no further comment on these problems.

Mr. Delisle then read the problems presented for the Betsiamites Band by delegate Jean Marie Bacon in August: -

a) Hunting and fishing restrictions.

b) Education - shortage of schools and teachers.

There was no further comment on these problems.

Co-Chairman Delisle then read the problems of Mistassini as presented by Chief Smally Petawabano last August: -

a) Land - an adequate reserve is needed.

b) Hunting and fishing - there are impediments to commercial fishing by Band members.

c) The lack of response by Department officials with respect to Band problems.

Miss Edna Neposh said they still had problems with hunting and fishing rights. She thought they were making some progress with communication between the Department and the Band. A connecting road between Mistassini and the next town was not serviceable and it required repairs.

Co-Chairman Delisle read the problems for Dore Lake as presented by delegate Jim Mianscum at the August meeting: -

a) Land - a reserve is required for Band members. The land presently occupied by the Band belongs to a mining company but efforts to obtain same for the Band have been unsuccessful so far.

No further comments were made on the problem at Doré Lake.

Co-Chairman Delisle read the list of problems at Natashquan as presented in August by Chief Pierre Tettant: -

a) Housing - lack of proper foundations in particular.

b) Lack of adequate plumbing systems on the reserve.

c) General lack of electricity on the reserve.

d) A more efficient system is required for employing a larger number of Indians in construction.

e) Traffic problems.

Mr. Pierre Tettaut said he had asked many times for repairs for the houses constructed since 1951, but the answer he had received was that it would be better if the houses were torn down and others built. He thought the Department should say what they were going to do about the situation - whether they would construct new houses or repair the old. He was speaking with an officer from the Seven Island's office who said the houses should be repaired but that the Department had no funds. If the Indians were to work on the houses two days per week, as suggested, they would have to work without pay. He was not in full agreement with the solution. He added that Departmental officials had looked at the houses but all they said was that they had no money.

Co-Chairman Delisle pointed out that Regional and Headquarters staff answered some of the questions when they were originally raised and that each one was commented upon by them. He said some were rectified, but that there were others which undoubtedly would require further discussion with the Federal Government and also the Provincial Government. Mr. Delisle read the problems presented by Chief William Wipote for the Restigouche Band: -

a) Land - the existence of property allegedly owned by the Capucin Fathers in the middle of the reserve. This land should form part of the reserve and be returned to the Band, even if same must be purchased

from those who presently possess it. Also, a more detailed historical study must be made to determine if the Band has overriding rights in the said property. Moreover, another part of the reserve was apparently expropriated by the Province of Quebec but to date no compensation has been paid to or on behalf of the Band.

b) Housing - many houses are currently in need of repair but there are insufficient funds available for this purpose.

c) Hunting and fishing.

d) An industrial survey to appraise the economic potential of the reserve and to efficiently organize and properly channel the Bands resources is also necessary.

Mr. M. Isaac said most of the problems had been looked into by the Branch. His concern at the present time was education. He felt that the parents should be able to decide to what school their children should go.

Co-Chairman Delisle asked Mr. M. Isaac to repeat his comments for the benefit of the Minister.

Mr. M. Isaac repeated his comments. He clarified his comments on the present school problem and that was that parents should have the authority to decide whether their children would go to school in Quebec or New Brunswick.

Hon. Jean Chrétien said he understood the problem, but he was not in a position to make any comment then but he would look into the situation, and write to him about it.

Co-Chairman Delisle read the problems from Pointe-Bleue as presented earlier in the year by Chief Harry Kurtness: -

a) Hunting and fishing.

b) More information must be given to the Band with respect to the possibilities open to it to claim compensation in virtue of Bill C-130, should same become law; also, proper technical and legal assistance must be given to Indians to derive the maximum advantage from this legislation, should same be enacted.

c) The necessity of obtaining land from the Crown in right of the Province of Quebec.

Mr. Harry Kurtness asked whether the repealing of Bill C-130 was done properly. He said they now have only one-fifth of the land they had formerly. Hunting and fishing problems were still the same, he added. He said there were improvements made in some areas and they were satisfied with the school system. Other problems of a local nature would have to be worked out by his people.

Co-Chairman Delisle read the problems presented earlier by Chief Angus Mitchell for the St. Regis Band: -

a) Land - several parts of the reserve were held by non-Band members under leases which have now expired, but the occupants refuse to leave the reserve. This property must be returned so that it will be exclusively controlled and possessed by Band members. There are also problems in connection with Dundeland, Sugar Bush Island and Baker's farm over which the Band asserts full jurisdiction. Measures must be taken so that the Band's rights and interests in these properties are recognized by all.

b) Hunting and fishing - Indians should be permitted to hunt everywhere at any time during the year. Moreover, non-Band members hunt and fish on the Reserve with impunity. Finally, the Band Council's enacted by-laws on hunting and fishing have been rejected by the Department without adequate explanation.

Mr. Angus Mitchell said he had found that the Indians' 'Claim' to certain things was not recognized in any court. He said only the word 'title' was recognized and that the Indians should have legal title to their lands and reserves.

Mr. Michael McKenzie said his Band has a land problem which was brought to light before. Some of his people lived in shacks and they had to pay school taxes but this matter had been resolved as they no longer pay school tax. The Government charged \$25.00 per year for the land on which they lived and the Band felt that they should not have to pay to live on their own land. They had problems with Indian Health Services who did not want to do anything for the Indians. He said that there was an education problem. They had asked the Department for land and were told that they would get land, and also that the Government would build houses for them. He said the only reason why the Indians were not working was because they did not have the education to qualify them to obtain work anywhere. He added that they had their fishing and hunting problems the same as everyone else.

Note: The problems presented for Kippewa earlier in the year by Mr. McKenzie were as follows: -

a) Land - a reserve is urgently required. The Band is occupying Provincial Crown Land but avidly desires its own reserve.

b) Hunting and fishing.

c) Provincial taxes, including school taxes, must be paid by Indians - when Band members asked for return of their money, they were refused.

d) Health and welfare.

e) Education must be accelerated and adult courses must be provided.

Co-Chairman Delisle read the list of problems presented by Chief

Francis Paul for Hunter's Point Band: -

- a) Land - a reserve is required.
- b) Housing - most Band members live in shacks.
- c) Education
- d) Hunting and fishing

Mr. Mike McKenzie spoke for the Indians of Hunter's Point. He said the Indians there had many problems. They did not have a reserve although they always thought they had. He had asked them, in view of this, to amalgamate with his Band so that they could settle problems together. The Indians at Hunter's Point were not all agreeable to the proposal. He said they had a school problem in which they teach only to Grade 5 and the teachers were not qualified. They also had problems with Indian Health Services. He was told by the people at Hunter's Point that they would be brought up for discussion. They felt that they should not be paying to live on land that was rightfully theirs.

Hon. Jean Chrétien asked Mr. McKenzie who asked the Indians to pay \$25.00 per year.

Mr. Mike McKenzie said he did not know. He thought, however, that the request came from the County seat in Ville Marie, and that it must be from the Provincial Government.

Hon. Jean Chrétien said he was not aware of the matter, but that he would look into it. He said, for clarification, that it did not come from his Department.

Mr. Mike McKenzie agreed that it did not. He said there was a Provincial Land office in the area and that he thought this was where the request had originated.

Co-Chairman Delisle read the list of problems presented in August by Chief J. Wallace Polson for the Indians at Winneway.

- a) Land - a reserve is required.
- b) education - it is desired by Band members to have their children educated in English; also, there is a lack of qualified teachers and inadequate physical facilities for schools.
- c) Lack of employment of Band members.
- d) Health and welfare - in particular, lack of clothing.
- e) Hunting and fishing.

Mr. H. McMartin said they had problems with fishing and hunting. Also, they had asked over the years for flush toilets and were promised each time that these would be provided the following year. None had been

received to date.

Co-Chairman Delisle read the list of problems presented for the Indians at Notre Dame Du Nord: -

- a) Land - a reserve is required.
- b) Education - Band members wish their children to be educated in English. There is also a lack of qualified teachers and suitable premises for a school.
- c) Hunting and fishing.

Mr. Victor Chief said they have had an extreme shortage of water and that not much had been done over the last two years. They had to get water from wells that were unfit for use. He had to go about one mile to get water. Sewage was also needed.

He asked if there was any guarantee that the basic program would be changed to non-basic and if it was true that Bands with revenue funds of less than \$5,000 would not have to make a contribution to non-basic programs. He asked whether the Department could offer any guarantee that per capita contributions to non-basic programs would not be increased. He asked also why there was a delay of payrolls on his reserve and wanted to know if an explanation for delays from 4 - 6 months could be offered. They had troubles with hunting and fishing but they seemed to be getting along better in this respect.

Mr. H. McMartin through Mr. T. Rankin who interpreted, said that the right to the land they were using would expire in two years, and because they have been living there for years and years he asked why should they let the land go when authority to stay there expired.

Hon. Jean Chrétien "You can tell the Chief that I understand that they have a lease from the Oblates and that we will do everything possible to assure them that they will keep the same land. We'll look into that soon because I understand that it is disturbing to think of getting out in two years time. You can tell him that I will look into that with someone in the Department soon." "You can tell him, too, that I am informed that the expectation is that there will be no problem for them to stay there."

Mr. T. Rankin said his biggest problem was with hunting and fishing. He noted some delegates had said the Indians should be free to hunt on their reserves. However, he noted that some reserves were quite small and the Indians must, therefore, be free to hunt all over. His next problem was with the school system. Most of the children, he said, lived in non-Indian foster homes instead of with Indians and he could not understand why. He did not like it because the children would not live as Indians should as they did not see any life at all. They asked for and were promised a piece of ground but they did not have it yet. They were offered a piece of land at a cost of \$20,000 but could not get it because they had to use their money to construct houses.

In the meantime, the cost for the land had increased to \$35,000.

He said he needed land most urgently. His people needed to hunt all the time, not only in the proper season because they needed to eat more often than that.

Hon. Jean Chrétien "The question of hunting rights is a very difficult one because there are some provincial regulations over which we have no power. We are studying the matter and we have asked our Department of Justice to provide us with a legal opinion on it. We want to try to clarify this situation. It is one of the things I have heard quite often. It is a very difficult problem. There are some constitutional implications but we will do everything we can to clarify the situation as soon as possible. I know that it is frustrating for you, and it is frustrating for me because I have to defend you. The problems that arise are not problems that we have created, they are problems coming from the division of power within our constitution. I am really quite confused about it and I would like to clarify the situation as soon as possible."

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Mr. T. Rankin mentioned that he wanted clarification on medical welfare which was discussed at a meeting in Montreal last October. Dr. Savoie had attended the meeting and said that they were paying for medical service and that they always would pay for it - but what do the Indians have today? They got aspirin free and that was about all.

Hon. Jean Chrétien "On the health problem, Chief, you know that it is not directly under my jurisdiction. It is the Department of National Health and Welfare. I will ensure that your representation on that will be transmitted to the Minister of National Health and Welfare in Ottawa who looks after these problems. We are having inter-departmental discussions about these problems right now. I had a meeting last week with my colleague on that. I will make sure that your complaint reaches his office."

Mr. Tom Rankin said he had another problem. He said they had an office in Amos but last year it was moved to a place where there were no Indians. He would like to see the office moved north where it would be close to the Indians. He wanted to know why the move was made.

Mr. Mike McKenzie said since there were four delegates present from the same area he wanted to return to the question of fishing and hunting. He said a few years ago when the Provincial Government opened the season on cows and calves the Indians felt very badly about it. Before that they had freedom to fish and to hunt as they pleased anytime of the year. They started to write letters to the Provincial Government but no attention was paid to their letters. Instead, they had arrested some of the Indians and seized their moose meat. He thought the situation should be looked into because the moose population was thinning out every year and the Indians were very concerned about it.

Mr. Tom Rankin said the Province sold permits for thousands of dollars. The Americans came out and paid over one hundred dollars for a permit. They shot moose and took the head and hind quarters and left the rest. If any of the poor Indians picked up the meat that was left they had to pay a fine, if they got caught. The worst part for the Indians he added, was to sit by and see the meat, yet remain hungry. He felt

something had to be done. He said it happened on his reserve. There were two families who took part in a moose kill. The authorities went on the reserve and removed the meat out of the hands of the many children who had to remain hungry.

Mr. Henry Ottawa asked what the procedure was to file a claim to recover land.

Hon. Jean Chrétien asked to whom did Mr. Ottawa direct the question and he wanted to know to whom he should get in touch with. The Minister said he could always call the Department.

Mr. Henry Ottawa explained further that in the 1920's or 1930's a dam had been built which caused Indians to lose their land through flooding. They had sent in a brief last year and as yet had received no reply.

The Hon. Mr. Chrétien asked Mr. Ottawa where the brief was sent.

Mr. Henry Ottawa replied that he had sent the brief to the Indian Agency.

The Hon. Mr. Chrétien "You said that your land was flooded in 1920 when they built the dam at (Kent) Lake, and that you have had no compensation or other land from the people that caused the flooding."

Mr. Jules D'Astous "How big was the land - one mile, two miles?"

Hon. Chrétien "Anyway, you claim your reserve is too small. Is this land part of the reserve? (Mr. Ottawa replied yes) We will note that and we will write to you."

Co-Chairman Gros-Louis suggested that perhaps Mr. Ottawa could make an evaluation or an assessment.

Co-Chairman Delisle referred to the Minister's comment that the question of hunting and fishing was a constitutional issue and therefore would have to be worked out between the Federal and the Provincial Governments. In the meantime, he said, it must be considered that the right to eat and live was a basic right. He thought this should supersede the right of two Governments to argue over basic principles and territories. If the right to hunt and fish was taken away, he said this should be replaced with something adequate - and not welfare. He said the difference between the two levels of government brought up the question as to whether, after the Act was amended, the Indians must convince the Province to respect these amendments. He asked whether it would not therefore be wise to have provincial authorities attend the sessions so that they would not have to argue with two different groups at two different times.

Hon. Jean Chrétien "We have informed and invited the provincial government to come. I do not know whether they have sent any representatives."

Co-Chairman Delisle noticed that many Indians were not even aware that medical and health problems were dealt with by a Department other

than Indian Affairs.

Hon. Chrétien thought that it was more than twenty years ago that medical and health services were put under a separate Department. He thought it might be confusing for the Indian people because most of their business was with Indian Affairs and they would be inclined to think that Indian Affairs looked after everything.

Co-Chairman Delisle referred to the list of problems presented by Mr. Robert Kanatewat and Josie Sam from Fort George:

Robert Kanatewat

- a) Land - a reserve is required and urgently requested.
- b) Housing - Band members are presently unable to obtain houses or to build on Provincial Crown lands without complying with certain requirements and in particular the requirements that members of the Band must purchase the lands upon which they intend to build houses.
- c) Hunting and fishing - in particular, organized fishing camps bring tourists into the area and do not use the services of Indian guides or Indian management. There is a lack of publicity given to the competency of Indian fishing camps and inadequate assistance is given to Band members to exploit the tourist fishing trade for their own benefit.

Josie Sam - James Bay

- a) Land - a reserve is required. The Band is currently settled on Provincial Crown lands.
- b) Housing - Band members are unable to build homes on the land they occupy unless they purchase same from the Crown in right of the Province, which they are unwilling to do.
- c) Health and welfare - There is presently highly inadequate water and electricity services at the disposal of the band.
- d) Hunting and fishing - Band members depend on hunting and fishing for their livelihood. Also, certain fishing areas have been overrun by non-Band members and protection from such prejudice must be devised for Band members. (This last demand is equally applicable to all six Bands in the James Bay area).
- e) Education - Band members assert the right of Indian children to be educated in the English language or in the language of their parents' choice. Moreover, Indian parents have the right to be informed of any decision affecting the education of their children and in particular they demand the right to be consulted on any matter affecting jurisdiction over their children's education.

Mr. Robert Kanatewat said the problems for Fort George remained the same as presented earlier in the year. The biggest problem was land. Most houses are shacks with two or three families living in one-family units. With regard to education he said they were well off in some respects

but lacking in others, i.e. they had three schools which were not filled - they could make use of two schools but not the third. He added that they had received no answers with regard to their housing problem.

Co-Chairman Delisle noted that other Chiefs from Fort George, other than Chief Kanatewat and Mr. Josie Sam, were not represented at the meeting in Montreal and he gave them an opportunity to present their views.

Mr. John Petagamaskum presented his views through Mr. Robert Kanatewat who interpreted for him. Mr. Petagamaskum said he was from an area farther north than any delegate in attendance - away beyond the tree line. They lacked housing. The weather was cold and they were in need of warm houses. When he made a request for houses, the answer always concerned the lack of land. The Department could not claim any land for them so they could not obtain any housing. He said when an Indian left for his trap line, going sometimes 200 or 300 miles from home, he returned and found his tent blown down or wrecked by the wind and his belongings destroyed. He was trying to find some solution to the problem of establishing suitable homes for his people. He added that the problems raised by other delegates had not affected his Band yet because they were so far away from the other bands.

Mon. Jean Chrétien "You can tell the Chief that I am aware of the particular situation in which they live. They have a special problem. Yesterday, when we had a discussion with the leaders of the Council, a question arose concerning the people in that part of Quebec who came under the jurisdiction of the Province in 1912. The Department is in consultation with the Government of Quebec to make sure that the rights of the Indians up there are respected according to the commitment that was given to the Indians a long, long time ago."

Mr. Malcom Diamond presented his views through Mr. Josie Sam who translated. Mr. Diamond said he had problems in housing. Education was not too much of a problem. He said some of the Indians lived all year-round in tents. They lived in the village because they had to do what they were asked to do like having their children attend day school. Their children also stay in tents and this was bad when there were other Indians in the Province of Quebec who lived in modern homes. He would like to see a control on hunting and fishing because there were many people in his Band who did not work and must depend on hunting and fishing. He added that an Indian who had a job wanted to keep his job. He and his Band felt the same way about hunting and fishing - they wanted to keep this right. He expressed gratitude and appreciation for the opportunity to attend the meeting and to meet other Indians.

Mr. Bertie Wapachee gave his comments which were interpreted by Mr. Josie Sam. Mr. Wapachee said he had housing problems similar to those of Mr. Diamond. He had not much of a problem with regard to hunting and fishing. He would like to see housing controlled. The village was small but they still needed homes. He thought it should not be much of a problem for the Indian Affairs Branch to provide homes for the six families there if the Branch really wanted to. He had another problem similar to Mr. Rankin's with regard to late payments for fur. They had a problem in employment too. Because there was no work in the village, they had to

take their children out in the bush so that they could be looked after while the adults hunt. They were satisfied with the welfare policy. They would not want the rate to be decreased, because of high prices. In the settlement one 100 pound bag of flour cost over \$20.00. He added that he had been a Chief for four years and this was the first time he had had a chance to meet other people. He said he was very glad to know of the whole organization.

Tuesday, October 1, 1968

INDIAN RIGHTS

Co-Chairman Delisle said that he wanted to bring to the attention of the officials of the Indian Affairs Branch and of the governments concerned the difficulty in having the people understand what they were facing. He stated that a definition of what was the legal effect of the Indian Act was contained in a paper entitled "Explanations Concerning the Nature and Legal Effect of the Indian Act" which was prepared in both English and French and distributed to all delegates. After having read this paper (Appendix 'A'), Mr. Delisle said that it was being discussed by the Indian delegates and, as a result, they decided to raise at this meeting those questions which they considered very important in so far as the Indian Act was concerned. He was wondering whether the "Choosing a Path", which was distributed to Indians across Canada, touched the issues at hand. He asked whether there was in this booklet any mention of the Indians and their rights or was it just a question of re-arranging administrative powers within the area in which it was at the present time. He then informed the delegates about the recent accomplishments of the Quebec Association of Indians. He said that much work was done and much was accomplished by the Indian people in areas where the Indian Affairs Branch was either unable or where it felt it would have been inappropriate for it, to operate. The Association established a dialogue between the Indian people, between the Indians and the Provincial Government and between the Provincial and Federal Governments; it was also questioning the changes in legislation.

Mr. Delisle said that as Mr. Mitchell had said previously, even if the Indians were to make claims under the present law, they would be judged illegal or inadequate since the Indians did not possess adequate documents. He said that in the past the Indians were regarded as a nation -- that was the reason why treaties between them and the Crown were made; the Indian Act as it presently stood, did not give the Indians any recognition as a nation, nor as a people; Mr. Delisle suggested that this was something that should be considered in future legislation affecting the Indians; whether the Indians would be recognized as a people or as an Indian as interpreted by the Indian Act. He felt that at the time of the treaties, the Indian people had had a special type of recognition; why then should they not have it at the present time? Should their agreements and decisions be included in any amendment of any Act? He said that he raised these points mainly because he wanted to give the Minister an opportunity of hearing them during his stay at the Conference.

Jean Chrétien explained to the delegates that he came to the meeting with the purpose of listening to their views; he asked them to express their views on all subjects and not only on those dealing with the Indian Act. He said that although he would have to leave in the evening to attend to his duties at Ottawa, all the views presented by the delegates would be reported to him by his officials and they would be given very careful consideration.

Mr. James Visitor (Old Factory, Paint Hills) was introduced by a letter from his Chief and Council, which was read by Mr. Delisle. In it, his Chief said he was unable to attend and that Mr. James Visitor was selected as a delegate. Mr. Visitor said that he was very much impressed by the remarks made by other delegates in the morning; he said that the problems on his reserve were similar to those at Fort George, Rupert House, and Great Whale River-- hunting and fishing, land and housing and that he had nothing further to add.

Mr. Matthew Shanush (Eastmain) submitted his remarks in the form of a brief which was read for him. In it he said that the Indians should be allowed to hunt and fish any time of the year since it provided food for their families. He then asked if Eastmain was a reserve because they were told by Indian Affairs that they had to pay \$50.00 for each house to be built on their reserve; they paid \$50.00 for 20 houses 5 years ago and there still were many people living only in tents and he wanted to have a reply from the Branch about this housing problem.

Hon. Jean Chrétien said that he understood that negotiations to clarify this whole situation were under way at the present time; the Association was also involved-- the main goal was to ensure that their houses were a part of the reserve. He said that there was some legal confusion as to the status of the land but that both the Department and the Association were working on that problem.

Mr. Louis Gull (Waswanipi) explained that their biggest problem was to get a piece of land for housing so that they would be able to live all together; at the present time, his people were scattered over a large area and had difficulties in communication. He had already asked for land many times but still did not get it. In so far as fishing and hunting rights were concerned, they had the same problem as that indicated by previous spokesmen and Mr. Gull felt that they should be allowed to hunt, fish and go trapping any time they wanted to do so, and not just when there was an open season.

Mrs. J. Manatch (Rapid Lake Barriere) said that one of their problems was the need for maintenance on their road all year round; she also brought up the liquor problem, the question of difficulty in getting medical care and widows' need for assistance. She said that they pleaded that moose hunting be prohibited for white hunters in the Parc de la Verendrye at least for several years; the moose population was rapidly decreasing.

Mr. Pierre Papatie (Grand Lac Victoria) said that they had the same problems in fishing and game; they had no housing -- they were living in tents; they had also asked for many years for a reserve in Grand Lake Victoria but nothing was done.

Mr. George Papatie (Lac Simon) stated that as there was no work for his people, the fish and game problem was of prime importance since this was the only way they could live. As for the housing problem -- their houses needed repairs and they received no reply from Indian Affairs Branch when they asked for help. He said that they were promised 20 new houses but nothing was yet done. He said that their worst problem was to have to live in tents.

Mr. James Gaspé (Oka) informed the Committee that their only problem was the municipal tax assessment on Indian property, 75% of which was paid by Indian Affairs. A Resolution on this matter was passed recently by the Municipal Council of Oka demanding that the Indians pay the remaining 25%.

Mr. Leonard Jerome (Maria) complained that children now go only to French schools whereas it would be preferable for them to go to an English school up to Grade 6 or 7 and then to a French school. Fishing and hunting problems also existed there -- he believed the Indians should be able to hunt and fish in the Province of Quebec.

Mr. Joseph Launiere (Viger) said that as the other Indians had left he was all alone on the reserve and he personally had no problems.

Mrs. David Ross (Les Escoumains) said that she had no problems.

Mr. Guy Basque (Gaspé) said that their main problem was that they did not have a reserve in Gaspé. He thought that even if they had no reserve at the present time, they still should have the right to hunt and fish -- in their particular area, as fishing for salmon was very important for the Indian people. He suggested that the Department of Indian Affairs should pay all expenses for medical care, hospital and drugs. He said that the Indians at Gaspé were forced at the present time to pay for everything except for school education of their children and this situation caused a great deal of hardship for them. He had two children who took music lessons costing him \$20.00 per month and he was wondering whether the Department would pay for musical education for those children who had no opportunity to learn music in their schools. He said that at Gaspé they had no music teacher in the school.

Mr. Delisle said that though people on his reserve were affected by hunting and fishing problems, their main problem was that of too many non-Indians surrounding them. He advised the delegates who would be getting their reserve land not to move too closely to non-Indians because they would take the land from the Indians. He said that the encroachment of land was a continuous problem in Caughnawaga; it involved the attempts to take the land such as, for example, by the C.P.R. or the St. Lawrence Seaway Authority, and the settlement of claims was based on the interpretation, by the government, of the value of land belonging to Indians. He said that the Indians always raised the point that there was a land value and then there was an Indian value -- this was causing great concern to the Indian people at Caughnawaga. He said that there was a question of recognition of Indian rights on Caughnawaga's territory -- but its boundaries needed to be defined. He was wondering what authority the Federal government had to transfer through the St. Lawrence Seaway Authority any seigniorial titles that Caughnawaga could have.

There also was a question of collection of taxes from the Indians at Caughnawaga by the Provincial government, although the Indians had no right to vote in the provincial elections -- that was a case of taxation without representation -- he said that there were about 5,000 people in his band who were paying about \$600,000 to \$700,000 a year to the Provincial government and not receiving any direct benefit except for the maintenance of a few roads.

There were also difficulties in having policing activities on the reserve -- who were the authorities in this area -- was it right for the Indians to accept the authority of the Provincial government, who had the jurisdiction according to the Indian Act and the Federal government legislation, but who acquired this jurisdiction without the consent of the Indian people. Mr. Delisle remarked that they also had some of the problems already mentioned by other spokesmen but he wanted again to stress the point that when there were many people on a reserve surrounded by many non-Indian municipalities, there was always the need to watch the land especially when the Federal government hesitated to clearly define the boundaries of the area to which the Indians originally had the title and which should be owned by Indians. He said that many people got the idea that land in the reserve was much cheaper than outside of it -- he gave a recent example of the Provincial government's willingness to obtain some land on his reserve because they thought that the land was cheaper there than elsewhere. Mr. Delisle said that insofar as he was concerned, their land was worth much more.

Speaking on behalf of the Quebec Association of Indians, he mentioned that problems which were brought up at the Conference should help those people who were amending the Indian Act because he felt that the only way any legislation affecting people could be made or amended, was to know what problems they had. He expressed the hope that they had made a valuable contribution to the Minister in the process of amending the Act. He said that he wanted to leave the Minister with the idea expressed not only by the Indians of the Quebec Association, but also by the Advisory Councils that the Indians of Quebec desired that their rights and agreements be respected and that they had a leg to stand on before they would be able to discuss in detail the various aspects of the existing legislation. He said that it was extremely difficult for Indians to understand that they could amend the laws when they did not know where they stood. He thanked the Minister for coming to the Conference and expressed the hope that he would be left with the impression that the Indians wanted to be a part of this country in the sense that they wanted to benefit from what it had, and to participate in the government and all the resources. He said that it was essential for the Indian people to make known their views and feelings at the present time. He believed that there was a good dialogue between the Minister, representing the Prime Minister and the people of Canada, and the Indians. He concluded his remarks by expressing the hope that the future would be brighter not only for the non-Indian but also for the Indian people of Canada.

The Honourable J. Chrétien informed the delegates that later in the afternoon, he had to return to Ottawa. He said that he was very much aware that the Indian people were facing many problems as they were presented earlier at the meeting, which actually was a dialogue between his Department and the Indians. He pointed out that this was the very first time that such a dialogue had taken place. He confirmed that there would be another round of consultations with the Indian people later but that no date or format was yet decided -- it seemed to him that the form of the present meeting was very satisfactory and could possibly be followed.

In the next, however, discussions would be centered around the new Indian Act -- the Indians would be asked to present their views in this regard. He said that the decision he would then have to make would be difficult since he would be unable to please everyone on all points because the Indian delegates themselves held different points of view on many matters affecting the Act. The Minister stated that his goals were clear -- he wanted to have a new Indian Act as soon as possible after the conclusion of the consultation with the Indian people. He wanted to establish an Indian Claims Commission because that was important for the Indians; he mentioned that there were other problems such as housing and before concluding his remarks, the Mr. Chrétien offered to the Indian delegates his collaboration and cooperation and expressed the hope of being able to meet them again soon.

Mr. Cyril Awashish (Obedjiwan) said that some of the problems they had were similar to those mentioned by previous spokesmen; however, their main problem was the lack of roads which prevented them from working outside the reserve. They were satisfied with their fishing and hunting conditions. Mr. Awashish wanted to know why they had to pay an amount of \$135.00 for a house while other Indians paid only \$50.00.

Mr. Jean Levert explained that the amount of payment for a house was based on the individual's income; the payment of \$50.00 in question was made more than five years ago and represented the minimum payment at the time, which had increased since then. He also stated that it was the band Council who assigned the priority of houses.

Mr. Michael Isaac (Restigouche) pointed out that to some bands the Indian Act was a handicap if they wanted to administer their own affairs. He then answered some of the questions contained in the working paper read earlier by Mr. Delisle. To the question "Should you be able to decide what an Indian is, who an Indian is and what being an Indian means?" Mr. Isaac answered that Indians should be known as people of this great country, as Canadians. Commenting on a section of the paper that mentioned that the Government did not need to ask the Indian people for their comments or suggestions when passing a law affecting Indians, Mr. Isaac said that it should be required that the Government have the comments of the Indian people as Canadians. He also felt that Indian rights should be contained in a constitution which he considered to be a 'must'. He said that his band gave an affirmative answer to the question "Should the Act recognize Indian nations and Indian associations?" He concluded by saying that although the Indian Act was a handicap to some bands, it was also an asset to others.

Mr. Armand St.-Aubin (Becancour) said that all the legislation which was studied at the meeting should be presented for approval. He said that it was useless for the Indians to set up a long list of articles and sections if the Indian codification was not accepted within the Canadian Confederation. The Indian Act required a lot of improvement -- he said that his Band asked him to state at the meeting that they wanted to run their own affairs and that they already had some experience in this field.

He wondered if the Minister and his officials gave the resolutions submitted by his Band to the Quebec Association of Indians -- the Association told him that they did not receive these resolutions. He asked why this was so; they expressed their wish to be heard. In conclusion of his remarks Mr. St-Aubin said that he himself learned from the Minister that some of the resolutions were transferred to the Regional Office -- he now wanted to know what happened thereafter.

Mr. Angus Mitchell suggested that the delegates concentrate on one subject, discuss it and then proceed to another subject.

Co-Chairman Andrew Delisle said that the Minister did not touch on the important points that were raised in the morning or that were contained in the paper, such as whether the Indian people would have a voice or the authority to decide what regulations were going to affect them. He said that the Minister stated in his reply just before his departure that he had a great responsibility to decide on behalf of the Indian people what was going to be good and at that same time he said that he would be unable to please everyone. Mr. Delisle said that he understood from that remark that the Minister had the sole authority at the present time and that he would be the one who would make the final decision after the completion of further consultation. Mr. Delisle said that perhaps he should have mentioned earlier in the afternoon that the Government could make an amendment to the law which would provide that the Government would be unable to change any law affecting Indians without receiving a definite authority for doing so from the Indian people; he explained that there was not sufficient time for such a remark. He felt, however, that if such an amendment were put into effect, the Government would then be unable in the future to go ahead and amend the Indian Act without receiving authority from the Indian people and this arrangement would give the Indian people a good protection. Mr. Delisle thought that the Minister shied away from that subject; however, he expressed the hope that the Minister had good intentions. He concluded his remarks by saying that he had hoped to hear from the Minister something more definite in the whole field of Indian rights.

Mr. Fairholm suggested that since the Minister was out of the conference room at the time the paper was read, he perhaps did not hear that point in regard to Indian rights which Mr. Delisle had been making at that time.

Mr. Delisle agreed that this could have been the case and expressed the hope that the Minister who got a copy of that paper would read it carefully on the way back to Ottawa.

Mr. Armand St-Aubin speaking in regard to grants, said that those Bands which had not very large populations could be entitled to receive a very small amount by the Federal Government for setting up their own administration; he said that the amount for his Band was \$98 per year and he wanted to know who figured out that amount since it meant between \$5 and \$10 per person per year and he felt that it was completely insufficient.

He said that before his Band would be able to set up their own administration they would require a typewriter, an adding machine and other necessary office material. Although his Band had at the present time about 20 members he expected that there would be an increase in its population and he, therefore, wanted enough money so that his Band would be able to administer its own affairs. He said that he raised this point here because he felt that other Bands were facing the same problem.

Mr. Josie Sam wanted to know why some Indians in Quebec were able to obtain land while others were not. He said that about three weeks ago they were building an office on the Hudson's Bay Company's property -- he felt that if they built this building somewhere else, they would have to move it in the future. He said that he was very much surprised to find that a delegate from the same area of James Bay, as himself, was able to get land -- he thought that they possibly had a small corporation and that could have been the reason why they got it while his own was too big to be able to be in the same position. He had been in Quebec City with his Chief about three months ago; they visited the Quebec Regional Office where they discussed the Housing Program for the Indian people. However, unless they had a reserve, they were unable to receive anything under this program. He concluded by asking again his original question concerning the fact that only some and not all Indians in Quebec were able to obtain land.

Mr. Jules D'Astous said that at the last meeting of the Quebec Association of Indians held at Caughnawaga the question of land was thoroughly discussed and a strong appeal was made there to the representatives of the Bands to discuss on their return home their land requirements with their people. They were asked to come up then with definite recommendations as to the precise price of land they wanted to acquire. He said that the best example as yet was that of Chief McKenzie of Kipawa which involved the choice between three different locations each one of which had to be surveyed and advantages and disadvantages of each piece of land had to be considered thereafter. The resulting report was submitted to Ottawa through the Agency and Regional Offices and it was at the present time before the Quebec people. The same procedure was followed in regard to the Waswanipi people -- they ended up with a selection in the area of Piquelon and this request was being sent to the Province. Insofar as the East Coast of James Bay was concerned, he asked Mr. Levert to say whether any progress had been made there in regard to land requirements.

Mr. John Levert said that he understood the land question on the East Coast of James Bay was to be taken up by the Quebec Association of Indians with the Provincial authorities. He said that the Regional Office received requests for land from various settlements located on the Coast. Since the Association was already dealing with this matter at the time, the Indians requesting the land in that area were advised to wait for the outcome of the Association's efforts on this whole subject. Mr. Levert suggested that the Association could have a more up-to-date information on this matter.

Mr. Delisle said that the Association approached a week ago the concerned Provincial officials, that they met the Quebec Minister of Natural Resources who mentioned that he could not see any reason why the Indian people could not get this land and expressed the view that they should have some land. Mr. Delisle said that he wanted to point out on this occasion how much this case had to do with laws affecting the Indian people. He explained that one of the aims of the Association when approaching Provincial officials on such occasions was to have the Province put into its constitution a provision stating clearly that the Indian people should have land within the boundaries of the Province of Quebec. Under the present circumstances the Association had to go to Provincial officials, ask them and depend on the good will of the Minister or Ministers involved; if and when these Ministers would change the new Ministers could decide that the Indians would have no land and since there was nothing in the Constitution stating that Indians had the right to own the land in the Province, this could very easily happen.

Furthermore, the Indian Act did not help either since it contained no provision in regard to the rights of Indians to own land. He felt that the main reason why Indians had to go and plead with the Government was the fact that they were unable to base their arguments on law -- this was something that they were trying to get. He said that the Association succeeded, with the cooperation of the Department of Indian Affairs, in solving some of the problems of various Indian Bands. He was sure that if there were a law that the Province had to provide land for the Indians and a Federal Act were to guarantee that these Indians were to be provided with land and if the Federal Government were not to hesitate to use its authority in enforcing these laws -- then the Indian people would not be facing the land problem as they were at the present time. Mr. Delisle thanked Mr. Sam for bringing up this subject, by asking the question which was being asked by all the Indian people -- why was it that they had no right to own any land; it was clear to him that the answer was that there was a lack of legislation on this subject. He explained that in any law affecting Indians there should be a provision that the Province would ensure that each Indian Band would have land adequate enough to its demand and that the Federal Government would guarantee that this provision would be put into effect if it wanted to transfer some of this authority to Provinces.

Mr. O'Reilly said in answer to Mr. Sam that the Indian community of Fort George had not yet been granted a reserve though it had been promised to them; however, he felt that action was under way in this respect. The Quebec Department of Natural Resources was getting together with the responsible Department in Quebec to set aside this land for Fort George. He said that there was a meeting held last week between the Association and Mr. Allard who was the responsible Minister; Mr. Allard stated that he saw no reason why the Indians living in the James Bay area could not be given the land which they require.

In other words, Mr. Allard thought that it would be possible for Mr. Sam's settlement to have a reserve. Mr. O'Reilly explained that according to the present law this grant had to come from the Province -- that was the reason why the Association had to go to the Province. This process was not a simple one since there were about ten Quebec Provincial Departments involved in Indian Affairs at the present time; he said that there seemed to be a good chance that Mr. Sam's settlement would be able to get a reserve through the Province in the very near future -- the Association was going to have another meeting with Mr. Allard on October 9, 1968. Insofar as the location of the land was concerned the choice was up to the Indians to decide; Mr. O'Reilly then asked Mr. McKenzie to explain what happened at Kipawa.

Mr. Mike McKenzie (Kipawa) said that he and several members of his Band accompanied by representatives of the Indian Affairs Branch surveyed three or four locations they had in mind for a new reserve and that they decided on a piece of land which they considered to be most suitable. He explained that this was only a piece of land for building houses -- he said that his people were now talking about getting land for fishing and hunting.

Co-Chairman Delisle asked the delegates what topics and questions they would like to discuss at the meeting to be held the next day.

Mr. Mike McKenzie suggested that the delegates should deal, in numerical order, with the 34 questions in "Choosing a Path". Those questions which the delegates had in mind and which were not contained in "Choosing a Path", could be asked thereafter.

Mr. Armand St.-Aubin said that he agreed with Chief McKenzie. He said he attended many meetings where the 34 questions were dealt with and some other questions were also added; he felt that all the delegates had also worked on these questions. He then asked who had the authority for making certain recommendations in regard to legislation affecting Indians - the Indian Association of Quebec or the Council of the band in question.

Co-Chairman Delisle replied that each individual band had its own authority, and the Association's purpose was to assist the bands in any way they required, and it also expressed opinions and desires of the Indian people of Quebec. He said that as it stood now, his interpretation was that it was up to the Minister to make the decisions as to what was going to happen. Indian bands and Chiefs made the recommendations and the Association was going to help them - any representation that the delegates would like to make would be done for them by the Association, acting on their behalf.

Mr. Armand St.-Aubin said that he understood from Mr. Delisle's remarks that the Council of the band had the authority to present its own resolution asking to legislate certain sections of the code and had to make this request of the Department. He asked Mr. Delisle if he was correct in his understanding.

Co-Chairman Delisle replied that as he had already mentioned it was up to each individual to submit a submission to the Department of Indian Affairs whenever he wanted to do so.

Any registered Indian could submit papers to the government and make his recommendations, and therefore the authority also lies with each individual band for taking this step.

He said that it was suggested that the 34 questions be dealt with, and then additional questions be raised. He reminded the delegates that the rights of the Indian people of Quebec should be recognized. There should be the recognition of the Royal Proclamation, the Capitulation of Montreal, the Treaty of Paris, the Rupert Act and the Land Act of 1912 and any other treaty and agreement which affected the Indians living in the Province of Quebec. Then there were other laws which suited each individual area or the Indian people as a whole such as the present Indian Act or as it would be amended. He said that questions in the book related to general operations of individual bands and Councils, but the delegates should not forget to find out where they stood, and to make sure that they stood there, before they could amend these laws. He said that he felt that there was not enough time to deal with all the questions in "Choosing a Path" and with many other questions. There was much work to be done.

Mr. Armand St.-Aubin asked the officials of the Department what happened to the briefs dealing with the aspects of New Quebec which were sent to the Department in Ottawa - were they passed on to the Indian Association of Quebec, or where were they now.

Mr. Fairholm said that he recalled obtaining and seeing a number of briefs sent in from a few Councils and also from individual persons who got the booklet and on their own sent in their answers. All these briefs containing answers had been filed in special files; they were not sent to any other people because they were addressed to the Department. He said that they would be included in all the views that had been presented.

Mr. Armand St.-Aubin wanted to know if the Band Council should present the questions which were mentioned in the way of a resolution or was there any other form of presentation?

Mr. Fairholm replied that there were two ways of doing that: one way was to present the views of the Band to which he belonged at the meeting and another way was to have the Band present its views in a form of a brief and send it to the Department in Ottawa. He said that he thought that other members of bands in other areas of Quebec would also like to know the views of Mr. St.-Aubin's band. It was therefore of some advantage in having it all said in one place.

Mr. Tom Rankin wanted to know who prepared the booklet "Choosing a Path" - were the comments and questions contained therein made by Indians or non-Indians?

Co-Chairman Max Gros-Louis said that this book was written after Indian leaders had attended the meetings of the National Indian Council and other meetings at which the main points affecting the Indian people were discussed. The questions in "Choosing a Path" however, did not raise the main points of the Indians of Quebec.

Co-Chairman Delisle said that he felt that Chief Rankin was really asking, in his question, who submitted to the Department their answers to the questions contained in "Choosing a Path" - Indians or non-Indians?

Mr. Fairholm said that all of the answers came from the Indian people.

Co-Chairman Delisle said that the Indian Advisory Council in the Province of Quebec passed a resolution stating as a group, that before the Quebec Indians were able to discuss any amendments of the Act they wanted to find out the position in which they were, what were their rights and so forth, as already mentioned at the meeting. He said that he was still of the opinion, and this was not mentioned in the "Choosing a Path" at all. He said that the booklet just dealt with matters of secondary importance - how to run a reserve, how the Indians should make by-laws affecting their dogs, their women, their cats and so on. He said that the Indians surely wanted to do these things but how were they able to do them if they did not have any rights to do them with. He said that they would make the amendments to the Indian Act and the next year another government would come in and would change it around. He said that was why he was so concerned about getting to the basic issue which was the right of the Indians as a nation and as a people; he said that it was this, that he was trying to get across at the meeting. 9

Mr. Delisle said that it made him mad when he saw that there was nothing mentioned in "Choosing a Path" about the resolution of the Indian Advisory Council of the Province of Quebec. He said that in the three days spent at the meeting of the National Advisory Board, the Quebec Indians had made one simple recommendation and that was to recognize the rights of the Indian people. This was the very foundation which was needed before anything else could be built. He emphasized the point that the government of Canada should understand: the Indians have the rights as people because they are people, and they are not Indians just because the government says that they are Indians; the Indian people will not be told what to do and what not to do but they will decide for themselves what they will do and what they will not do. He said that the French Canadian people were recognized in the Constitution and were having special privileges - this was what the Indian people wanted, too. It was up to the Indian people to make the government understand that this was what they wanted. 9

Mr. Armand St.-Aubin suggested that all the views expressed at the conference should be written in a booklet which should then be distributed to all chiefs and delegates in order that they would be able to explain better to their people back home what recommendations were made and what decisions were reached. He thought that Chief Delisle's ideas should also be presented in that form.

Co-Chairman Delisle replied that he was only speaking as the representative of his band; it was up to Mr. St.-Aubin and other delegates either to agree or to disagree with him. He said that the important issues were not presented in "Choosing a Path"; there were people at the meeting who wanted to discuss this booklet because it contained some things which affected them. It should be realized, however, that the delegates could change those things but they could again be changed without their knowledge tomorrow. If there was something to be changed, then the present situation should be changed so that the Indian people would get their rights. He said that this was the way he felt and if all the delegates were in agreement with him, he would be very glad.

Mr. Michael Isaac said that he was in complete agreement with Mr. Delisle on the issue. He told the delegates that they had to convince the government that the Indians did not have to be a minority of 5 million people in order to be accepted into the Constitution.

Mr. James Gaspé said that after the discussions which were held by the delegates yesterday, he understood that all the delegates had accepted the leaflet that was passed and agreed to debate the basic issue, namely the inclusion of the Indians into the Constitution in order to give them more protection if they were to amend the Indian law. Without the Constitution the Indians cannot recommend changes in "Choosing a Path", the government could change all that in the future if it so desired.

Mr. Michael Isaac said that the delegates should deal with this basic point first, and should disregard the questions in "Choosing a Path". They should try to convince the Department of Indian Affairs about the basic rights that Indians should have, and in "Choosing a Path" they should deal with the basic issue of the constitution. Once the Indians get the answer that their rights are guaranteed by the constitution in Quebec, then the delegates could begin to discuss the 34 questions listed in the booklet and make recommendations in regard to the amendment of the Indian Act. He then said that he would like to move his above suggestion as a motion.

Mr. James Gaspé said that he wanted to second that motion.

Mr. Mike McKenzie said that the Indians definitely needed protection and that he was completely in favour of the motion.

The question being called, all the delegates voted unanimously in favour of the motion, Motion Carried.

Co-Chairman Delisle said that on Monday morning the delegates had discussed the principles which could be taken as the agenda tomorrow - government by consent of the people; the Indian people as a nation; the inadequacy of existing rights and their protection; the right of representation; aboriginal rights; selection of proper representatives; concept of treaties; constitutional guarantees; Bill of Rights, amending process, participation of the provinces and

their role; who exercises the present federal government's authority - does the federal government exercise this authority, the exercise of Indian authority; the internal organization of Indians; the Band Councils; the participation of the Indian people in their affairs; who is an Indian; what do the Indians own; who is going to be responsible for the handling of Indian money; for the education of Indians; for the health of Indians; who is going to make decisions in regard to Indians - Indians themselves or someone else; the taxation of Indians; the property and civil rights of Indians; fishing and hunting rights of Indians; Indian culture and language and so on. He said that after the delegates had dealt with those matters then they would be able to talk about the other matters as presented in the "Choosing a Path". He said that if the delegates were unable to find the solution themselves in co-operation with people appointed to do so, the Indians were able to seek advice from other people who were prepared to do so.

The Chairman adjourned the meeting at 5:00 p.m.

Wednesday, October 2, 1968

Co-Chairman Chief Delisle gave an example of things that concerned the Indians very much. He referred to the brief they had presented regarding hunting, and fishing. The brief was presented to the Provincial Minister (Louvier) who apparently had assured them that certain conditions would be followed until such time when they could meet with the Province to straighten out the hunting and fishing situation. One of the conditions, he said, was that the Chief of each individual Band could give a person in his Band permission to hunt and fish, providing that person needed game to eat. He said the Minister had held a press conference and the information had appeared in the newspapers. He said that the condition was apparently not being followed as evidenced by the known intentions of game wardens to arrest certain people. He referred to a message received that day at Mr. McKenzie's home from the game warden who said that he was not going to respect the permits until he received a direct order from the Provincial Office in Quebec. He thought it would now be a matter for the Indians to start the process of negotiation over again and they get the run around among provincial and legal officials. 10

With regard to "Choosing a Path", he thought that it would be of some concern to certain bands. But, he said, most of the Indians in the Province of Quebec were concerned with land, and he thought that this was most important, and that the Indians must find out where they stood in this regard. He wanted to find out that morning whether Indians had rights and how would they go about getting their rights recognized. He compared the book "Choosing a Path" to a decoy inasmuch as the Indians could not effectively change the Act without having their rights to land observed and recognized. He asked for an opinion as to how Indians think of themselves.

Mr. Armand St-Aubin said he had a book which identified all territorial rights of his Reserve. He thought the Government should make a settlement and change the Act to be a just law in view of his understanding that many of the treaties were made under the influence of liquor.

Co-Chairman Chief Gros-Louis pointed out that Co-Chairman Delisle asked if they had questions regarding Indian status. He asked what they would want an Indian to be.

Co-Chairman Chief Delisle clarified his request for views by asking the group whether they were Indians because they wanted to be or because someone said they were Indians.

Mr. Mike McKenzie said that it was the white man who gave the name Indian to them.

Mr. J. Caspé said when Christopher Columbus discovered America, he thought he was in India and called the people Indians. He wondered if this was true or whether, in fact, each Band or group of Indians was a separate nation by itself.

Mr. M. Isaac said the Micmacs at Restigouche considered the name

Indian to be wrong. The word referring to the Indians, in his language, meant people! He said the Indians in his part of the country were never known as Indians but as separate nations of people. They did not, he said, accept the word 'Indian' in the Micmac Band.

Mr. R. Kanatewat said that in his language there was no word for 'Indian' and, in other words, they did not accept the word 'Indian'.

Mr. Josie Sam agreed with the views presented by Mr. Isaac and Mr. Kanatewat. He said they called themselves by a separate word meaning 'nation'.

Mr. H. Kurtness said his people had a word which meant Indian. He said there was no reason why they should be ashamed of their race, because they were Indians and must consider themselves as Indians. He did not want to change.

Mr. A. Mitchell said the first time his people experienced any difficulty was at Expo '67 where confusion with the Indian pavilion and the pavilion of India existed.

Mr. D. Vachon agreed with the comments made by Mr. Kurtness of Pointe Bleue.

Mr. H. Ottawa said there was as much difference between the different Bands as there is between other races.

Mr. T. Rankin said that they had a word in his language for Indians. He didn't mind being called an Indian as long as they did not call him a 'wild Indian'.

Mr. M. McKenzie said his father never knew why they were called Indian because this was not their name. The word his people used meant 'our own kind - inhabitants of this country':

Co-Chairman Chief Delisle summed up the views expressed. He said they looked upon themselves as human beings and established themselves as people. He felt the rest of Canada needed to recognize this. The Indians were divided in separate nations and he asked whether the Indian Act recognized this division and whether this division would be desired by the Indians. He cited the example of the people in Quebec who fought for their recognition as a separate people and who had their rights preserved. He asked whether Indians should not have an equal right to preserve their rights. He did not think it was too late for the Indians to make a change and that recognition should be given to the Indians in a just society. Maybe they should use the name 'North America' instead of the word Indian, he suggested. He said the different nations among Indians were similar to the different nations of people. The Indian nations were different because of background and environment, he said. He asked how they should go about getting the Government to recognize that the Indian nations are different. He thought it should be discussed among themselves and then taken up with the Government. They should consider original rights, individual rights and acquired rights. He asked the delegates for comments on rights which they thought they had, rights which they thought they did not have and rights that might be made better, so that

they could impress upon the Canadian Government the need to have the rights they thought they should have. He suggested that they start with rights regarding hunting and fishing.

Co-Chairman Chief Gros-Louis asked if they wanted the rights for hunting and fishing spelled out and guaranteed in the Indian Act.

Mr. D. Vachon agreed that these rights should be included in the Indian Act, although it deals with the Province.

Co-Chairman Chief Gros-Louis thought that they should be recognized as a nation rather than having a status. He felt the Act should be over everything so that the Province would have no recourse but to the Act.

Mr. D. Vachon agreed that this was what they wanted, but they were worried as to what would happen to the Indians if this was not done.

Mr. O'Reilly (Lawyer for Indians) spoke in the French language: "According to our conversation the other day, do I understand that, if it is possible, you want to get the agreement of the Province and of the Federal Government that the Indians have rights of hunting and fishing. Is this what you mean to say?"

Mr. D. Vachon replied that that was what they wanted the Province of Quebec to say. He said they were living in the Province of Quebec and that was why they were worried. If the Province were not willing, they would continue to have problems with the game wardens of Quebec when they went hunting.

Mr. O'Reilly (Lawyer for Indians) "If it were possible, if there was an overriding Act over the Provincial, which would state that they would have to respect the Indians' rights for hunting and fishing? Are you in agreement with that?"

Mr. D. Vachon replied yes. He added that all the Indians of the north shore had to hunt the year round, so if there was no agreement with the Province, it would worry the Indians.

Co-Chairman Chief Gros-Louis said that was precisely what they were trying to do - to get a law that could not be undone or challenged by the Province.

Mr. A. St. Aubin the fact of the matter is that Indians are not recognized as a nation in Canada. The moment we are it will be easy to establish the law which can be challenged by no one.

Co-Chairman Chief Gros-Louis - "Mr. St-Aubin, do you want our hunting and fishing rights to be included in the Indian Act?"

Mr. A. St-Aubin replied definitely in the affirmative.

Co-Chairman Chief Delisle asked again what the delegates thought their rights should be.

Mr. J. Gaspé replied that the rights should be based on necessity.

In the north where they live by hunting and fishing, he felt that the Indians should be allowed to fish and hunt the year round without restrictions.

Co-Chairman Chief Gros-Louis - I fear that to use the word necessity would return us to the use of that unacceptable term "indigent".

Mr. J. Gaspé - said that he did not necessarily believe this to be so. In the north the Indians live by hunting and fishing. It is a way of life to keep them from being indigent when there is no work available.

Co-Chairman Chief Gros-Louis said that there were Indians who lived close to cities who liked hunting and fishing not merely for sport, but who considered it necessary for their livelihood. There must be a certain tolerance for this group.

Mr. J. Gaspé said he was in agreement but that this must be clearly stated in the Act.

Co-Chairman Chief Gros-Louis asked if the right to hunting and fishing were included in the Indian Act whether it should be Chiefs and Councillors or the Association of Quebec Indians who should have the responsibility for control of fish and game.

Mr. J. Gaspé thought it should be left to Chiefs and their Councillors, but that in their failure to carry out such control the matter should then become the responsibility of the Association.

Mr. A. St-Aubin thought that the responsibility should be jointly exercised between Chiefs and Councils and the Association of Quebec Indians.

Co-Chairman Chief Gros-Louis said he understood that each Chief and Council should exercise control over fish and game in order to prevent Indians from making commerce out of their hunting and fishing rights. Each hunter should report his kill to the Chief, whether it was male or female, and where the kill was made.

Mr. H. Kurtness said the right to fish and hunt should definitely be in the Act and that it should have been put into the Act in the first place to protect the Indians rights.

Co-Chairman Chief Gros-Louis explained again that they wanted an unquestionable right to hunt and fish written into the Indian Act and that no provincial legislation could supersede or change this right.

Mr. H. Kurtness agreed that the law must be strong enough to guarantee that right.

Mr. Fairholm - "Section 87 will and does protect against Provincial game laws where there is a treaty. There was a case in British Columbia where several Indians shot deer out of season. They were charged and, I think, convicted in the first instance. The case was appealed and finally went to the Supreme Court. It was held that because there was a treaty which gave some rights to hunt in the area which they had given up, that the British Columbia

Game Act did not apply to them. That part of the Indian Act, Section 87, does protect Indians where there is an actual treaty as against Provincial law. However, I think the effect of the decision also would be that it does not protect them against any Federal law which might supersede the treaty".

Mr. O'Reilly (Lawyer for Indians) said he agreed with Mr. Fairholm but there was one thing that must be added. Possibly, he said, in the Province of Quebec, there was no treaty right now which the courts would recognize so that in effect the Indians were not protected from Provincial law right now. He added that if the case went to court and the court was not willing to recognize all the rights they talked about in the brief, then the Provincial law would apply. He said what they were talking about right now was "What should the law be"?

Mr. H. Kurtness stated that they wanted their right fully recognized as a right in the law and not as a mere toleration.

Co-Chairman Chief Gros-Louis asked Mr. Fairholm whether in the west, even if provincial hunting and fishing laws did not apply to Indians, it was not true that the Federal Migratory Birds Act did in effect challenge the Treaties.

Mr. Fairholm: "In answer to Mr. Gros-Louis, he is correct, and I think I indicated this, in saying that the Federal law really supersedes the treaty. That is what the courts have held. The Migratory Birds Convention Act, being a Federal law, has in effect superseded some of the treaties that were made on the prairies and in the Northwest Territories, because it was a Federal law".

Co-Chairman Chief Gros-Louis stated that from the beginning of the discussion they had tried to point out that anybody, the Federal Government or the Provincial Government's could break the Treaties without even consulting the Indians or concerning themselves about them.

Co-Chairman Chief Delisle introduced Mr. Gerard Laprise, M.P. Abitibi.

He then returned to the matter of hunting and fishing rights, noting that some Indians depended on this for a living but others did not. He realized the preservation of game should be controlled but the control should be set by the Indian people. The Indian people had made their own regulations before and he thought they could make suitable regulations to govern their hunting and fishing activities. The big question was whether the Indians had the right to hunt and fish. If they do then they should make the controls, not only in hunting and fishing but in other aspects of community life and the welfare of Indians. He referred to the brief submitted by the Association of Quebec Indians and to the aboriginal rights. He read items 2 and 3 of Page 5 in the brief. "Before the arrival of the Europeans in New France, the entire country was inhabited by Indian tribes. These Bands exercised control over their respective territories and crossed them from one end to the other during their hunting expeditions from which they lived. Consequently, Indians had rights of absolute ownership over the territory of present day Quebec. These absolute rights were recognized by public international law under which the aborigines possessed true dominion over these lands. When the French came to Quebec, they claimed ownership of the soil of New France in virtue of the Doctrine of Discovery, nonetheless, the French acknowledged that even if they had the right to acquire the land from the

natives to inhabit same, the lands first possessors, the aborigines, had a legal right of occupation over the territories of Quebec. Accordingly, the juridical theory of the French became embodied in Article 40 of the Articles of Capitulation of Montreal, in which it was decreed that the savages or Indian allies of His Most Christian Majesty shall be maintained in the land they inhabit if they choose to remain there. The French practice coincided with their juridical theory and there are frequent instances of the authorities of the colony of New France implicitly recognizing the Indians' jurisdiction over hunting and fishing territory. At the time of the British conquest, the aboriginal rights of the Indians to hunt and fish were recognized and confirmed by the British Crown by the Royal Proclamation of 1763. As such these aboriginal rights are real rights recognizable under British law and still exist in favour of the Indians since the proclamation of 1763 has the juridical value of a statute of Parliament and has never been revoked, lastly, the Privy Council has decided that the interests of Indians in the territories contemplated by the Proclamation of 1763 is an interest other than that of the Province within the meaning of Section 109 of the British North America Act. It is then necessary to conclude that the juridical nature of these aboriginal rights is that of the right in the land a right in re conferring upon the Indians a legal title dividing the ownership of the soil and giving the Indians the right to extract from the land the products of hunting and fishing and to dispose of same. The Indian right closely analogous to the perpetual servitude of the common law still burdens the whole extent of the present territory of Quebec. Finally, it must also be mentioned that at least for that part of the territory of Quebec situated between the part granted to the Hudsons Bay Company in 1670 and the northerly boundary of the Colony of Quebec as it existed in 1763, the Indians not only have incontestable rights to hunt and fish but all the territorial rights. Moreover, for the remainder of Quebec, it is submitted that the jurisprudence has already recognized that insofar at least as the land in the Province is not occupied is concerned, the Indians have aboriginal rights to hunt and fish at least for subsistence". He mentioned Item No. 3 Jurisdiction over hunting and fishing from 1763 to confederation. "The Royal Proclamation of 1763 of George III, King of England, merely confirms and to some extent codifies the Indians aboriginal right. In any event, such right is dependent neither on French nor English law and subsisted independently of foreign laws which could not annul this right. Nonetheless, the Royal Proclamation may be considered a charter which affirms the Indian right to hunt and fish at any time of the year over all the territories mentioned in the proclamation, at least in respect to hunting and fishing for food. This proposition flows from the fact that the King not only reserved large tracts of land for the use of the Indians but also provided for the development of the fur trade in particular. Furthermore, at no time was there any reference made in the proclamation to anything which would have the effect of negating the aboriginal rights already mentioned. Thus, it would not be illogical to insist that a stipulation contained in Article 40 of the Articles of Capitulation of Montreal in favour of the Indians was sanctioned implicitly by the provisions of the proclamation. Moreover, it should be remarked that in the said Article 40 it is stated that the savages or Indian allies of His Most Christian Majesty shall be maintained in the land which they inhabit. Yet the Indians at this time inhabited precisely the whole of Quebec by using it as their hunting and fishing grounds among other things. Consequently, there is authority for the contention that with the exception of the existing habitation of the time the Indian was free to hunt and fish without restriction and especially food. Moreover, the same desire to promote the hunting fishing trade is to be found in the different instructions issued to

the various Governor-Generals of the British Colonies, the aboriginal rights of the Indians to hunt and fish were not nullified by the Quebec Act of 1774 which stated in Section 3 as follows: 'Nothing in this Act contains shall extend or be constructed to extend, make void or to vary or alter any right, title or possession derived under any grant, conveyance or otherwise howsoever of or to any lands within the said Province or the Province thereto adjoining but that the same shall remain and be in force and have effect as if this Act had never been made'. Finally, these aboriginal rights have not been effected either by the Constitutional Act of 1791 or the Act of Union 1840. On the otherhand, special status of Indians with respect to hunting and fishing has found its way into several other articles of legislation. (i.e. An Act to revise and amend the laws relating to Hunting and Fishing of Wild Beasts and Other Game in Lower Canada, Game and Hunting Law for Lower Canada, Game Act, etc.)" He told the group that the material read was the argument they had to back up their claim for hunting and fishing rights, and that the arguments were not recognized.

Co-Chairman Chief Gros-Louis informed the delegates that the material the Co-Chairman read was the result of six months' work by the Indian Association with the help of two legal advisers.

Co-Chairman Chief Delisle stressed that the material was not recognized but was a list and explanation of the rights they want recognized.

Mr. Louis Gull said he would like to have hunting and fishing rights.

Co-Chairman Chief Gros-Louis asked if they wanted hunting and fishing rights put in the Act.

Mr. R. Kanatewat replied yes as some Indians were dependent entirely upon hunting and fishing.

Co-Chairman Chief Gros-Louis wished to have each delegate give his views on this point.

Mr. James Vistor made no comment when asked to give his views.

Mr. T. Rankin said they wanted to hunt and fish anytime of the year but they must take care of the animals through some type of control through the Band Council and Chief.

Co-Chairman Chief Gros-Louis asked where would he want to fish and hunt, when, why and did he think this was a part of the Indian culture?

Mr. T. Rankin replied that it did not matter where as long as they hunt to feed their families. He thought it was part of the Indians culture as it always has been.

Mr. J. Peta-wasakun (through an interpreter) agreed that Indians' trap line, hunting and fishing rights should be recognized. He thought people who depended upon hunting and fishing for food would want to protect the right to hunt and fish to the extent that other working people preserve or protect their rights to work. He said many Indians look to hunting and fishing just like non-Indians look to their income.

He remembered the times of near starvation and he would not want his family or other people to go through the same thing.

Mr. M. Diamond (interpreted by Mr. J. Sam) said he was in favour along with the other chiefs that he would like to see the hunting and fishing rights put in the Act.

Mr. T. Rankin said he would want permission to hunt free of charge. He was not in favour of paying for permits.

Miss Edna Neeposh agreed with the need to protect fishing and hunting rights in the Act as many people depended on game for food.

Mr. J. Vistor agreed that hunting rights be put in the Act but wanted some protection of wild game.

Mr. M. Shanush (interpreted) also agreed to have rights protected in the Act. He added that food in stores was very expensive and that hunting and fishing was therefore most important.

Mr. H. Blacksmith felt the Indians should have right to hunt and fish anytime of year when in the need of food. They should obtain authority from the Chief who should control hunting and fishing.

Mrs. J. Manatch would like the Indian people to have rights to fish and hunt under certain conditions and to a certain extent under the guidance of the Chief and through consultation among the Indians themselves. She thought the Province should consult with Indians before making regulations.

Mr. P. Papatie (interpreted by Mr. T. Rankin) would like to see fishing and hunting rights given free instead of having to hide their food. He said they had to pay \$1 per day to fish and hunt.

Co-Chairman Chief Gros-Louis asked why he had to pay \$1 per day.

Mr. P. Papatie replied that the American sportsmen had day camps on the land where he lived and that they were given \$1 per day to camp there. He added that the Indians never did see the \$1.

Co-Chairman Chief Delisle asked for clarification whether the Americans were to pay \$1 per day and that the Indians were never paid.

Mr. T. Rankin (for Mr. P. Papatie) replied yes.

Mr. G. Papatie (interpreted) agreed with the right to freely hunt and fish because there was always someone following hunters from his group and they must make their kill when it is not daylight. If they were caught they would have to pay or go to jail.

Mr. V. Chief saw no reason why the Indians should not have hunting and fishing rights.

Mr. H. McMartin (interpreted) agreed with the expressions of opinion

by the other chiefs present. However, he said for the last 15 years one has seen boat after boat of people fishing in the river. One fisher asked where all the fish were as they could not catch any. Mr. McMartin replied that they went to the States.

Mr. L. Jerome (interpreted) said he respected the views expressed by the other Chiefs regarding fishing and hunting rights and that these rights should be inserted in the Act. He also said that in the Act it should state that they could hunt moose, fish, shoot ducks and geese, etc. for the welfare of their families.

Mr. M. Isaac said he was certainly all in favour of providing for hunting and fishing rights in the Indian Act as he realized it was a must for the livelihood of some Bands. First of all, he thought the Province of Quebec should know that the Indians would have the right to fish and hunt for their own use. He thought the Chief and Council should control the limits of what their people should kill each week. He thought also that an Indian should not be prosecuted if found hunting on Crown land as long as the game was for his own use. If licenses are required, they should be free, but the Band should collect a fee if hunting and fishing was for sport only.

Mr. J. Launiere agreed that hunting and fishing rights should be provided for in the Act.

Co-Chairman Chief Gros-Louis told him to add further comments if he wished to do so.

Mr. A. Mitchell said they had a lot of trouble over the Migratory Birds Convention Act on his reserve because they issued permits to white men for hunting. Other people objected, he said, and would probably take them to court. He told the objectors that they might win but not on his reserve. He suggested that it might be clearer if they could break hunting and fishing down into two separate subjects in a by-law.

Mrs. D. Ross said her boys had to obtain permits to hunt and she would therefore like to see hunting and fishing provided for in the Act.

Mr. S. Bacon (interpreted) said, in view of the many people in his area who lived by hunting and fishing, he was asked to see what could be done. He would prefer that the right to fish and hunt should be written into the Act, and that the Band Council be authorized to control these activities.

Co-Chairman Chief Delisle said his people felt that his Council should be able to make regulations on hunting and fishing on their reserve. Some of his people work and couldn't get home to hunt when the hunting season was in effect. He said it was important for his people, in this case, to help preserve their culture.

Hunting and Fishing Rights of the Indian People.

Co-Chairman Gros-Louis opened the meeting by asking the delegates to continue in expressing their views on the subject of their hunting and fishing rights; should these rights be included in the Indian Act, and if so, in what way?

Mr. Daniel Vachon said that he wanted to have a clear explanation on the amendments to the Indian Act. He said that he did not understand the work done by the Indian Association of Quebec during the past two years and how it affected the amending of the Act. He said that he felt a little lost because since the beginnings of the Association, the Indians had always spoken about treaties but now there was a talk about the Constitution. He could not see how the Indians could have the Act guaranteed by the Constitution. He wondered whether it was possible to continue to deal with the treaties first and to discuss the Constitution later. He felt that the Constitution would take a long time since the ten provinces had to be consulted; he then asked whether the federal government was able to sign a treaty with the Indians without consulting the provinces. He asked Mr. Beaudoin to explain the whole question.

Mr. Beaudoin (Legal Adviser to the Indian Association of Québec) replied that an amendment to the Constitution implied the consent of the ten provinces. At the present time there were interprovincial conferences to amend the Constitution, and it could take many years before the provinces would agree. He said that it would possibly be preferable for the Indian Associations throughout Canada to establish a Treaty between themselves and the federal government in order to obtain a solution to the problems of the Indian people. He suggested that in this treaty there be made a promise from the federal government that when the BNA Act was amended, the present treaty would be included in the constitution. Mr. Beaudoin said that this was his point of view on the question - he felt that this would be the quickest way and it would offer a better guarantee provisionally.

Mr. Daniel Vachon said that this was an explanation which he was looking for. He said that he wanted the delegates to understand that there was a risk involved here.

Mr. Beaudoin explained that in theory the best and only guarantee of the government's respect of Indians rights was to include them in the Constitution but it was necessary to wait for the provinces and that could mean another 10 or 15 years; the provinces would be unable to agree on the form of their amendment before that time. In practice however, it would be better to have an immediate solution - to make a treaty including this promise to have it written into the Constitution when the agreement between all legislative authorities took place, and a promise that the Indians would be a party recognized in the Constitution.

Mr. Daniel Vachon wanted to know if the Federal government had the jurisdiction to include the hunting and fishing rights in the Indian Act, and if it had that power, would it do so?

Mr. Beaudoin replied that constitutionally, under the BNA Act, the Federal Government had the right to legislate in all matters concerning Indians. It was clear that the Federal Government had legally the right to legislate on hunting and fishing rights affecting Indians, but the moment it would do so, the provinces would keep on their jurisdiction and maintain it.

Mr. Daniel Vachon said that it would take some time to resolve this problem.

Co-Chairman Delisle said that if the Indians would get the Province of Quebec to amend its regulations on hunting and fishing and to recognize the rights of the Indians, this would involve only the Province and an amendment to the provincial hunting and fishing law. He thought that to accomplish this would not have to take too long.

Mr. Beaudoin remarked that he fully agreed with Mr. Delisle but even then if this solution would be taken he would not see it as the guarantee or treaty between the Province and the Indians because it was only an amendment to the fishing and hunting law; the next day, however, the government could be changed and all the hunting and fishing rights of the Indian people could be lost. He said that he thought that the ultimate solution right now would be a treaty between the Federal Government, the Provincial Government and the Indians for each province. It would be an ideal solution to leave all these treaties within the Constitution. But at the present time he felt that the best immediate solution for Indians in Quebec was to enter into a Treaty with the Federal Government in the near future and then at the time when a new Constitution would finally be agreed upon by the Federal and Provincial Governments, the provisions of the Treaty would be included in its text.

Co-Chairman Delisle informed the delegates that Mr. Jean Jacques Bertrand had just been elected the Premier of the Province of Quebec and that there was a suggestion, if the delegates so wished, to send to Mr. Bertrand a notice of congratulations from the delegates.

The delegates unanimously agreed to this suggestion and did so after a brief debate in regard to the version of this message.

Mr. Joseph Guanish said that insofar as hunting and fishing was concerned they had the same problem as described by the previous spokesmen; they wanted to have their hunting and fishing rights acknowledged and they felt that the relief which they were getting was not sufficient. He felt that Indian rights should be included in the Indian Act.

Mr. Georges Nolin agreed with Mr. Guanish and said that he felt strongly that the Indian Act should include all these matters.

Mr. Pierre Tettaut agreed completely with the two previous spokesmen.

Mr. Henry Ottawa said that his people wanted to have their hunting and fishing rights included in the Indian Act.

Mr. Cyril Awashish said that his people wanted to have their hunting and fishing rights included in the Indian Act.

Mr. Louis-Paul O'Bomsawin said that his people wanted to have their hunting and fishing rights included in the Indian Act.

Mr. Robert Kanatewat said that his people were fully in agreement to have their hunting and fishing rights protected by a provision in the Indian Act; they did not need this protection at the present time because they were not hindered in their hunting and fishing activities but they were looking for the future when this situation could possibly change.

Mr. Josie Sam speaking on behalf of the Indian people residing in the James Bay area, said that he was in full agreement with Mr. Kanatewat; their hunting and fishing should be included in the Indian Act.

Co-Chairman Delisle remarked that hunting and fishing was for the Indians a question of their rights - he felt that no one should be able to tell the Indians whether or not to use that right because the decision belonged only to Indians themselves.

Co-Chairman Gros-Louis said that the right to hunt and fish for the Indian people should be included in the Indian Act since it was part of their culture and it was needed for their existence. The Act should also contain a provision which would protect the Indian rights to trapping in their customary areas; in this connection, he said that in the past, the Huron Indians had to leave their trapping territory after it became a park. He stressed the point that it was urgent to take action now to safeguard these rights to Indians in Quebec because the situation was bound to become more serious as time went on.

Indian Lands

Co-Chairman Delisle explained to the delegates that they were touching, in their discussions, many subjects which were dealt with in "Choosing a Path". He said that Indians were a people with rights, such as hunting and fishing rights which should be respected; there were other rights such as territorial rights which should also be respected. Insofar as the question of Indian Lands were concerned, he wondered who should say the Indians should get land. Should the Indians be recognized in the law that they had the right to get some of this land? Should it be included in the Act and the law pertaining to Indians that they had a right in the land, a right to own the land and how much land should they have?

12 Co-Chairman Gros-Louis explained that it was contrary to the provisions of the Rupert Land Act that the Indians had to go to the Province in order to get land on which to build their houses. He stated that the most important question to be decided was whether or not all Indians should have a reserve and, if so, what should be its size. He thought that in Quebec in general and in James Bay in particular, the Government should not be able to decide about the location and size of any Indian reserve.

Mr. Armand St-Aubin suggested that each Band Council should be able to decide how big its reserve should be; he thought that its size would depend on its population.

Mr. Daniel Vachon wanted to know what happened to the two Briefs which he had submitted -- one dealt with hunting and fishing rights and the other with territorial rights.

Co-Chairman Gros-Louis said that these matters would be discussed at the Association meetings on Saturday and Sunday.

Mr. Beaudoin (Legal Adviser to the Indian Association of Quebec) said that the Brief dealing with hunting and fishing was submitted by the Association of Quebec Indians to Mr. Lucien, a new Provincial Minister at a meeting; Mr. Lucien said that he and his officials were studying this matter and that he expected to be soon in the position to announce a solution to this problem. Insofar as the Territorial Rights Brief was concerned, all the documentation was being prepared at the present time and he himself would prepare new arguments as soon as possible; the Brief would then be submitted to the appropriate authorities.

Co-Chairman Delisle explained that the Indians wanted first to ask the federal government to guarantee and protect their rights in lands and in hunting and fishing. At that time the Federal Government was not in dialogue with the Province of Quebec, so the Indian Association took their brief to the Province of Quebec. The Association felt now, however, that since the Federal Government was going to change the Indian Act, it should include this protection in the Act. Under Section 91 of the BNA Act the Federal Government was responsible for certain areas, and No. 24 of these dealt with Indians and land reserved for Indians. Canada was therefore supposed to protect those things that the Indians had; the Indians approached the provincial government to try to get made some sort of an arrangement. It was now necessary, however, to state that the Federal Government should protect the Indians in these areas. The Indians wanted the Federal Government to take the responsibility that it already had; then the Indians wanted the provincial government to recognize those things that they were asking for.

He said that the present Indian Act, under Section 35 dealt with lands taken for public purposes. He said that in that Section it gave the Indians the right to take the land from other Indians for the general welfare of the Indians in the Band. It also gave the permission for a non-Indian body to take lands away from the Indians, but nowhere in the Act was there a guarantee for Indians to have the right to get lands that legally belonged to them - at least the Indians considered these lands to have legally belonged to them. This was what the Indians wanted to put in the Act - the protection of their lands and at least the authority to get the land that they considered to be legally theirs and to get lands which would help in providing for the population of various Indian bands. This was what the Indians wanted also to include in the Constitution, in the BNA Act. He said that he could see that this provision was already there, except that a double authority was given in this regard: the Federal Government took the responsibility to protect the rights of Indians and at the same time went around to the provinces and gave them the authority over this matter and now there was an argument between the Federal and Provincial Governments; the Indians were now trying to set the matters straight. There was some land transferred from the provinces to some bands, but it was still recognized as in right of the province, provincial reserves. He asked the delegates whether this was something that they wanted to recognize or did they want to recognize that they had the authority with the Federal Government to decide what was their land.

Co-Chairman Gros-Louis said that the Indians should have the right to administer their own affairs and their own lands; this right should not be exercised by the Federal or Provincial Governments.

Chief Mike McKenzie said he was in complete agreement on this question with Chief Max Gros-Louis; land rights should be included in the Indian Act.

Mr. Josie Sam said on behalf of the Indians of the James Bay area, that they were unable to build any houses because they did not own any land. For this reason it was necessary for him to state that they needed land.

Mr. Robert Kanatewat said that they lived in Fort George on an island which was about 4 miles long and about a quarter mile wide; it was about 2 miles wide 20 years ago, but the island since then was rapidly decreasing. They needed land, and all the delegates from the James Bay area definitely agreed that they all needed land which they could call their own.

Mr. Malcom Diamond said that they had the same problem in that they were not owners of the land on which they were living. All around Rupert House there were swamps, all covered with water, and even this land was not theirs. They wanted to own some piece of land which would be theirs and where they would be able to raise their children.

Mr. John Petagamaskum agreed with other spokesmen from the James Bay area; they also wanted to have a reserve of their own at Great Whale River. He said that in the past they had always thought that the land on which they lived was theirs; however, they were now told that this land did not belong to them. They therefore wanted to own land at their settlement.

Co-Chairman Delisle then asked all those delegates who did not have any land, if they wanted to own land for their people; he wanted their answer so that it would be known whether or not this should be included in the law that Indians who wanted land should be given land. He asked the delegates if they were agreeable in continuing in this procedure, they should say either yes or no. They had already expressed their opinions and he now wanted to have their answer as a confirmation of their views for the benefit of the people from the government.

Co-Chairman Gros-Louis asked the first question: Were the delegates in favour of having reserves for those bands who had none or having larger reserves for those bands whose reserves were too small; should a provision that would give the Indian people the right of land ownership, be included in the Indian Act?

All the delegates answered in the affirmative.

Co-Chairman Delisle asked the second question: Did the delegates want to have a protection that this land would not be taken from them, included in the Act?

All the delegates were in favour of this question.

Co-Chairman Delisle then asked the third question: What rights should the Band Councils have over this land? How much authority should the Band Councils have over this land?

Mr. James Gaspé said that they should have all the authority over this land because they would be running the reserves.

Mr. Michael Isaac said that Mr. Gaspé answered the question for him; Councils should have the authority. Furthermore, when the lands were issued to the various bands, the law should state that all the mineral rights should be included, and not only six inches of dirt.

Co-Chairman Delisle then asked if the delegates thought that Band Councils should be, on behalf of the bands, owners of the land. Who was to decide who should have a piece of land? Who was to make decisions in regard to land?

Mr. James Gaspé said that it would be the legislative body of the reserve that would have this responsibility - either the Band Council or some band association.

Mr. Michael Isaac said that he disagreed. He felt that the individual landowner should have the right to decide how to use his land; as it was now he did not know if and when the Council would take his land away from him for some other purpose. It should be included in the new Act that an individual had some rights to his land.

Mr. Armand St-Aubin said he felt that an individual should have enough land for his house and garden, and if he needed more land, he should consult the Band Council; the Band Council could then get in touch with the Federal Government to have this certified.

Mr. Michael Isaac said that there were bands that already had reserves and some land that was owned by the band not by individual owners; in these cases it was up to the Band Council to decide on the use of this land. They had to consult the band first, by majority rule; the Band Council should not be telling the people what to do, it should be asking the people what they wanted.

Mr. Armand St-Aubin asked Mr. Isaac if it was his opinion that the individual should have more rights on the land on which he lived, which he used and which was assigned to him.

Mr. Michael Isaac replied that this was so. He said that there should be some legislation providing that an individual owned his piece of land but was never able to sell it to anyone outside of the band, but only to another member of his band and that he could do so without the consent of the Band Council.

Mr. Tom Rankin wanted to know whom should the Indians approach if they wanted a piece of land - the government or the Association?

Co-Chairman Delisle replied that at present it was the government.

Mr. Tom Rankin said that they needed more land; he asked for a piece of land but did not get it. He wondered what he could do in order to be able to get more land.

Co-Chairman Delisle replied that this was the question dealt with by the delegates when they unanimously agreed that it should be included in the law that if, for example, Chief Rankin needed more land, the government would provide it. The Indians should not really ask for land but they should say to the government that they wanted their land back. He said that before the delegates there was the question of how much authority the Band Council should have over reserve land. He agreed with Mr. Isaac that the Band Councils should do what the people wanted it to do; the Councils then made the regulations on various types of activities on the reserves. He said that on his reserve the Band gave a quarter of an acre to each member of the band to build his house; he had a year to build this house and then he was able to get a Certificate of Possession providing that he got the land but he was unable to sell it to anyone outside the Band. He had to live in the house and then he could use the land as long as he wanted, he could pass it on to his children. In the Act, a reserve was described as a piece of land vested in the band; so if the band wanted to do something with band land which was not given to the use of an individual, they had the right to make the decision about its use. The Councils had not yet too much jurisdiction; it was the Minister who had most of the authority at the present time - he signed Certificates of Possession, kept records and gave approval to transfers of land, and so on. The question therefore was whether or not the Indians should have the full authority to make the decisions in matters affecting their affairs; did the Indians want to exercise this full authority or did they want somebody else to do that for them?

Mr. Angus Mitchell said that they had been issuing lands to people who had no land so that they were able to build a house on this land; there was a waiting period of 10 years before Certificates of Possession were issued for this land.

Co-Chairman Gros-Louis asked the delegates what they thought about who should make the laws on the reserve; should the Band Council have the right to appoint policemen and to have its own judge?

Mr. James Gaspé asked Mr. O'Reilly if the Band Council which had the authority for the administration of the Band, would not also have the right to appoint its own police and its own Justice of the Peace.

Mr. O'Reilly, Legal Adviser to the Quebec Indian Association, replied that this depended on the extent of the authority of the Council. If the Council were given the authority to ensure public peace on the reserve it was obvious that it had to have the right to take the means to ensure this public order - that was then the obligation of the police force to see that everything was orderly just as in any non-Indian community. As far as the appointment of the judges or Justices of the Peace was concerned, this also could easily be done on the reserve by Indian representatives. There was a possibility that in Caughnawaga they would soon have their own Indian police force; it would have a great deal of authority to ensure public order and would have the same rights as had the provincial police and the RCMP at the present time. Things would then be at Caughnawaga just like in any other big city - and it would be possible to grant this through the Indian Act.

Mr. Michael Isaac said that they were told by the provincial police and by the Indian Affairs that the Band Council at Restigouche could hire a policeman but he would have no power to make arrests.

Mr. O'Reilly replied that the difficulty at the moment was in the fact that they had to go through the Province.

15 He said that Mr. Gaspé asked him whether it was possible to have this police force and he had replied that this was definitely possible. In the case of Caughnawaga the Province had to be involved because there were certain police powers which could only be given by the Province. The Province had indicated that it was willing to grant these things to reserves which were ready for it. There was really a very small role which the Province had to play in it - the Province only had to give the police certain powers and perhaps some powers to the judge but other than that the federal government had enough jurisdiction right now to give all these powers to the Indians.

Co-Chairman Gros-Louis said that if policemen and judges on the reserves were Indians they would be better equipped to understand and deal with problems affecting the Indian people.

Co-Chairman Delisle said that the question which was being asked was whether the band Councils should have the authority as they represent the people, for the benefit of the people, to tell the people in the Band in what area they were going to live, to enforce regulations which the people wanted to have, to run the reserve, to control the land and the leasing of the land, to control liquor and other related matters. Should the Band Council have this authority?

Mr. Michael Isaac said that these were wishes of the people at Restigouche and it was for this reason that he brought this subject up.

Mr. Josie Sam said that he was in favour of full authority of the Chief and of the Band Council. He wanted to know, if it were possible for those Indian groups that were not yet ready to have a policeman from their own ranks, to appoint a white man as a policeman, at least on a temporary basis, along the same way as they hired lawyers to work for them.

Mr. Fairholm replied that this would be quite possible; in other areas some of the people who came to the meetings had said that they did not want to have to take all the authority and powers at once, especially not before they were ready to do so. This was quite possible; they wanted to be able to take the kind of authority that they felt they were able to take on; maybe some of the communities would take it all and others only a part of it at a given time. As far as hiring people was concerned, the Band Council was at liberty to hire a member of the Band, an Indian from another Band or a non-Indian if it wanted to do that. He said that he felt that there should be complete freedom in this regard.

Mr. Josie Sam asked if there were enough Indian policemen in the Province of Quebec that the Indian bands could hire.

Mr. Fairholm replied that he was not able to answer that question. It was necessary, however, to give training to those who were selected for police work so that they could then carry on their duties properly. Arrangements were being made for some people to be trained in police work.

Co-Chairman Delisle said that at Caughnawaga they had selected some men, had their qualifications checked and the federal government had agreed that it would provide them the necessary training in police work, and after they had learned it they would come back and work on the reserve as the reserve police force.

He then asked the delegates if the Band Council should have this authority, and asked all those in favour to raise their hands.

All the delegates were in favour of the question.

Mr. Michael Isaac said that his Band would like to have from the Indian Affairs guidelines if they were to assume more responsibilities in this field.

Co-Chairman Delisle said that he understood that the Branch had a policy, or was starting a policy where different Indian bands could hire consultants that they would require for this development. He then asked if this was so.

Mr. D'Astous said that this was a correct statement. He said that the key to it was the non-basic program that was found under the Grants to Band formula, and consultants or police could be hired under this provision.

Co-Chairman Gros-Louis said that Indian policemen on reserves would not only be for the Indian people but also be for those non-Indians who were on reserves. There were two kinds of Indian policemen at the present time: there were those Indian policemen who were under the RCMP and there were other Indian policemen who told the RCMP what to do. He said that in his District the Indian policeman was appointed by the Council and when he needed help he would call the RCMP and they would come and help him. In other places it was the RCMP who called upon Indian policemen and told them what to do; they were under the jurisdiction of the RCMP. Policemen appointed by the Band Council were paid by the Indian Affairs, and those under the jurisdiction of the RCMP, by the RCMP.

Co-Chairman Delisle added that before the liquor laws were relaxed, money that was taken from the fines of Indians arrested for drinking was used to pay these policemen. Now that the Indians were allowed to drink, they were unable to pay their policemen.

Meeting adjourned.

Thursday, Oct. 3, 1968

Co-Chairman Chief Delisle opened the meeting and asked the delegates to think about three representatives they wish to send to Ottawa for a further meeting on changes to the Act.

He referred to the increased responsibilities the people indicated they wanted the Council to have. He asked if someone had questions in this area.

Co-Chairman Chief Gros-Louis said most of the chiefs should remember discussions which took place at Sept-Iles, Amos and Pointe-Bleue and should realize what an important matter Band Council responsibility is. If they discussed the subject further with their people they should have a very good idea as to who they think should be an Indian, and what they want respecting adoptions.

Co-Chairman Chief Delisle said they have asked many times who is to decide who is or is not an Indian? Should it be someone else or the Indian people themselves?

Mr. W. Wipote thought that the Band Council should decide who is to be a member of its Band. The problem comes from the bearing of children by unmarried mothers and adoptions.

Mr. J. Gaspé believed the Band Council should have the right to decide but there should be a notice posted asking for the acceptance or otherwise in each case. He said there were people in the Oka Band who were not Indians but had Indian status. The people did not have an opportunity to object at a time before the Branch took over membership matters.

Mr. J. Guanish felt the Band Council should decide who should or should not be on the Band list.

Mr. D. Vachon agreed that the Band Council should decide who is to be an Indian. He recognized that there were many problems, particularly with non-Indians who have been living with Indians for 50 years. They have the privileges of the Indians but do not have a right to membership. The Band Council, he said, should have the authority to deal with such problems.

Co-Chairman Chief Delisle asked for a show of hands to indicate how many were in favour of having the Band Council having authority to deal with membership problems. Carried.

Mr. W. Wipote thought that the public should have an opportunity to view membership lists and object if necessary.

Mr. A. Mitchell said his Band receives Band lists every two months. He thought the Councillors themselves should pay more attention to the lists. He asked if the Councillors would act any differently if the authority to rule on membership was given to the Band Council.

Mr. J. Gaspé asked Mr. Mitchell if they have a protest period of one or two months.

Mr. A. Mitchell replied that any Councillor could protest within 30 days, although he said that for the most part, protests are forgotten.

Mr. Fairholm: "I would like to clarify this point. If people are under the impression that with regard to illegitimate children, a protest has to be done within thirty days, that is not correct. Under Section 12, (1) (a) it is one year (12 months) in which the right to protest lies. I just wanted to make that clear. Within twelve months the Council or any three or ten electors may make a protest with respect to an illegitimate child. That is the way it is right now. All other cases, it is thirty days. For the illegitimate child it is twelve months."

Co-Chairman Chief Gros-Louis said that no one should be able to take an Indian child's true identity from him.

Co-Chairman Chief Delisle referred further to Chief Gros-Louis' question. He asked how the authority of the Band Council to deal with membership matters would effect some people who are on or who are off Band lists today. There is always the chance that an Indian may be put off the list if a Band Council does not like him.

Mr. Fairholm said that any person who is on the membership list is protected. However, in a case such as mentioned by Chief Delisle, he did not know what the result would be if all control was put in the hands of the Council. He thought perhaps they might consider this very carefully to find some way to protect the individual, both to be a member and to remain a member.

Co-Chairman Chief Delisle thought that Councils could make suitable regulations to protect individual rights. He referred to Chief Gros-Louis' other question concerned a date such a provision should be effective. In other words, he added, could people be reinstated.

Mr. W. Wipote explained that the effective date could pose certain problems for his reserve.

Mr. J. Gaspé asked, if this was accepted and authority given to the Band Council, could a new slate of officers alter decisions and could they take on new members?

Mr. W. Wipote said if the Band Council takes over they could arrange for all important issues to be referred to the membership.

Co-Chairman Chief Gros-Louis said the Band Council would decide but with the consent of the majority of the membership.

Mr. D. Vachon agreed that the decisions should be left to the Band membership at large as the Band Council could not then alter decisions.

Mr. J. Sam requested on behalf of the Indians in the James Bay area that the change be made retroactive to 1951. He said there were some people who were left off the membership list at that time.

Co-Chairman Chief Gros-Louis thought that Mr. Sam referred to the Spencers in Fort George.

Mr. J. Sam replied yes. There were other people as well. He is the Administrator there and was trying to help them but is unable to because they are not members.

Co-Chairman Chief Gros-Louis explained what happened in the Spencers' case. The family has been there over 100 years and they can speak Indian only. They are not on the Band list and provincial or federal authorities will not help them. The people feel that the Band Council should have the authority to add the family to the Band list.

Co-Chairman Chief Delisle pointed out that the Registrar is the only person who has authority to put a person on or take a person off the list in accordance with Section 7 of the Act.

Mr. D'Astous explained that in 1951 when officials went around to set up membership lists, there were many Indians in the east coast of James Bay who happened to be away. He thought some were then forgotten and that there was just no way for them to be put on the list as there is no proof of their right to be on the Band list.

Mr. O'Reilly (Lawyer for Indians) still thought the interpretation which is given to Section 7 by the Department is not necessarily the correct interpretation about the time. Proof, he said, was another question but for the timing, he thought that anyone could address himself right now to the Registrar if he feels that he is entitled to be registered in accordance with the Act despite the time delays mentioned later on in Section 14. He thought that the Department is taking the attitude that once the time delays are past that that is it. However, he did not think they were giving the true interpretation to Section 7 which seemed to be the overriding Section in the particular question and which would give the Registrar, right now, the authority to add somebody who is entitled to be registered as an Indian.

Mr. Fairholm agreed that what Mr. O'Reilly said was generally correct. He said it is possible to add but the Registrar must look at Section 11 first. He said many people have been added in this way in cases where people were away in the States and neglected to advise the Branch of births. However, he said, the children can be registered because they can be traced.

Mr. O'Reilly suggested the method of proof should be changed as it was the fundamental question i.e. such as having a number of Band members issue affidavits in support of someone's right to membership.

Mr. J. D'Astous acknowledged that both he and the Registrar would like to see some change in this regard.

Mr. A. Mitchell said he had cases where white woman marry non-members. The women have had children before marriage. He said a few years after their marriage, they brought their children into membership, not through the Council but through the Agency. The Council is just finding these things out since taking an active role in Band management. He asked if they had to accept this or not because the Council was not approached regarding acceptance of the children.

Mr. Pauze (Former Superintendent at St. Regis) replied that the children were probably added in 1950 when the Band had an opportunity to protest.

Mr. A. Mitchell thought it was earlier.

Mr. Pauze replied that the Band Council could still protest.

Mr. Fairholm explained what happened in 1949, 1950 and 1951. He said that up until that time, there was no good record of who was regarded to be a member of a particular Indian community. The records were not well kept so people did not know who belonged to a particular community. At the time the Act was made in 1951, an opportunity was given then to list everyone who regarded themselves as Indian. Some said there were people on reserves who should not be there so that lists were posted and it was up to individuals and Band Councils to protest the name of anyone they thought should not be on the list with the idea of making the lists fairly firm. He said that process went on and there were a number of people who were taken off and others who were confirmed in membership. Some went to court, others were decisions of the Registrar. He thought that that was maybe why some people were put on the list while the Council now feels that they should not be there.

Mr. A. Mitchell asked if there was a limit in which to make a protest. He thought the lists were not posted.

Mr. Fairholm replied that there was a period of six months in which a protest could be made.

Mr. A. Mitchell said that some white people get on the reserve when Band Council fails to do anything. He again stressed his belief that the list was not posted in regard to the case he had in mind.

Co-Chairman Chief Delisle felt that there was a lot of work to be done as there are throughout Canada people who are not admitted to Bands and others who are but maybe should not be on lists. He felt Band Councils could do more to settle problems if they had more authority. He thought it might help even if the Band lists were forwarded to the Band Councils before being submitted to Ottawa. He added that his own Band is concerned with the problem and that it was important to define who should be in a position to say who is an Indian and who is not an Indian.

Mr. M. McKenzie said there was a family of Indians which was away from the reserve and has tried to be re-admitted to the Band for the past three or four years. The problem seemed, he said, to be the lack of adequate proof of right to membership. He asked why the family could not be admitted to membership on the advice of the other members.

Mr. W. Wipote said that the laws should be flexible enough to allow Band Councils to make decisions in individual cases where different effective dates might be involved.

Co-Chairman Chief Delisle thought there was general agreement that authority to decide on membership matters should be given to Band Councils who could work out the mechanics individually.

Mr. A. Mitchell said he was not only concerned about children but older people as well. Some old people have been away and return to find that they have been removed from the Band membership. This should be looked into as there is a problem as to where these people will live for two years while waiting to qualify for a pension.

Mr. Fairholm said that in the Act prior to 1951, there was provision whereby anyone living in a foreign land for more than five years without permission could lose membership but did not cease to be Indian.

Mr. A. Mitchell said some of the people reported within the five years and he wondered what they were supposed to do to show they were back.

Mr. Fairholm said he did not really know what happened in those days.

Mr. A. Mitchell thought it would have been proper for them to consult with the Councillors before taking people off the lists. He said he could not understand why they have to wait two years to qualify for their retirement.

Mr. Fairholm said he did not know the answer.

Mr. O'Reilly said they could apply right now to be considered members of the Indian Band and get welfare if they need it.

Co-Chairman Chief Gros-Louis thought that it had been decided that the Band Council with the Bands' consent holds the authority to say who has

a right to be on the Band list and who hasn't. He then directed discussion to enfranchisement. He asked whether, if an Indian wants to be enfranchised he should be enfranchised and his wife and children will be enfranchised at the same time.

Mr. A. St. Aubin said that it was a free country and the Council should not stand in the way.

Co-Chairman Chief Gros-Louis thought that Mr. St. Aubin did not understand the question. He clarified his question by asking whether the children should be enfranchised along with the parents or should the children remain on the list until they are twenty-one so that they themselves can choose whether to be enfranchised.

Mr. J. Gaspé thought that the Council should have a certain authority with regard to enfranchisement if they see that the enfranchisement will not be a risk to the community. He thought enfranchisement should be limited to those who work and can look after themselves. If it was an Indian who was receiving welfare, then the Council should have authority to allow the children to stay until they are twenty-one.

Mr. M. Isaac thought the Section on enfranchisement should be removed. He said people could go away to work without being enfranchised.

Co-Chairman Gros-Louis thought that an Indian could now be enfranchised if he wants. However, he said, if an Indian does not want to be an Indian any longer, it is a personal thing but should he take his children? He thought that when an Indian was enfranchised, there should be a waiting period before receiving his per capita share to determine whether the person really wants to be enfranchised or perhaps just wants the money.

Mr. J. Gaspé said that he agreed that there should be a waiting period before payment of the per capita share. He was against the children being enfranchised with their parents.

Mr. A. Mitchell would not want to see the Section on enfranchisement removed. He felt that any couple should be given the right to become enfranchised if they wanted to be. He said if the Section did not apply to certain Bands, they would only have to disregard it. He said they were there to revise the Act and not to delete any Section in it.

Mr. M. McKenzie felt that the adults could decide but the children do not realize what is happening and they should be left on the list until they are twenty-one when they can decide for themselves.

Mr. W. Wipote thought that enfranchisement was symbolic of life as a white person. He felt it gave no advantage to anyone, and that it was a Section to make an Indian feel separate or inferior - a discriminatory Section. He said only those who are capable of living as a white man should be enfranchised. He felt that the Section should be removed.

Mr. T. Rankin agreed with Mr. Wipote's views that the Section should be removed. He cited the case of a non-Indian family, on his reserve in 1913-1914. They tried to establish themselves in the nearby town. Everybody thought they were Indians. Before marriage, the wife had five children and three after marriage. The Band has to take care of the five but not the three. The couple now have no protection. They are in between being Indian and being white.

Co-Chairman Chief Gros-Louis asked Mr. Rankin if he thought the husband was an Indian.

Mr. T. Rankin replied yes.

Co-Chairman Chief Gros-Louis thought that the problem could be settled if the Band Council is given the authority to deal with membership problems.

Mr. T. Rankin then asked, if a few people did not want the couple, whether this meant that it would be put up to a vote to get a majority decision.

Co-Chairman Chief Gros-Louis said that should be up to the Band membership to decide and he thought they should vote on the matter.

Mr. T. Rankin said the addition of members this way would greatly increase his membership because there are many persons in circumstances similar to the case he brought up.

Mr. M. McKenzie said he did now know what happened in cases where people are Indian but not on any list. He felt that something should be done.

Mr. J. Gaspé recommended that discussion on enfranchisement be reviewed and interpreted for the benefit of the people from the north.

Co-Chairman Chief Gros-Louis summarized the discussions in this regard. (Two large groups left with interpreters for review of discussions taking place on enfranchisement.)

Mr. A. Mitchell agreed with Mr. McKenzie that children should not be enfranchised with the parents but be allowed to decide when they are 18 yrs. Some Bands want the Section and some do not, and this is why he felt the Section should not be deleted.

Mr. M. McKenzie preferred that children be given the opportunity to decide on enfranchisement when they reach 21 years and not 18 as suggested by Mr. Mitchell.

Mr. L. Jerome told of a family on his reserve where the family was enfranchised in 1946. Two years later, the man was married to an Indian girl and they lived on the reserve. The Indian Affairs Branch cannot help them. He noted that Indians are born Indians and will die Indians no matter what form of enfranchisement they go through. He agreed with Mr. Wipote that the Section on enfranchisement be wiped out.

Mr. W. Wipote said that his reason for striking it out was because it gives people the opportunity an idea to become enfranchised. If the Section was not there, he said the people would not think about it. He felt an Indian is an Indian regardless of any enfranchisement, and that it gave the wrong impression about Indians.

Co-Chairman Chief Gros-Louis read the statistics on enfranchisement as listed in the supplementary notes.

Mr. Fairholm read these statistics for the previous year.

Mr. L.P.O'Bomsawin felt that when a couple gives up their status, the children should remain on the list.

Mr. J. Gaspé supposed that if enfranchisement was abolished and the non-Indian husband of an Indian woman died, he asked if the woman could then be re-admitted to the Band.

Mr. W. Wipote thought that would be up to the Band if the Act gives them authority to deal with membership matters.

Co-Chairman Chief Gros-Louis said if a woman marries a non-Indian she can go back to the reserve anytime. The real question, he said, was whether she should be given Band membership status again.

Mr. W. Wipote felt a woman should be re-admitted to the Band, particularly if she can prove that she is legally separated from her husband, either by death or divorce. He thought that it would be up to the Band to make a decision although he thought that the children would not enjoy full membership. As the children's father was a non-Indian, he felt the Province would care for them. He thought, also, that as the father, in the case of death, ceases to be a parent of the children, that they would take the status of the mother and should be considered as being Indian.

Mr. A. Mitchell gave his reason why the Section on enfranchisement in some cases such as in the marriage of an Indian woman to a non-Indian.

Mr. T. Rankin acknowledged that there might be enfranchisement in Quebec, but that he noted there were quite a few in Ontario.

Mr. J. Gaspé thought that the reason for enfranchisement in Ontario was because they were going into the cities to work.

Co-Chairman Chief Gros-Louis added that it was, perhaps, to start a business.

Mr. J. Gaspé felt, personally that if a man or woman is enfranchised, he or she remains an Indian regardless of enfranchisement. He said he hated the word enfranchisement and added that it makes an Indian a second class citizen.

Mr. W. Wipote could see no advantages in enfranchisement. He said they did not have to be concerned with provincial law even if they deleted

the Section as they will not then have to go into provincial status.

Co-Chairman Chief Gros-Louis said Canadians are free to become citizens of other countries. He felt the word enfranchisement was not a good word to use in the Act, but rather it should be referred to as 'losing one's Indian status'.

Mr. W. Wipote felt that they should not lose anything at all. They have lost so much now, he said, that they should be thinking about gaining things.

Co-Chairman Chief Gros-Louis asked if it would be prohibitive for Indian women to marry non-Indians.

Mr. J. Gaspé asked Mr. Gros-Louis if Indian women were not marrying non-Indians at the present time. He said the Indian woman automatically takes on the status of the man she marries.

Co-Chairman Chief Gros-Louis acknowledged this and asked if they take the enfranchisement Section right out, would an Indian woman not have the right to marry a non-Indian. Would it mean that an Indian woman would not take the status of her husband, he asked.

Mr. W. Wipote said the probability of marriage should have no bearing on enfranchisement.

Co-Chairman Chief Gros-Louis re-phrased his question. He asked if a non-Indian girl marries an Indian, is she to be an Indian or will she remain a non-Indian.

Mr. W. Wipote answered that Indians have special privileges and a non-Indian woman marrying an Indian should get all the privileges and be an accepted member of the Band. However, he said, she does not lose her other rights as Canadian citizen. On the other hand, he added, an Indian woman marrying a non-Indian is entitled to the society of the man. The only difference was, he said, that after her enfranchisement upon marriage, she would be a first class citizen and not a second class citizen as before.

Mr. Fairholm asked whether they were suggesting that there should be no change whatever in status when a person marries.

Mr. W. Wipote saw no reason why there should be any change because it does not give either any additional privileges.

Mr. Fairholm asked whose status would the children of such unions take the mothers' or the fathers'.

Mr. W. Wipote said that it was usually the fathers'.

Co-Chairman Chief Gros-Louis directed a question to Mr. Wipote. He supposed an Indian girl married a non-Indian and asked what would happen if the woman got sick, in view of the fact that the husband and children would receive services from the Province. (NOTE: Considering the woman was not enfranchised upon marrying the non-Indian.)

Mr. W. Wipote said they do not have to worry as far as medication is concerned because the Province looks after the sick the same way the federal looks after the Indians.

Co-Chairman Chief Gros-Louis said yes, but the girl is still an Indian.

Mr. W. Wipote answered that if she is an Indian she is entitled to the privileges of an Indian because she marries an Indian she will be taken care of by the federal, just the way it is now.

Co-Chairman Chief Gros-Louis explained further that he referred to an Indian girl who married a non-Indian.

Mr. W. Wipote then said the husband, as long as he is living, is supposed to maintain the welfare of the woman.

Co-Chairman Chief Gros-Louis said yes, but what if the husband is not able to do that.

Mr. W. Wipote replied that the Province should look after her.

Co-Chairman Chief Gros-Louis asked if the Province looks after the Indians.

Mr. W. Wipote replied yes, and what is more, that she is a Canadian according to the Canadian Citizenship status and not considered as a second class citizen as before.

Co-Chairman Chief Gros-Louis said he never saw the Province take care of Indians.

Mr. W. Wipote agreed that they didn't in view of the Indian Act but they have taken care of the women who married non-Indians in Restigouche.

Co-Chairman Chief Gros-Louis pointed out that an Indian woman becomes non-Indian when marrying a non-Indian and the Province will take care of her. But, he asked, did Mr. Wipote think the Province would take care of her if she married a non-Indian and she remained an Indian.

Mr. W. Wipote said no, the Province wouldn't but the Federal would have to take care of her. He added that an Indian woman should enjoy the same privileges as her non-Indian husband enjoys.

Mr. J. Gaspé said he understood the question and thought that things could be confusing. He said the woman would not be entitled to Provincial aid and the family not entitled to Departmental aid. He asked if there could not be certain by-laws made by the Council without involving enfranchisement.

Mr. Fairholm said that when a person acquires residence in most places, it doesn't matter who he is, he is entitled to receive assistance if in need. He did not know, however, if that applied in Quebec as it does in Ontario. He was of the opinion that anyone going to Montreal and establishing residence there would be entitled to whatever assistance is provided to other residents in Montreal - or in Quebec City.

Mr. J. Gaspé thought this was false as far as Montreal and the Oka Indians are concerned. There have been a lot of families, he said, who have gone into Montreal to work for seven to ten years. When the husband falls sick and they apply to welfare. Just as soon as the social worker learns that they are from Oka, the family is referred to the Agency in Oka where they receive help. Before an Indian can get medical aid in Montreal, he said, he has to get a paper from the Indian doctor in order to get free medication from the hospital there.

Mr. L. O'Bomsawin said the Odanak Band feels that the family is the natural and fundamental element of society and all members should therefore take the status of the head of the family, since he is considered to be the head in the eyes of the law.

Co-Chairman Chief Gros-Louis said the Hurons of Lorette believe that a woman who marries a non-Indian is warned ahead of time, and she knows she will lose her status as an Indian and that she will take on the status of her husband. She has no business to return to the reserve except to visit, he said.

Mr. W. Wipote said there were no problems with girls marrying non-Indians until the husbands die or they are divorced. They are sometimes accepted back on the reserve.

Co-Chairman Chief Gros-Louis understood that Mr. Wipote meant that when an Indian woman marries a non-Indian, she loses her status, but that if she wants to return to the reserve she can be looked after.

Mr. W. Wipote replied yes, if the Band wants to reinstate her as a member, but if not she is on her own.

Co-Chairman Chief Gros-Louis said Band Councils will have more powers, more authority. They will make the by-laws for welfare so if the Band decides that their women should be helped, the Band will so decide.

Co-Chairman Delisle opened the afternoon meeting by explaining that the important issues were the Indian Act, the rights of the Indian people and other subjects that were being discussed at the Conference. He felt that the Department could be reorganized as much as the government wanted but the things could not get any worse for the Indians than they were at the present time. He felt that it was a good thing to bring the Eskimos in the Department, their Associations could unite with the Indian Associations and would thus be able to expand their influence. He expressed his hope that by reorganizing itself the Department would be able to deal more effectively with the problems facing the Indian people. Insofar as the differences of opinion between Honourable Jean Chrétien and Honourable Robert Andras were concerned he said that they were human beings and bound to make mistakes; Canada was a democratic country and its people were allowed to make mistakes as long as they did not make them too often. He felt that they should now work together for the benefit of the Indian people - the Indians were now cautiously optimistic and it was the time now to show them in action that their optimism was well founded. He said that he dealt with these points because he was asked about them by many people.

Coming back to the subject of enfranchisement he said that he considered it to be a very difficult and too dry a subject. He felt that there was some confusion insofar as enfranchisement was concerned because there were so many interpretations of this word and asked Mr. O'Reilly to explain and interpret this term.

Mr. O'Reilly said this term meant, at the present time, merely to become a non-Indian. This did not physically happen, it just meant, as stated previously, that Parliament said in the Indian Act that certain people were going to be Indians. The delegates had decided that morning that the Band Councils should decide who was an Indian and who would be a member of the band. Under the present Act, enfranchisement was merely a sort of declaration, an individual had to go through a legal process, make an application and somebody declared that he was a non-Indian. The person remained, of course, the same physically, but he lost the benefit which the law gave to Indians. For those who were on reserves, some of these benefits were to be able to live on reserves, to get exemptions from taxation, to get certain privileges for schools and education and other benefits such as housing benefits on reserves. If an Indian became enfranchised right now, it meant that he was a non-Indian and was unable to get these benefits. Enfranchisement thus meant losing certain benefits which a person would have if he was considered to be an Indian. Formerly, certain people when they became well educated became automatically enfranchised - they were considered non-Indians. That did not happen now. If an Indian wanted to leave the reserve or was a member of the band which did not have a reserve, and he wanted to live white man's way of life, there was nothing that would stop him from doing so. An Indian did not need emancipation now to live the white man's way of life. He could go into a city and be considered like anybody else. The only benefit which an Indian would gain by becoming enfranchised would be to get his share of the band funds, and in the case of most bands, this came to a very small amount of money; he would gain nothing else. He would lose all the benefits which he got previously by being an Indian. He said that Chiefs from the James Bay area stated earlier in the day that they had to become enfranchised.

He explained that this was not a requirement of the law, Indians did not have to become enfranchised to live in a city and to get work. All the Indians were considered now to be Canadian citizens by an Act which was passed after the Indian Act. It therefore had no sense to become enfranchised to get a few dollars and to lose all the benefits. He then explained that an Indian woman who married a non-Indian lost her Indian status, she became automatically enfranchised. But if the enfranchisement part of the law were taken out, then such a woman would still remain an Indian. However, it would not mean that she would be able to live with the particular band, because the delegates decided in the morning that each band would be able to decide who would be a member of the band for the purposes of that band; therefore just because a person was considered to be an Indian did not necessarily mean that he would have the right to live with any particular Indian band - that would be up to the Band Council and the band itself to decide.

Co-Chairman Delisle suggested that there should be included in the law a provision that the Indian children should be taught the Indian Act in schools so that they could understand it later on.

Mr. Daniel Vachon thought that it would be better to eliminate the enfranchisement provision from the Act.

Mr. Henry Ottawa said that he felt that the word enfranchisement should be changed for some other more suitable term.

Mr. Robert Kanatewat said that some of his people, as well as other Indians in the James Bay area were told that they had to be enfranchised if they wanted to go outside and to get work. He said that this caused a lot of confusion and he suggested that this should be struck out from the Act.

Mr. Wysote said that he agreed with the suggestion that the enfranchisement provisions should be struck out.

Mr. Michael Issac said that Section 108 of the Indian Act was no good and it should be struck out - it made an Indian to be just like on parole; it gave the word "Indians" the same meaning as being "on parole, on probation".

Mr. D'Astous said that insofar as the explanation of the subject of enfranchisement given to the delegates by Mr. O'Reilly was concerned the Indian Affairs were in agreement; there was no difference of opinion on that. It was a good thing, however, to remember that in 1951 and before that in the existing laws the Indians had no rights, these rights were granted in 1957; before the enfranchisement had a certain meaning because if an Indian wanted to get enfranchised he was able, by doing so, to vote.

Co-Chairman Max Gros-Louis said that there were on certain reserves or even outside these reserves some Indians who wanted no longer to be Indians. He was wondering what attitude should be taken towards these people.

Mr. James Gaspé said that there was nothing that would prevent them from leaving their reserves and living in a white man's community. An individual who did not want to be an Indian could not stay any longer on the reserve; possibly he could stay but he would lose his Indian status.

Mr. Wysote said that this Section of the Act was making second-class citizens out of Indians and caused many problems for the Indian people and it should be deleted. He said that the Act should be amended in such a way that it would be to the advantage of the Indians and this section on enfranchisement had no place in the new Act.

Co-Chairman Max Gros-Louis asked those delegates who were in favour of deletion of Section 108 concerning enfranchisement from the Indian Act to raise their hands.

All the delegates were in favour of the deletion of this Section from the Indian Act.

Co-Chairman Delisle then asked the delegates to express their views in regard to the present provision of the Act that when an Indian woman married a non-Indian, she automatically lost her Indian status - should it remain that way or should this be changed?

Mr. Michael Issac said that when an Indian woman married a non-Indian it did not mean that she became a non-Indian; it should be left up to the Band to decide who was and who was not an Indian.

Mr. Daniel Vachon held a personal view that when a white man married an Indian woman she should be able to keep her Indian status - then it would be possible for her, if her husband died, or if she got divorced from him, to be able to live the same way as she did before her marriage. Her children should also have Indian status.

Mr. Tom Rankin said that he agreed completely with Chief Daniel Vachon because after 5 generations, the children of a white man and Indian woman have little blood of the white man left - also some of the non-Indians were almost pure Indians.

Mr. James Gaspé said that if an Indian man married a non-Indian that woman should be able to make her request to the Band Council or the Band for Indian status and it would be up to them whether or not she would be accepted as an Indian through her marriage.

Mr. Michael Issac said that this should be left up to the individual to decide whether or not to have Indian status; their children should be able to decide at the age of 21 in regard to their status.

Co-Chairman Delisle mentioned that the delegates had agreed that it should be left up to each individual Band to decide whether or not an individual would have Indian status.

Co-Chairman Max Gros-Louis said that he thought that there should be very definite regulations in regard to Indian status; otherwise the Council of a band which was small would decide to get stronger by getting itself about 7 or 8 thousand people who would be admitted in as Indians. That is why it was necessary to set some limits somewhere if each individual Band Council should have the authority to decide who was and who was not an Indian.

Co-Chairman Delisle remarked that in the United States a system of blood content was used to determine who was an Indian. He said that he would like to proceed with the Section which dealt with the authority of the band government, the government selected by the Indians. He said that the delegates were talking in the past few days about giving a lot of authority to the Councils who were actually the people in the reserves, because the Councils represented these people. He suggested that the delegates should break up into groups so that they could discuss among themselves this whole subject then after the coffee-break they would be able to ask questions about running their own affairs, and to find out how the Act was now and how it could be improved.

All the delegates agreed with Chief Andrew Delisle, withdrew from the Conference hall and conducted their group discussions.

When the meeting resumed Mr. Delisle said that he was very honoured to have the opportunity of introducing to the delegates the Minister without Portfolio, Honourable Robert Andras. He said that he had met him on several occasions and knew his interest in the Indian people - it was after he heard Mr. Andras' speech at Halifax, N.S., that he became a little optimistic. He said that the Indians were glad that he was at their meeting, they were expecting him.

Honourable Robert Andras thanked the Chairman and the delegates for their welcome. He said that it was very pleasant indeed for him to be at the meeting and to be able to meet some friends that he made on other occasions, and expressed his hope that in the brief time which he was able to spend there he and the delegates would be able to get to know each other just a little better. He said that these meetings were very important; this meeting was the seventh consultation meeting that was taking place since this summer, and it was the sixth that he had the pleasure and privilege of attending. The discussions were very important, the presentation by the Indian delegates of their ideas, their wishes and their point of view as to what new policy should be for them and their people was very important. The government was most sincerely interested in hearing what the Indian people thought should be done. It was vital that the Indians would tell the government what their ideas were, their problems and how they thought they should be solved. He said that it was obvious that not everything that they would suggest that should be done could be done at any one time; however, he assured the delegates that everything that they would say to the government in these meetings would be carefully listened to and with very great respect. He said that he was told on the way from the airport that during the past few days, the delegates had been talking about their feelings about hunting and fishing rights, land problems and also about what they felt should be done when the new Indian Act was designed and presented to Parliament for discussion and debate there, and eventually for passing it into law. He said that this was very good and that he hoped that in the brief time he was going to be at the meeting they would be able to talk to each other and informally where all could gather and they could meet individually and in small groups. Mr. Andras said that he wanted to congratulate all those who had worked so hard to form and develop the Quebec Indian Association. He really came to believe in the last few months as he talked to the Indians across the country that the formation and development of Indian organizations, such as the Quebec Association, was very good because this would give the Indians, he hoped permanently, a kind of united voice to speak to those in government at all levels and in all places and those other groups in Canadian society whose actions and policies had an effect on the lives of the Indian people.

He thought that in that kind of unity there was a great deal of strength and this was one of the most exciting things that was taking place now. He said he was in Toronto the other day and he saw many of the leaders of the provincial organizations and got a real thrill in seeing the leadership that was developing in most of the Indian communities across Canada. Therein perhaps lay one of the most important developments that was taking place recently. He said that he was just another person who was very interested in the problems of the Indian people which were also the problems of all Canadians. He felt that all the delegates at the meeting would give themselves very much help by supporting the Quebec Indian Association. Mr. Andras concluded his remarks by saying that he was very happy to be present at the meeting, that he wished that he could have been there all week, but there had been other things going on in the country that he had been somewhat involved in and he had to be back in Ottawa the next morning, but he was looking forward to the next few hours in beginning the acquaintance with the delegates. He said that now he just wanted to sit back, listen to their views and hear what they had to say.

Co-Chairman Gros-Louis told Mr. Andras that the Indian delegates were very happy to have him among them and have him listen to their views and questions in regard to the amendment of the Indian Act. He said that some of the Indians already had the opportunity of meeting him before and they knew that he started a great deal of work with the Indians of Canada and had shown a keen interest in the Indians of Quebec. The Minister was already aware of the fact that the two main subjects of their case in Quebec were the land rights and the hunting and fishing rights. The Indians were happy to hear the Minister say that he recognized the Quebec Indian Association - an organization which was strong and helped the Quebec Indian. He concluded his remarks by thanking the Minister.

Co-Chairman Delisle then proceeded with the agenda of the meeting. He said that the delegates had met, before the coffee-break, into three groups to discuss band government, band control over the administration; he asked the delegates from the James Bay area to present their views.

Mr. Josie Sam said that they would like to have full authority for the Chief and Band Councils, they wanted their custom in regard to Chief and Band Council to be left as provided in the Indian Act; they would also like to have a Grand Chief in the James Bay area.

Mr. Robert Kanatewat explained the reasons for their desire to have a Grand Chief. He said that they lived in a very isolated area, transportation had always been very difficult and they therefore needed a spokesman for the whole James Bay area.

Mr. Daniel Vachon said that his group discussed whether an Indian woman who married a non-Indian should remain an Indian and live on the reserve. They thought that the woman should keep her Indian status but this would be decided by the Council. There should be some regulations which would prevent abuses. His group felt that careful consideration should be given in regard to the status of children; they agreed on the point that an Indian woman who married a non-Indian should keep her Indian status but they were unable to reach an agreement in regard to the status of her children. If the mother lived on the reserve, then the children had to live with her but what was the band to do with the children - that question remained unanswered.

Mr. Salomon Bacon said that authority should be given to the Band Councils to receive the members in the band. He said that he had full confidence in the Band Councils; it was true that they could find 25,000 inhabitants for a reserve, but he felt that the Councils which were composed of Indians only would not abuse their authority. He said that sometimes when Indian women married non-Indians these non-Indians came to live on their reserve for a few months and the whole population came immediately to complain to the Council that the white people should not be living there. It was the fact that the white people would come to live on reserves that was quite unacceptable to the Indian people, and he had full confidence in the Band Councils in these matters.

Mr. Henry Ottawa said that they discussed the question of an Indian woman who married a non-Indian. They decided that she should keep her status but they were unable to make a final decision with respect to the status of her children. Insofar as the authority of the Band Council was concerned they felt that some authority could be given to the Councils but there should be a control, for the application of the members in the reserves, by the Association.

Mr. Harry Blacksmith said that they fully agreed with Mr. Josie Sam that the Band Council should have the full authority over the reserve and the people.

Mr. Tom Rankin said that they agreed that an Indian woman who married a non-Indian should not lose her Indian status.

Miss Edna Neepost said that in her band they were satisfied with their present system of Chief and Councillors who had the authority on the reserve but consulted with their people on all important issues.

Co-Chairman Delisle mentioned to the delegates that the selection of their representatives was also very important and suggested to them that they should consider this subject. He said that it was important that they had true representation of the people in their area and asked them for their comments.

Mr. James Gaspé said that in the Indian Act there were three ways of selecting Band Council, and in Oka, on his reserve, they always had elections for the Council; and the Chief and his people asked him to keep their band custom but they wanted to cut the term of the Band Council from three to two years.

Mr. Mike McKenzie said that he was inclined to go along with Mr. James Gaspé. They had recently applied for responsibilities over their own affairs, such as finances, administration of Band grants and some others. He said, however, that he would not like the idea to take over full responsibility of the band right now - that the band would look after all of its affairs; because of the lack of education of the people.

Mr. Leonard Jerome said that he would have preferred to use his own language in order to be able to understand better. He agreed with Chief Gaspé that a two-year term was satisfactory, that the present system under the band custom be kept, the Chief be elected by a majority vote and the Councillors should be elected in the same way as in the past. He said that he believed in the democratic way of election - all eligible voters were able to nominate the Chief and the Councillors - that was their custom and they wanted to keep it that way.

Mr. Daniel Vachon said that in their group they discussed elections; they felt that the elections would be better if the Chief had three-year terms; they understood that if they elected a poor Chief, the Indians would have to suffer three years under him, but the electors should know the man for whom they voted and if they suffered, they wanted it that way. As far as the Chief was concerned he needed at least 3 years to be able to know and understand his work - one or two years was not sufficient for that. He said that there were some people who felt that a two-year period was enough but he disagreed - in such a short time no Chief was able to accomplish too much for his band.

Mr. Henry Ottawa said that they agreed with Chief Vachon. They felt that the Chief and Councillors should be elected for a three-year term, because they were unable to do very much in two years.

Mr. Cyril Awashish said that he felt like Chief Vachon - he believed also in a three-year term, in a shorter period nobody was able to do anything productive.

Mr. Pierre Papatie and Mr. George Papatie said that they preferred to have an election every three years in order to have something done in their settlement.

Mr. Tom Rankin said that a Grand Chief would be helpful to all those Indians who lived in groups, he could go around and find out what the Indians wanted and needed and then he would be able to get in touch with the Association and Indian Affairs to have those things done.

Mr. Mike McKenzie said that when the Indians were in the process of forming the Indians of Quebec Association he acted in that capacity (of a Grand Chief) because he visited all the different Indian reserves and Indians in Quebec. He made several trips on his own money and time and gathered all the problems of the Quebec Indians and brought them to the Indians of Quebec Association. He said that the only places which he was unable to visit were Grand Lac Victoria and Lac Simon. He said that if it was the wish of the Indians that he carry on as a Grand Chief he would only be too glad to do so; however, he said that he did not care if they wanted to select somebody else for that position.

Mr. Louis-Paul O'Bomsawin said that they were satisfied with their system of elections.

Co-Chairman Delisle said that after the formation of the Advisory Council and of the Indians of Quebec Association, the Indians had a meeting at Caughnawaga where they tried to divide the area of Quebec into sections and to have representatives to cover the area. He said that he was glad about what was said today about the Grand Chiefs representing the various areas of the Province who could be appointed through proper elections. He said that with the proper financial support these Grand Chiefs could go around and represent their areas; they could bring problems of their areas to the attention of the people who should hear them and who could do something about them. He said that these were very good suggestions which were presented at the meeting. Information would flow from the Indians to their Chiefs and Councils, then to their Grand Chief, to the Association and finally to the government, and this would ensure faster action. He concluded his remarks by thanking the Minister for taking time to come and hear what the Indian people had to say; it was a short time but he hoped that Mr. Andras had a good idea of the

Indians of Quebec. He then asked the delegates if they wanted to say anything while the Minister was present at the meeting.

Mr. Angus Mitchell said that the situation on reserves in Quebec varied greatly; some of them have all the facilities and authorities such as Caughnawaga while others had almost none. He said that he did not understand why this was so; even those reserves which were isolated should obtain some advantages and benefits enjoyed by other reserves. Action was required to help those Indians and to do it now.

Honourable Robert Andras replied that without making any final statement this was generally the view of Indian people he talked to across Canada and it was the view held by most people in the government. There was a variation now in the powers that various band Councils had - some of it was discretionary in the Act, by the discretion of the Minister. Generally speaking it would seem advantageous that this power be given to the Band Councils, and that it would not have to be asked for by the Minister. He asked Mr. Fairholm for his comments.

Mr. Fairholm said that it was quite true that the powers exercised vary a great deal; they depended a lot on the resources available to the individual band as to what they could do themselves in the way of management of various programs. In some cases powers were there but not exercised because they did not have either the resources or the land and funds to be able to carry out some of the things that other bands that were more fortunate were able to do. He said that he thought that this was quite true between those in the southern area and those that were in more isolated northern communities.

Co-Chairman Delisle said that he wanted to add a few remarks, speaking as the representative of the people of Caughnawaga, and as the president of the Indians of Quebec Association; he wanted to take this opportunity while the Minister was present. He said that the feeling of the Indians of Quebec was that although there were amendments to be made to the Act, the basic rights of the Indians had to be reaffirmed. The Indians in Quebec felt that they had many rights which should be protected by the BNA Act and also rights which should be included in the BNA Act. Before they were able to discuss changing anything that affected them the Indian people had to know where they stood. They had to know that any territories which they felt they had a claim to would be recognized. Any cultural or aboriginal rights which they had a claim to should also be recognized. The federal and provincial governments should recognize these rights. He said that it was their feeling that these rights had not been recognized. He recognized the fact that Mr. Andras had been hearing these statements across the country, but the Indians of Quebec felt that they had a definite proof; for instance in their claims to lands, not only lands which included the covering six inches, but what was under and above that land and what walked on that land, according to these rights and agreements, were partly theirs and they felt that they should be sharing them and not having to beg from one government body or another. In getting this recognition, the Indians would be able to share and not have to beg from other people for their subsistence. They would not have to beg from other people the power to administer their own affairs, but they would have them and they would have at least a share in the resources and the profits from these resources that this country which the Minister's government recognized as one of the greatest countries on earth. He said that Canada did not have to fall in the

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footsteps of other countries but could be a country in its own with the native people of Canada playing a big part of the development of the country, and not, as could be seen in other countries, the exploiting of the native people. Canada was young, there was still time to save the actual owners of the land, to save their culture, to protect and guarantee their rights. Then the people could truly say that Canada was a country on its own. Canada had recognized the rights of other minority groups and he said that he was referring to French Canadians; it was not too late to also include in any amendments to the Constitution, the protection of the rights of the native peoples. He told the Minister that he asked him, in all sincerity, to consider the requests and demands of the Indian people of Canada, and thanked him.

Mr. Robert Kanatewat told the Minister that the Indian people of the James Bay area had requested lands so that they could build their homes. He said that right now the people were living in inadequate shacks; he asked the Minister when would they get the land. He also asked the Minister if he could back up the Association which was trying to get them these lands and help them in this problem.

Honourable Robert Andras replied that the Quebec Indian Association had presented their views to the government recently and the government was discussing this with them. He said that he was unable to give the delegates a final answer except to say that this point of view had been registered and it was being looked at.

The Chairman adjourned the meeting at 5:15 P.M.

Friday, October 4, 1968

Co-Chairman Chief Delisle suggested that the subject of education be discussed. He said there were questions of rights to education, rights to financing and the rights to say what type of an education an Indian will get. He said also there is the matter of location of schools and the standards of the school commission, together with adult education. He asked how this all connects with the Indian Act. He said the Act does not protect the rights to education. He posed the question as to whether the Minister provides education just when he sees fit.

Mr. Fairholm "The Indian Act does set out a compulsory age group. Ages 7 to 15 must attend school. I think the inference from that is that education must be provided for children of that age group. It may be lowered but it is not a compulsory thing."

Co-Chairman Chief Delisle read Section 118 (d) of the Act. He wondered if the Section should remain in the Act. He wondered also if a child should be termed a juvenile delinquent merely for not attending school.

Mr. M. McKenzie (Kippewa) said he presently goes to school. They had to send him to Sudbury because they do not have any English instructional schools in Quebec, so he understood, but since he has learned they have a school in Rouyn Noranda. He travels 130 miles to school - staying there all week and returning on Friday night. He has been trying to get in to a school in Sudbury which is only 39 miles from his home and he could commute daily. He said it was difficult to transfer. As far as the regional schools, he said that Indians will be welcome to sit on the school board. He felt the Indians themselves should have their own school somewhere.

Mr. Tom Rankin (Amos) said that education was the biggest problem in his area. They have a big school near Amos. He did not know why they constructed such a big building costing so much money. The building is not used and, instead, the children are boarded out. He was concerned with the courses given. Some students ask for certain courses, such as pilots, mechanics, etc. They are told to return the next month and they would be enrolled. When they return the following month, they are enrolled in courses that are not of their choosing, courses that they are not familiar with. After a month or two, they then drop out. He himself would not accept training in some subject he did not really want. He wanted to know why they do not build English schools for the Indians. At the present time they are taught French only.

Mr. H. Kurtness (Pointe-Bleue) thought that they should get affiliated with the school boards or school committees so they would have one representative to follow developments which occur on the outside. They do not now have many meetings with the school boards. He thought they would have to do their own business in the near future.

Mr. A. Mitchell (St. Regis) thought that Sections 113-122 had outlived their usefulness as schools for the most part are run by the

Provinces. Truant officers are different now. He was concerned that the children stop after high school and asked when is the Government going to use the grants they say they have. He felt the children were not properly assisted but that they should receive more consideration. He felt also that Sections 113-122 should be amended.

Mr. L. O'Bomsawin (Odanak) said that not very long ago the Indian Affairs Branch had transferred children to an Abitibi Provincial School. Now the complex problems are coming out. He wondered if an Indian representative could be appointed there to take care of the school supplies and other needs of the children on the spot.

Chief W. Wipote (Restigouche) said they had a problem with regard to high school. He mentioned that the students have to go outside the reserve to attend high school or college. This year they propose to send the students to Bonaventure or Madopedia where in the latter case, the subjects are all in French. He wondered how any headway could be made. On the other hand he said, Bonaventure is 75 miles away. They have been negotiating with the people in New Brunswick. He thought it was time the Councils, which should be fully aware of developments, should report to their people on what is going on in the various systems. He agreed that Sections 113-122 are out of date, and he felt that they should let the Department worry about the financial aspects but that the council should decide what is best for their children's education with information supplied by the Department. He felt the school boards use the Indian children to get what they want. They say there is a certain number of Indian children and then they ask for all kinds of recreation equipment. After they get the material, they pressure the Indian children who finally quit whatever activity they are in. He thought this was not the case, but rather that the school boards received what they wanted and were then not too particular whether the Indians participated. Mr. Wipote's people made it their business to find out how much the Branch was paying for schooling in comparison to the amounts paid by the school boards. They were shocked to find that the Government was paying \$600 whereas the others were paying \$300 (per pupil). The other areas had many items for recreation but the Indians had very little and he wondered where all the money was going. They demanded that no more funds be spent until they knew where they stood. They are negotiating with the Province of New Brunswick in order that they might find the best possible arrangement for the education of their young. He felt that other Band Councils should look into and find solutions to their own problems.

Mr. A. St. Aubin (Becancour) agreed with Mr. L. O'Bomsawin that representatives of each Band should look personally into their own affairs regarding education.

Mr. P. Papatie (Grand Lac Victoria) (interpretation by Mr. T. Rankin) said that all he could say was that he agreed with what had been said about education.

Mr. G. Papatie (Lac Simon) (interpretation by Mr. T. Rankin) said his problem concerned a school they built at (St. Mark) where they wished to send all the children. They were well cared for there. For

the past few years they had been taken back and forth but the reserve life was not good for them.

Mr. L. Gull (Waswanipi) said children did not go to school in the settlements but were scattered all over the area. Some people, he said, did not even know where their children were going to school. He lived in Matagami and when they asked him to send his children to school he refused because he wanted them to go to school where he lives. He thinks that they might get a school for his reserve and then get a school constructed there.

Mr. H. Blacksmith (Indian Advisory Council) said he had the same problem as explained by Mr. L. Gull. Their children went to school away from home and they did not get to see them. They only see them on the school holidays. He wished also that they could get a reserve on which to build a school so that the children could attend school close by.

(Two groups left meeting to discuss education with their interpreters - Cree, Montagnais & Manowan).

Mr. V. Chief (Notre-Dame-du-Nord) said they had school problems too. His daughter is retarded and other bigger children abuse her. The teacher only said she should go home to change her clothes but he would not allow her to return. He said the teacher pulled the ear of his son because he was protecting other children and had to fight three other boys. Now he could not ride on the bus but had to walk because the bigger boys pick on him. He felt that some better arrangements should be made because his son, in not riding the bus, is exposed to all the bad weather.

Mr. H. McMartin (Long Point) (interpretation by Mr. T. Rankin) said he also has a problem with education. He said the young first year children go 5 miles to school, the grade 4 children are transported a distance of 10 miles and the grade 7 and up students are transported 25 miles. He could not see why they had to travel like that. The bigger students did not want to go to school because of the travelling and they are, as a result, a source of trouble on the reserve.

Mr. J. Gaspé (Oka) said his only complaint with respect to education was that the Indians did not have enough authority on the school commissions. He attended all the school commission meetings on an honorary basis and gave his advice only. He was on the regional planning board on the same basis. He would like to see the Indians admitted to the school board and to have more authority in its business.

Mr. A. Mitchell (St. Regis) read section 115 of the Act: "The Minister may require an Indian who becomes sixteen years of age to attend school for such further period as the Minister considers advisable, but no Indian shall be required to attend school after he becomes eighteen years of age." He asked where an Indian got a job when he is only eighteen if he has to leave school then. That was why, he said, the children should be required and assisted to further their education until they become old enough to work.

Mr. Fairholm: "I think there must be a bit of misunderstanding

here. As I understand it in school Acts across Canada, a child is compelled to go to school up until either 15 or 16 years of age. This is the compulsory age. That doesn't mean to say that children do not go beyond that except that you cannot make them. They are not compelled to go, although I know where I was brought up, the school age was up to 16 and when one reached his 16th birthday or had passed Grade 8, then you were not compelled to go any further. I think this is the way it is in most Provincial laws. I am not sure what it is in the Province of Quebec. I think until you reach the age of 15, or just before you attain the age of 16, you have to go to school. It is just a question of compelling someone to go to school."

Mr. T. Rankin (Amos) said the Indians have rights and that they should use these rights.

Co-Chairman Chief Delisle agreed that there were a lot of Sections in the Act which were not favourable to the Indians. He thought Mr. Rankin had made a good point about rights. Chief Delisle said the Indians had a right to an education as well as having a right to say something as to how they will be educated. He felt that these rights should be respected. The problems in this area are similar to those expressed by the other delegates, such as overcrowding. The Government makes all the decisions, he said. He thought the Indian people should have more of a say. He agreed that the Government might be able to say "it's our money" but the Indians can say "they are our children".

Co-Chairman Gros-Louis summed up the views of the delegates from Montagnais and Manowan as expressed in the meeting among themselves. They wanted to keep the system which they have under the Federal Government. They prefer the Region Schools or school boards or Association in the regions with rights of the Indians to select the language and to sit on the School Boards. They would prefer that one Indian represent a certain number of Indians. They also wanted an Indian to counsel the students. He said the group was divided. One supported the idea that they should be neutral schools, non-confessional.

The other group did not say they did not want to have non-confessional schools, but this was not a necessity to them right now. Those who abstained said they had no problems in their area because they are all of the same religion. Where there were several religions, a non-confessional school would be highly appreciated. They wanted, for the college students, more Indian culture and tradition taught in schools, more Indian teachers, and someone to lecture on Indian history. He thought it would be a good idea to have a university for Indians where Indians could conserve their culture and study in an Indian culture and climate, where young Indians speak neither French nor English. Schools should be started in Indian up to the second or third year, while teaching them a second language. Then in the fourth year, he said they should attend an English or French school. He added that this would be a transition period for an Indian to adapt himself to one language or the other. They did not touch

on adult education as some wanted to deal with that subject in the presence of all delegates.

Mr. D. Vachon (Sept. Iles) did not agree that young Indians who do not go to school will not necessarily become juvenile delinquents. People everywhere, he said, want to become more autonomous with regard to education but the Indians do not get sufficient assistance from the Government. When Indian children come under the jurisdiction of School Boards, he said he has found that there are many things they cannot do, they have had trouble with transportation. An Indian could not send his children to school because he could not clothe them satisfactorily. With regard to School Boards, there were some Indians who could not tell the difference between these, the Province and the Federal Government with respect to responsibilities. They expected that there would be a lot of trouble before the Indians could expect the same level of rules as the School Board. With regard to religion, he said the reference to non-religious schools is interpreted by some Indians to mean there will be no religion left and for this reason it is difficult to make the older Indians understand this matter. He felt that, for the most part, the Indians were not yet ready to discuss neutral schools.

Co-Chairman Chief Delisle hoped that his reference to the Act concerning juvenile delinquents was not interpreted to make anyone think that he felt any Indian child not going to school would become a juvenile delinquent.

Mr. H. Kurtness (Pointe-Bleue) wanted to know what all this talk meant and just where they were going in education. He suggested that perhaps Mr. Beaudoin could answer him.

Mr. Beaudoin (Lawyer for the Indians) spoke in French: "I think the question is not necessarily a legal question. It is more of a social question. Anyway, I'll try to answer as best as possible. Of course, I do not have any degree in Sociology or any related subject. With respect to education you have to recognize that this is an important matter for the development of the people. While I think that the main problem for you is about the nature of the education you are going to adopt right now, the education which is offered to you is the education of white people which is based on an organization set up by white people for white people. Of course, I do not necessarily mean that Indians must have theories on chemistry or physics which should be different from the white people's theories, of course. But I think that each people can organize its institution to suit its mentality, its aspirations or wishes. To give you an example, everywhere in the world, people drive cars on the right side of the road, but Englishmen, and here I know that there are English speaking and I don't want to hurt anybody's feelings, but Englishmen have the opposite reflex -- they drive on the left side. Why do they drive on the left? It is just a matter of personal instinct. So with respect to education, with respect to law, to the Government's organization, you'll find out that each people has its own institutions. Why is this so? Simply because all people are not alike. Why do you have distinctions with respect to procedure or even principles in English criminal law and in French criminal law -- because Frenchmen are Frenchmen -- they think in one

way - they have built things their way and organized things their own way. You are Indians. You have your mentality. You have your aspirations and wishes. I think that if the Canadian Indians do not want to lose their national entities, they must look for an Indian education, that is, an organization of their education which is based on their mentality and their aspirations. Now to solve this problem. Of course, you can't solve this problem in two days because this means that you must have Indian schools at all levels up to the university level. I tend to believe that it would be in your interests, of course it's for you to decide, to make a recommendation to the Federal Government that a plan and guide lines could be established, that a long term plan should be made so that some day you may get your own Indian universities. This is done in the States. It's obvious that right now there are many people who have a wrong judgement. I often heard people say this - "Young Indians do not want to be educated, they don't want to learn". Well, perhaps we could wonder whether the young white people if they should have to go to school under the same conditions whether they would not have the wish to know more and learn more. I have not had a chance to visit all the Indian establishments in the Province of Quebec, but it is obvious that most of the time Indians are integrated with white people as far as education is concerned. In the public departments there are minorities and those children have their own mentality, own reaction and responses, and you can't blame them because it is normal. It is not a fault. They live in an organization which is set up for white people. Apart from the natural fact that they may be disturbed by this new system, this new frame of mind, there is also discrimination, racial discrimination. Sometimes the teachers are not anymore intelligent than five year olds, just as well as the representatives in the companies where they work. Of course if you place a seven or eight year old child in such conditions, I wonder if he really can feel at home in these conditions, especially due to the racial discrimination which was described by Victor Chief. How do you want the child to live in such conditions, to be able to study in peace with the necessary frame of mind, the desire to learn and to know more. To summarize, I think that Indians should ask the Federal Government to organize a long term project so that some day Indians may have their own education organization at all levels because you know that with the economic developments and the progress of science, if you don't keep education, you are going to disappear as a national entity. Every political system whether it's socialist, communist or fascist has attacked at the start young people and education, the formation of youth because if you train young people you create the society of tomorrow. You may not agree with me but that is my view. Other people may also disagree with me but as far as I am concerned, I think that you should have your own institutions at all levels and then you will remain yourself as a people."

Mr. L. Jerome (Maria) (spoke in his native language (Micmac) which was interpreted by Mr. Wysote) He said that there was a time, around 1961 he thought, that a Government officer was passing through the reserve and had people sign a paper stating that they were going to have an integrated school where they would teach French and English and they wanted to find out if the parents were in favour of the school. The parents signed that they were in favour. They found out that it was not an integrated (two language) school at all but was solely French. The

problem is that the four year olds are taught only in French and they consider this a set-back. There was no way they could help their children because the parents cannot speak French very well. They would like to see them go back to a school where English is also taught. The school they had on the reserve before is now torn down and they have no support for the need of another school on the reserve where English could be taught because they signed the paper saying that they agreed to have the other school.

Co-Chairman Gros-Louis mentioned that discrimination affected Indian children when they go to school. He gave two examples that occurred the day previous. The granddaughter of Chief Rankin was called a savage by a nun who further abused her. Yesterday, he went home to Huron Village and found that the Indian children were being ridiculed by other children. He said the history of Canada, which is wrong and false from the first page to the last, should no longer be part of the education system of Indians and if any history of Canada is supposed to be written, he suggested that the Indians be consulted as to what should be put into the books.

Co-Chairman Delisle suggested that, while they were waiting for the Cree people to return from their discussion, they should discuss health. He referred to Section 72 of the Act where the Governor in Council may make regulations to provide for medical treatment and health services for Indians. He thought the word 'may' could be interpreted in many ways. He thought that demands could be made to see whether the services will be provided in accordance with the wishes of the Government or in accordance with the wishes of the people. He said the matter also relates to the question of rights.

Mr. A. St-Aubin (Becancour) said his Band wanted to know if there was a possibility for them to be treated near their homes as in many cases, people do not have the money to travel.

Co-Chairman Chief Gros-Louis asked Dr. Savoie if she would reply to Mr. St. Aubin's question.

Dr. Savoie (Indian Health Services) said that it was not a case which came directly under the law, but rather a local problem which could be settled locally in the Montreal region. It would not be a general practice which would apply elsewhere, she said.

Mr. A. St. Aubin (Becancour) understood Dr. Savoie to say that if they needed medical treatment, they should advise her by letter explaining the basis of their doctor's certificate.

Dr. Savoie said she could make other arrangements with the Becancour people. It would be easy to meet them and make new arrangements.

Co-Chairman Chief Gros-Louis said Indians were somewhat mixed up about hospitalization. He said that Indians seemed to be accepted in hospitals which were badly set up by the organizers. They had rather good service but the buildings were inadequate in Savard Park. Just as soon as such buildings were destroyed and a nice new one constructed,

the Indians could not go there and he wanted to know how this happened.

Dr. Savoie (I.H.S.) said they had tried to have the Indians admitted to another hospital. They had been in touch with many Indians and had meetings with authorities of the hospital. For various reasons which were not discriminatory in nature they refused to accept Indians of Lorette. The reason was that the hospital already served a very numerous population around there and they did not have enough space to accommodate the Lorette people.

Co-Chairman Gros-Louis said that when the hospital at Loretteville was constructed, the Federal Government contributed a good sum on the basis that there would be a good many Indians who would receive service on a similar case, they used the argument that a large number of soldiers from Val Cartier would benefit, in order to obtain a large subsidy from the Federal Government to help build a hospital. As soon as the authorities got their grant, the Indians were cut off from the Loretteville hospital. They should have it spelled out before and after the subsidy, he said, so that Indians will still have rights and rooms would be reserved for Indians.

Dr. Savoie (I.H.S.) said unfortunately she was not in a position to answer the question adequately because the medical services to the Indians are not concerned with the grants to hospitals which go from the Federal to the Provincial. She said the Federal grants are distributed throughout the Province in such a way that her Department was not implicated directly in the matter.

Co-Chairman Chief Gros-Louis thought that she was implicated in the matter.

Dr. Savoie (I.H.S.) replied that she was implicated inasmuch as when the hospital was built, she asked and obtained for Indians of Loretteville be treated there.

Co-Chairman Chief Gros-Louis said that what helped them get their grant was what Dr. Sabois said that there would be approximately a certain number of Indians who would bring in a certain amount of money and so to open a hospital they had to guarantee a certain amount of patients.

Dr. Savoie (I.H.S.) said they calculated the population of Huron Village together with the surrounding population and they figured on so many people who would require so many hospital days.

Co-Chairman Chief Gros-Louis said that now that the hospital was running well, Indians no longer counted in the population it seems. He said this is a case where he would have liked to see something written out with the hospital - a contract of some sort - so that Indians would not be put out after 4, 5 or 6 years.

Dr. Savoie (I.H.S.) thought that Chief Gros-Louis' idea to put some clause in the contract at the time of the grant would be adequate. She said under the hospital plan with the Province of Quebec which covers Indians, they have nothing more to say - that is they cannot require or

exact anything - they used to have that authority when they used to pay the bills themselves.

Co-Chairman Gros-Louis asked if the Province had asked the Indians whether they wanted to belong to the hospital insurance plan.

Dr. Savoie (I.H.S.) replied no.

Co-Chairman Gros-Louis asked if they really wanted to belong to the hospital insurance plan.

Dr. Savoie (I.H.S.) replied that it was a provincial law.

Co-Chairman Chief Gros-Louis said that that was a Provincial matter, and as the Indians did not even have the right to vote, he did not see why they should be participants in the hospitalization plan when they were not asked. Now, they have to pay the bills. Before the Federal Government used to look after everything. He added that her authority has been transferred to the Province. (Dr Savoie's)

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Dr. Savoie (I.H.S.) said Chief Gros-Louis should not confuse the question of costs of medical services and hospitalization which are two different points. She felt he knew the medical schedule is still accepted by the Government according to certain criteria. She added that they were ready to pay fees.

Co-Chairman Gros-Louis said that that was if the doctor was kind enough to sign - if he liked the Indian. If he did not, he could refuse to sign.

Dr. Savoie (I.H.S.) said that was another problem.

Co-Chairman Gros-Louis said it was true.

Mr. G. Nolin (Mingan) interpretation by Mr. D. Vachon - asked Dr. Savoie, when a woman is hospitalized for the long lung treatments, as much as three years in hospital, if the man is sick and is unable to care for the children, who will pay for care of the children?

Dr. Savoie (I.H.S.) did not want to answer for the authorities in Indian Affairs but as much as they were concerned, the care of the children is a social case and referred to the Welfare Division of Indian Affairs.

Mr. G. Nolin (Mingan) (through Mr. D. Vachon) said that where the woman went to the hospital and the man also had to go, there were many who do not want to go to the hospital because they do not know how their children will be cared for.

Dr. Savoie (I.H.S.) said when they are aware of these situations, they generally discuss the problem with the Superintendent and they try to make arrangements for the children, but she could not answer on behalf of Indian Affairs.

Co-Chairman Chief Delisle asked what services are available.

Co-Chairman Chief Gros-Louis asked Dr. Savoie what were the services to which the Indians had a right at the present time.

Dr. Savoie (I.H.S.) "The Minister of Health can - may make regulations to provide medical treatment to be paid by the Department for the Indians. The word is may. The Federal Government is therefore not required or obliged under law to give medical treatment to the Indians." She said there were, of course, all services they give are at the discretion of the Minister who will vote the funds to render such service. As an example, they have clinics, and dispensaries, nurses who give services to the Indians. They also look after arrangements with doctors or hospitals to have Indian people treated in an adequate way. They also look after transportation which is terribly high. They arrange to pay for this according to criteria laid down by the Department. It means they can give health services and care providing it is an Indian registered on a Band list and certified that he has not set up a home outside the reserve within twelve months and that he is indigent which is subject to interpretation.

Co-Chairman Gros-Louis asked Dr. Savoie who is indigent.

Dr. Savoie (I.H.S.) said it was an excellent question, but that they had not set up any criteria to define the term indigent. They base their view on an Indian whose only income is welfare allowance or gets equivalent money. They have many marginal cases and these are referred to as medical indigents. They are not really indigent as they might have a job but they could not afford to pay the medical expenses. They must generally study each case with recommendations from the chief of the band.

Co-Chairman Chief Gros-Louis said he needed medical treatment.

Mr. D. Vachon (Sept-Iles) referred to the Castonguay Commission that made a trip to Labrador. He asked if Dr. Savoie's organization intended to join this commission and asked if the Indians would be consulted.

Dr. Savoie (I.H.S.) said she had not met them.

Mr. D. Vachon (Sept-Iles) thought there was something there that did not work.

Dr. Savoie (I.H.S.) said in other words she had not been asked for an opinion in the matter. She repeated that it must be kept in mind that there is no legal obligation on the part of the Federal Government respecting medical care for Indians.

Mr. G. Papatie (Lac Simon) (interpretation by Mr. Rankin) said a nursing station was built on his reserve and a nurse was supposed to visit regularly but he had not seen one yet. This year, there seemed to be more incidents of sickness and they had to take them to doctors and pay for the medical treatment. He couldn't understand why they built

the nursery. The older children throw stones and they are damaging the building because they cannot see it being used anyway.

Dr. Savoie (I.H.S.) said a nurse from Amos went there twice this spring, to check up on X-ray's. She herself, visited the nursery three weeks ago. They also sent in a dentist.

Mr. G. Papatie (Lac Simon) (interpretation by Mr. T. Rankin) said he did not see a dentist there. His people did not feel like looking after the building anymore. He was concerned that they have to pay for their medical services. He had a further question concerning a family in his area. The welfare took the children who were put in a white foster home. He asked also whether it was the medical services, Welfare services or the Government who took the children.

Dr. Savoie (I.H.S.) asked whom he was talking about.

Mr. G. Papatie (Lac Simon) (through Mr. Rankin) said he was talking about his own Band. The children were Catholic and the foster home was not. He asked if they intended to change the children's religion. He could not understand the action taken.

Dr. Savoie (I.H.S.) said she did not know the names of the children or other details so she could not answer. She said also that religion does not matter but placing the children in a good home does. She said she would look into the matter and write if the Chief would give her the details. They try to find a foster home of the same religion of the children being placed, she said.

Mr. P. Papatie (Grand Lac Victoria) said he wanted to try to speak in English. He said sometimes his children get sick and he has to pay himself because the Government doesn't want to pay. He pays the taxi and medical costs. He said he was 34 years old and has been married for 17 years.

Co-Chairman Chief Delisle asked for a resume of the views of the Cree people.

Miss Edna Neeposh (Mistassini) read their recommendations, as follows:

Education in James Bay Area

1. "We decided that the children should go to school and should be obliged to go to school in the Indian Act. But where the parents refuse, great efforts should be made to explain the value of an education.
2. The Government should continue to pay for the education of the children no matter where they go or how far they go. The children should have the right of a free education.
3. There should be elementary schools to 8th grade for every settle-

ment or they should have a regional school where all the children in the area can attend.

4. There should be Indian regional schools for advanced education.
- 4 (b) Mistassini differs in this point. For high school and other advanced schooling they should attend regular provincial schools.
5. Everybody agrees that Cree should be taught in schools (at least as a subject.)

Some feel that the instruction should be in English with Cree as a subject.

Some feel that the instruction for the first 3 or 4 years should be taught in Cree with English as a subject.

Some feel they should also start by learning their own history, traditions, culture and basic law.

6. The Indians should determine what courses are to be taught in the elementary schools.
7. Any Indian could attend these schools no matter what religion he may be.
8. There should be free adult education."

Indian Health

Chief Andrew Delisle (Caughnawaga) opened the afternoon meeting by dealing with the question of Indian health. He said that the Indians in the north were having problems with medical help, health assistance and welfare. Sometimes it was difficult to distinguish who had the responsibility over health and over welfare. He said that the government wanted the Indians to take more of their own affairs and the Indians were agreeable - that was the reason why this meeting was held to find out how could the Act be amended along these lines. To give the delegates some examples of what happened when the Indians took over their own affairs, he told them that in regard to health, on the Caughnawaga reserve the Indians had their own hospital run and operated by the band under an administration, staff and a doctor hired by the band. They also had a doctor, paid by the Indian Health Services who provided clinical services. They were asking for public assistance for many years but they never received any such assistance. The original response to the creation of a hospital on their reserve run by the Indian people - something that the government preached a lot - was to tell the Indians that they would not succeed. They had now shown that they were succeeding; however, they had a hard time to make ends meet. They had therefore applied for assistance to go under the program of the Quebec Health Services; they were accepted but were now getting only \$8.00 per patient per day as opposed to the other hospitals which were getting \$20. - \$30. per day. Any other hospital in Canada got some form of assistance from the government or from some federation but their hospital on Caughnawaga got no assistance. They therefore got the impression that the government was saying to the Indians that if they wanted to run their affairs it was quite in order but they would not be able to get any grants or assistance. He said the Minister of National Health and Welfare acted like a seigneur, or a king - he only gave when it pleased him. He suggested that the Minister of Indian Affairs should get together with the Minister of National Health and Welfare and they and their staff should see to it that the health and medical services were provided for the Indian people. No argument between the federal and the provincial governments should interfere with what the Indians needed; they should get what was rightfully theirs. He said that in his opinion the organization of medical care in Quebec was in such a state that the Indians were never able to get a definite answer from anyone, and they did not know where they stood in this regard. He said that this was something that they had to see to it that it was included in the new Act. He said that the authorities gave more money to immigrants who came to Canada than to Indians who were in their own country. He concluded his remarks that one was able to hear all the time that the Indians needed to be organized - he felt that some of the governments departments needed organizing themselves.

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Chief Armand St. Aubin (Becancour) said that it was up to the Chief of the band to determine whether or not a person on his reserve was mentally ill, and this was not up to Dr. Savoie or Mr. Beaudoin to tell him that.

Chief Louis-Paul O'Bomsawin (Odanak) said that they had a doctor who never got any medicines; they would like to have a doctor of their own choice.

Dr. Savoie said that she was at the Band Council's meeting and explained that the doctor in question was a civil servant. Insofar as the question of lack of drugs was concerned she said that all the doctor had to do was to request those drugs which he needed and he would get them.

Chief Max Gros-Louis (Village Huron) remarked that he was told by some doctors that it took too long before they got those medicines that they ordered.

Dr. Savoie said that she would like to know specific cases in this regard; she said that they deal with the Treasury Board's office at Montreal and they never had to wait longer than 2 - 3 weeks.

Chief Max Gros-Louis (Village Huron) said that there should be appointed a person who would be responsible for getting sick people out of the bush-country.

Dr. Savoie replied that there was a liaison office for that purpose at Montreal which was continuously in service. She said that various arrangements were made in isolated places where there was no resident nurse.

Chief Max Gros-Louis (Village Huron) wanted to know what should the Indians do in a place where there was no doctor or nurse, or where the nurse went away, and an emergency case came about.

Dr. Savoie said that in each location there should be appointed some person to look precisely after such cases. In Oka, for example, they had appointed a person who had the right to call an ambulance; the Indian Health Services took his word and never questioned his action. She added that this was something that had to be organized for each particular band.

Chief Andrew Delisle (Caughnawaga) suggested that there should be a close co-operation between the Departments of National Health and Welfare and the Indian Affairs.

Chief James Gaspé (Oka) said that in Oka they had appointed two Indians who were responsible for dealing with emergency cases. They made arrangements with ambulances to the effect that if there was no doctor at Oka, such patients would be brought to St. Eustache.

Jean Marie Bacon (Member of the Indian Advisory Council) said that for more than a month they had no nurse; they therefore had a person who was looking after emergency cases in a similar fashion to that as practised at Oka.

Chief William Wysote (Restigouche) asked Dr. Savoie if it was true that Indians who worked in a city or elsewhere outside of the reserve for a period longer than one year, were not getting any more medical services from the Department of National Health and Welfare.

Dr. Savoie replied that if an Indian established residence outside the reserve for more than 12 months, this was so; they were then eligible

for help from the municipality or the social welfare where they lived.

Chief William Wysote (Restigouche) said that people from his reserve who were living at Montreal for 10 or 15 years and were not getting any assistance. He said that the Indian people should be able to have a say in these matters. These regulations were wrong; Indians outside of reserves more than 12 months should still be able to get medical services from the Department of National Health and Welfare or Indian Affairs because they had no means to pay themselves.

Chief Andrew Delisle (Caughnawaga) said that these Indians should be getting these services and at the end of each year the government and the City of Montreal should fight it out.

Mr. Fairholm said that he previously mentioned that he thought that when an Indian was out of the reserve for 12 months for example in the city of Ottawa, Montreal or Quebec, they ought to be able to get these services. While they might say this, the facts were that the Indians did not get these services in some place because the municipal bodies there did not recognize them as having this right to service because they were Indians.

Dr. Savoie replied that in those few cases that were reported to them, these people were not getting help from a municipality because its officials thought that the Indians were covered by the federal government; her office then wrote to such municipality to put things right and explain to them the situation. However, they were not told about many cases of this nature; she said that she was quite prepared to write to anyone concerned and explain the facts.

Chief William Wysote (Restigouche) said that there should be a provision in the law that any one who did not earn enough money to be able to afford an insurance policy, should be eligible to get medical services free of charge, not necessarily because they were Indians but because they were human beings, regardless of the length of stay outside of the reserve.

Chief Tom Rankin (Amos) (Abitibi Dominion) said that Chiefs had to pay sometimes for medical expenses out of their own pockets, yet they did not get paid themselves; they should get this money back. There were cases that some people were unable to get prescription drugs because they had no money.

Chief Andrew Delisle (Caughnawaga) said that he would like to know how much the Department of National Health and Welfare was trying to improve itself along with the Department of Indian Affairs. Indians should participate in discussions which allot money for various projects. He suggested that there should be a Section in the new Act which would say that Indians should be involved in all financial dealings affecting them so that they would be able to know what was going on, and would also be able to learn about these matters.

Chief Angus Mitchell (Member of the Indian Advisory Council) said that there were many bands that had been operating under Section 68 of the Act; they had control over the administration of their own affairs, they got

a sort of guideline, such as the blue circulars which instructed them how to use their money for various purposes. He said that there could be many changes made in regard to these blue circulars so that they would help more effectively the Indian people. At the present time, his band did not yet take over everything in the administration of their affairs but they were hoping that in time they would do so.

Chief Max Gros-Louis (Village Huron) said that this subject came back to the question of land. If the Indians had the land they would not have to ask the government to pay for medicine, doctors and hospitals; they would have enough money to pay for it themselves. But until that time that the federal government would have their rights respected, these services for all the Indians on reserves and outside reserves should be paid by the government.

Chief Andrew Delisle (Caughnawaga) added that all agreements entered into between the Health Services and other municipal government should be made public to the band affected by such agreements.

Chief William Wysote (Restigouche) remarked that there should not be any time limit for people who left their reserves to work as long as they were unable to pay for their medication or the coverage for health services; they should be able to get all these services free; he would only have to prove that he was a registered band member.

Chief Max Gros-Louis (Village Huron) said that the Indians should be able to choose any doctor they liked and not to be forced to use the services of a particular doctor whom they disliked.

Chief Andrew Delisle (Caughnawaga) said that he would like to request that all these agreements which were being discussed at this meeting - agreements between the Health Services and the doctors and other organizations, be tabled at the next Consultation meeting.

Control of Funds

Chief Andrew Delisle (Caughnawaga) said that the questions to be discussed were how much band funds should bands have and how much control should they have over it. There were, at present, some bands which did not have any band funds, some bands earned money from leases and some were provided with operating money by the Indian Affairs Branch, under the Grants to Bands program. The question was how much control should the bands have over their funds.

Chief William Wysote (Restigouche) said that the band should be able to make its funds useful for the benefit of the band such as the construction of a co-operative store just for the members of the band. These projects should be decided by the majority vote of the eligible voters of the band. The band should also be able to grant loans to their members. It should be left for decision of each individual band in what manner they wanted to use their funds.

Miss Edna Neeposh (Mistassini) felt that people themselves should

decide what to do with their funds and what projects should be undertaken.

Chief Robert Kanatewat (Fort George) said that the majority of his band wanted assistance from the Indian Affairs to start and run their goose camps until such time that they would be ready to run them on their own.

Chief Armand St. Aubin (Becancour) said that they would like to get the necessary funds in order to be able to give money and work to members of the band who were poor in order to improve the living standard of these members and to develop the reserve.

Chief Daniel Vachon (Sept Iles) said that if they rented their land they wanted to be able to make their own decisions. Insofar as the spending of money was concerned, he was against spending capital because if they started to spend capital, if they rented land, they wanted the income. But he always considered the land to be the capital. But if the Council had the authority to spend capital, he wanted to know what would happen to the land. He said that he did not understand this.

Mr. Fairholm replied that rent was revenue while the land itself was a capital asset. So when land was rented, the land remained with the reserve, it was not used up when it was just rented.

Mr. D'Astous said that the important question in this regard was whether Section 68 of the Act should be enlarged so that it would also apply to the capital funds and not only to the revenue funds as it was at the present time.

Chief Salomon Bacon (Bersimis) said that his Band Council was not yet ready to assume more responsibility over the administration of their affairs.

Chief James Gaspé (Oka) asked if the legal advisor of the Association would be available to those Indians who would go on their own into some business.

Chief Andrew Delisle (Caughnawaga) replied that this had been the intention of the Association to provide services such as this to the Indian people in Quebec, especially to the Band Councils.

Chief Angus Mitchell (Member of the Indian Advisory Council) wondered whether it would be proper if the federal government would control all the Indian lands to keep them away from the provincial government and see to it that they were not abused.

Chief Andrew Delisle (Caughnawaga) said that the other question in this regard was how far should an individual go in the band, if he wanted to do something on his land, such as going into business of his own or into partnership with a non-Indian or to lease his land to someone else.

Chief James Gaspé (Oka) felt that this question should be decided by the Band Council of each individual band.

Chief Armand St. Aubin (Becancour) agreed with Chief Gaspé - this should be left to the Band Council for decision.

Chief Andrew Delisle (Caughnawaga) said that it was difficult to answer this question for anyone who did not have any land at the present time.

Chief James Gaspé (Oka) said that in Oka they had a by-law that an Indian could not lease his land for a period over five years, but this lease could be renewed at the end of the 5 year period.

Chief Andrew Delisle (Caughnawaga) asked Chief Tom Rankin what he would do if somebody came to him and wanted to develop mining rights on his land. What authority should the Band Council have in this case?

Chief Tom Rankin (Amos (Abitibi Dominion)) replied that in such a case he would ask the Band Council what he should do.

Chief Max Gros-Louis (Village Huron) asked for an explanation of a Certificate of Possession. Did a holder of this certificate have the right for the land or the right to use the land?

Mr. D'Astous said that this question was asked in the textbook and that it stated clearly that the Administration admitted that they were not too sure of the rights given to an Indian by a Certificate of Possession or a Certificate of Occupation. The new Act should elucidate this fact. The Administration was trying to find out what the Indians throughout Canada were thinking about this Certificate of Possession, what were the rights that it should give to the individual holder. He then asked the delegates to look at Section 37 of the Act which said that if they wanted to sell or rent their land it had to be surrendered by them to the Minister of the federal government. It was precisely where on the account of the conditions held in the transfer of land to the federal government the Caughnawaga Indians and others lost the profits they had gained by the rental or the sale of lands. Should an act of surrender by the Indians be necessary when it only involved the question of rental of the land? It was possible that if the Indians intended to sell part of their reserve it might be necessary to look at the Section which involved surrenders, but if they wanted to rent their lands would it not be sufficient to have a resolution of the band Council? He said that he wanted to bring the attention of the delegates to this matter because Section 37 certainly had a meaning in Quebec that it did not have in other provinces and mostly the Quebec Indians would have to decide whether Section 37 was going to remain as it was or to be changed. He said that this was why Chief Vachon was now forced to ask the permission from the provincial government to be able to rent or lease his land at Sept-Îles, and above that he had still to have the agreement of the federal Department of Indian Affairs. That was so because of the surrender imposed by Section 37. If this surrender did not take place then the province would not be involved. He said that Section 37 should perhaps be amended in order to limit the need to have an act of surrender if it was only to lease or rent and provide instead for a simple permission on the part of the Band Council which would suffice.

Chief Tom Rankin (Amos (Abitibi Dominion)) said that in his reserve their land was staked for mineral rights without his band being asked permission for doing that - he wanted to know how this was possible. He said

that when he went to the Indian Affairs they told him that these mining people were not supposed to do that, and gave him some posters - but these posters did not mean anything to those people.

Mr. D'Astous said that the piece of land that Chief Rankin talked about was purchased in recent years by the band by using its funds. He said that he did not know precisely what kind of titles were transferred at that time, whether the mineral rights were included or not. He suggested that he would bring Chief Rankin's question with him to Ottawa and would pass on a note to Dr. Irwin in Ottawa asking him to look into this matter and then to call Chief Rankin or pass on the information to him through Chief Daniel Vachon.

Chief Andrew Delisle (Caughnawaga) then read the paper entitled "Discussions relating to the Indian Act Amendments". Afterward the delegates discussed the wording of this paper and made a few minor amendments in its text. (See Appendix A)

Chief Daniel Vachon (Sept Iles) proposed that the Indian Delegates request that another consultation meeting be called.

Chief Andrew Delisle (Caughnawaga) said that he personally did not like the term "consultation meeting"; it should be called a "meeting to meet the demands of the Indians" because under the first term the Indians fell into a category of an advisory body.

Chief William Wysote (Restigouche) said that the next meeting should not be a consultation meeting but should be a definite outline of what the Indians really wanted. They should also demand the necessary time that was needed to work out the new Act, they should not worry about any deadlines.

Chief Andrew Delisle (Caughnawaga) said that actually more meetings were needed; first the Indians would meet among themselves to find out what everybody wanted and then they would meet with the government to let it know what they wanted. He said that the Association would act only when the Indians themselves would initiate an idea, when they would ask it to act on their behalf. He then asked the delegates if they thought that they should hold another meeting among themselves to get prepared for the next consultation meeting.

Chief William Wysote (Restigouche) replied that such a meeting should definitely be held because the delegates were not able to discuss every subject that they wanted, they needed more time.

Chief Max Gros-Louis (Village Huron) said that he was fully in agreement that there should be another meeting on one condition - that it would not be held in Maison Montmorency.

Chief Daniel Vachon (Sept Iles) said that the reason why he made his proposal was to enable the Indian delegates to get together in order to be able to follow the same road. He said that the Indians should accept all the privileges and benefits they were able to get - both from the federal and from the provincial governments. He felt that more time was needed by the delegates to study these matters.

Chief Andrew Delisle (Caughnawaga) asked all those delegates who were in favour of having another meeting and the costs of the meeting being paid by the Department of Indian Affairs, to raise their right hands.

All the delegates were unanimously in favour of this proposal.

Mr. Josie Sam (Member of the Indian Advisory Council) said that some delegates from his area would be unable to attend this meeting in December because of the weather conditions. It was impossible for them to come because the ice conditions made it too dangerous for a plane to pick them up. He suggested that late in January they would be able to come. He said that he brought up this matter because he did not want these delegates to be absent from the next meeting.

Chief Andrew Delisle (Caughnawaga) agreed that it would be quite in order to hold his meeting in January. He then brought up a matter affecting his person. After a debate all the delegates unanimously voted in favour of the motion that Chief Andrew Delisle continue to hold his present position of the President of the Association of Quebec Indians.

Chief Andrew Delisle (Caughnawaga) then asked the delegates to select 2 members from this meeting, one member from the Association as well as 2 alternates, for the meeting to be held at Ottawa with representatives from other provinces.

Chief Max Gros-Louis (Village Huron) moved, seconded by Wysote, a motion that Chief Andrew Delisle would be the representative of the Association at the Ottawa meeting.

All the delegates voted in favour of the motion.

Chief Angus Mitchell (Member of the Indian Advisory Council) moved, seconded by Chief Leonard Jerome (Maria), a motion that Chief Mike McKenzie (Kipawa) be the first delegate representing the Quebec Indians at the Ottawa meeting.

All the delegates voted in favour of the motion.

Mr. Michael Isaac (Restigouche) moved, seconded by Chief James Gaspé (Oka) that Chief Max Gros-Louis (Village Huron) be the second delegate representing the Quebec Indians at the Ottawa meeting.

All the delegates voted in favour of the motion.

Chief Daniel Vachon (Sept Iles) was elected to be the first alternate.

Chief William Wysote (Restigouche) was elected to be the second alternate.

Chief Andrew Delisle (Caughnawaga) asked about the date of the Ottawa meeting.

Mr. Fairholm replied that he did not know at the moment the precise date of this meeting but it certainly could not be held before January, 1969, at the earliest, and it could even be later. The present round or series of meetings would not be finished until nearly Christmas-time. All those who were nominated would be notified well in advance when that meeting would take place.

Chief Andrew Delisle (Caughnawaga) then read again the paper entitled "Discussions Relating to the Indian Act Amendments" which contained the questions that were dealt with at the Conference; the delegates debated several points contained therein and made a few amendments which were included in the final text of the paper (appended to these Minutes).

Chief Andrew Delisle (Caughnawaga) then said that he wanted to thank the delegates for being so patient and understanding. This was a very informing and successful meeting. He said that they had shown a great spirit of co-operation and he thanked on their behalf their lawyers for providing them with such fine and complete assistance. He then thanked the press and all the officials of the Department of Indian Affairs who attended this meeting, especially Messrs. Fairholm, D'Astous, Boulanger and LeVert, the other staff such as translators and also the staff of Maison Montmorency.

Chief Max Gros-Louis (Village Huron) said that he was in complete agreement with Chief Andrew Delisle, and he would also like to thank all the persons referred to by Chief Delisle; he said that it was a pleasure to chair these meetings with him. He thanked the regional office for the help they provided him in connection with this meeting and asked Mr. Fairholm to say a few words.

Mr. Fairholm said that he personally wanted to say how much he had enjoyed attending this meeting and to say he was very much impressed by the way it had been run. Many constructive ideas were put forward, especially in terms of some of the very basic rights that the delegates considered very important to themselves. He said that he was sure that other spokesmen in other parts of the country would read the Minutes of this meeting which would be sent to them when they were prepared, and they would have much cause to examine what the delegates of this meeting had contributed to this whole series of meetings that were taking place across Canada. Some of the points of view that had been raised here, had already been raised in other areas but some of these points of view were new and had not been raised elsewhere. This could partly be because of the particular situation of this Province and then again some of the points could well apply to other areas. It was a very important round and he and his staff noted that the Indian delegates would like to have more discussion among themselves and he would report that to the Ministers. The Indians selected their delegates to the Ottawa meeting, and as mentioned the other day, there would be further opportunities for consultation on the Act itself but at this moment he did not know exactly what form it would take because it had not been worked out. Probably there would not be a chance to consider it until the meetings elsewhere had been completed which would be about Christmas-time. He thanked the delegates for having him and his staff there and he said that he and all the others were well satisfied with the kind of concrete suggestions that the Indians had been making which would be reported. He concluded his remarks by thanking the Chairman.

At 5:35 p.m. Chief Andrew Delisle adjourned the meeting.

DISCUSSIONS RELATING TO THE INDIAN ACT
AMENDMENTS

- 1) RECOGNITION OF CERTAIN FUNDAMENTAL ABORIGINAL RIGHTS IN THE CONSTITUTION
- a) The rights of Indian people to status as a nation.
 - b) Principle of self-government.
 - c) Aboriginal rights to own reserve lands permanently and to have territorial rights respected and to hunt and fish at any time of the year anywhere.
 - d) Recognition of linguistic and cultural rights of Indians.
 - e) Right of Indians not to have Indian Act for any laws affecting Indians amended without their consent.
 - f) Removal of Provincial Authority over Indians and lands reserved for Indians.

2) THE INDIAN ACT

- a) ✓ The Act is to provide that each Indian band has the right to own in outright ownership land sufficient in size and quality to permit the orderly development and progress of band members.
- b) Indians are to have the right to adequate housing facilities on each reserve.
- c) ✓ The Federal Government is to have enacted regulations recognizing the aboriginal rights of Indians to hunt and fish anywhere at any time of the year and recognizing the authority of each band to pass regulations concerning hunting and fishing by band members.
- d) Each band is to have the right to decide who shall be considered a band member and an Indian for the purposes of this band. All Indians who are not satisfied with a decision of the band may appeal to an independent commission which shall have the final decision. All acquired rights will be respected and Indians who meet the present requirements of the Act to be considered an Indian but who are not admitted to a particular band may be registered on a general Indian list as an Indian. All persons considered to be an Indian either by a band or by a general register of Indians shall always remain Indian but are free to exercise or not exercise the rights and benefits which come with Indian status.
- e) ✓ The Chiefs and Band Councils are to exercise full control over band matters on the reserve, including lands.
- f) The Chiefs and Band Councils are to remain the authorities on the reserve and the terms of office and selection of the chiefs and councillors are to be left to each individual band.

g) ✓

Education - Children shall be obliged to attend schools but are to have the rights to a free education and to be educated in their own language where requested by the local bands. Elementary schools are to be established for each Indian reserve, and schools are to be non-denominational. Indians are to determine the content of the elementary school courses and are to have the right to participate in the direction of the schools.

h) ✓

Health - Indians are to have the right to complete medicare and hospitalization both of which shall be paid by the Government of Canada.

i) ✓

Each Council shall have the right to appoint a police force and to maintain law and order on the reserve.

3)

GENERAL SUGGESTIONS

a)

Indian Associations and Regional Chiefs are to be recognized as spokesmen on particular problems if the proper authority has been given to them by the Indian people they represent.

b)

Band control of funds.

c) ✓

Exemption from taxation on and off the reserves.

The Briefs from the Quebec Delegations submitted in French are included in the French Edition of the Minutes.

Addendum to the

**REPORT
OF THE
INDIAN ACT
CONSULTATION MEETING**

QUEBEC CITY, QUEBEC

DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

Appendix A

SUMMARY OF THE QUESTIONS FROM THE PRELIMINARY MEETINGS IN THE DISTRICT AND INTENDED
AS CONSULTATION WITH RESPECT TO REVISION OF THE INDIAN ACT.

Sept-Iles District (Natashquan, Mingan, Sept-Iles, Bersimis, Escoumains, Romaine bands)

1. Indian Act
2. Yes
3. Yes
4. Yes - with the exception of valid proof to the contrary.
5. Yes - No - Yes
6. No - and Indian children are to keep their status.
7. No - 6 months waiting period.
8. No
9. No - 21 years - Yes
10. $\frac{3}{4}$ - Yes
11. Yes - 2-3-4 Special amendment to section 35, first paragraph.

The government in council should not be able to take any decision
without the band's consent.

12. Never sell together - Restriction to certain bands
13. Yes - without provincial laws and regulations. Write their will.
14. Yes
15. Yes
16. Yes
17. No
18. Same system
19. Only those on the reserve (who live there)
20. Yes
21. Yes
22. The Indians of the Prairie Provinces should decide for themselves.

23. Yes - see No. 5 special
24. Yes (4) Without provincial (3)
25. Yes - five years
26. One only the council
75% others 51%
27. Yes - Yes - with full authority.
28. Yes - as formulated
51% of the band
29. According to each band's wishes
3 - 21 years
1 - 18 years
30. No
31. Let each band decide
32. 3 years according to each band's wishes
33. Yes
34. Yes

Recommendations: trapping for the Indians

1. Hunting and fishing rights (should be included in the Indian Act) at all times on Crown lands. (Including migratory birds). Yes
2. Provincial taxes should not apply to Indians (explanation): The Indians of the Province of Quebec have no right to vote and the Province never helps the Indians.
3. Medical services.
4. The Indian Act should be incorporated into the British North America Act (The Indians must give their consent before any change) Yes.
5. The land used by the Indians for hunting, fishing and trapping must never be encroached upon by non-Indians. If the Indians decide to let others in for the pursuit of sport, such persons must use Indian guides exclusively. Yes.

These recommendations were made:

1. In the Huron village
2. Amos

SUMMARY OF REPLIES TO QUESTIONS ASKED AT PRELIMINARY MEETINGS AND INTENDED
AS CONSULTATION PRIOR TO REVISION OF THE INDIAN ACT

District of Pointe-Bleue (Manowan, Sanmaur, Obedjiwan, Pointe-Bleue bands)

1. Indian Act
2. Yes - Yes
3. Yes - with the consent of the bands.
4. Yes - unless the father recognizes the child or evidence is produced. The father shall not be responsible for the child and the mother.
5. Yes - No - Yes (Indian tribunal, Indian police, Justice of the Peace).
6. No - and Indian children should keep their status.
7. Renunciation of Indian status. 6 months waiting period.
8. No
9. No. - 21 years - Yes.
- 10.
11. No. 1 - The same, no provincial. No.
No land speculations. Right to use land but no actual right of possession.
12. Never to be sold to non-Indians. Between Indians only, work done on the land.
13. Yes - without provincial law. - To write their wills according to Indian tradition.
14. Yes, on loans only. Never on houses or land. The contracts must be approved by the Band Council.
15. Yes
16. Yes
17. Yes, without tax.
18. Same system - By Indian Affairs - with the Indians having a right to choose.
19. see No. 12.
20. Yes - with the help of the Federal Government (surveyors).
21. Yes
22. The Prairie Province Indians should decide for themselves.

23. Yes - with our own Justice of the Peace.
24. Yes - without provincial government.
25. Yes - five (5) years.
26. 2 cases - with and without the Minister according to each band. - 51% referendum.
27. Yes - Yes - full authority.
28. Yes
29. Each band should decide.
30. No - each band should decide.
31. Each band should make its own choice.
32. 3 years - according to the wishes of each band.
33. Yes
34. Yes.

SUMMARY OF REPLIES TO QUESTIONS ASKED AT PRELIMINARY MEETINGS AND INTENDED AS
CONSULTATIONS PRIOR TO REVISION OF THE INDIAN ACT

HURON VILLAGE

1. Indian Act
2. Yes
3. Yes - consent is necessary.
4. Yes, on condition of valid proof.
5. Yes - No - Yes - There should be a special Indian tribunal.
6. No - and the Indian children should keep their status.
7. Renunciation of Indian Status - with six (6) months waiting period.
8. No
9. No - 21 - Yes
- 10.
11. No - 2-3-4
No. 1 Not the province (the same)
Special amendment to section 35, paragraph 1, so that the government in council cannot make any decision without the band's consent.
12. As it stands - $\frac{3}{4}$ by referendum
13. Yes - without provincial laws. Write their will.
14. Yes - on loans only - To have a Justice of the Peace to approve the contracts.
15. Yes
16. Yes
17. No, perhaps there should be a plan for the Indians themselves.
18. Same
19. No - 4/100 against
96/100 for (only those on the reserve)
20. Yes, the federal government's surveyors should give assistance.
21. Yes
22. The Indians of the Prairie provinces should decide for themselves.

23. Yes, see No. 5 special - Our own Justice of the Peace (Indian)
24. On one condition - no provincial authority.
25. Yes, five (5) years.
26. The council after a referendum. For $\frac{3}{4}$ of the band, 25 years duration, one against.
27. Yes - Yes - To have complete authority.
28. Yes - as formulated - 51% of the band.
29. According to the tradition of each band - (good-will).
30. No
31. According to the traditions of each band - (whatever each band wants).
32. Two (2) years - according to the wish of each band - No.
33. Yes
34. Yes

Presentation by the Odanak band

INTRODUCTION

We are of the opinion that the Indian Act is absolutely necessary to preserve the little land which remains to us and also certain fundamental rights which are often threatened by the usurper always ready and waiting.

1

For us, whether the document is an Act or a New Way, as soon as the words are translated into legal terms, this is a LAW for us. So, the new Indian Act suits us very well as a title.

2

We don't want too many officers who are not able to take decisions themselves. We are in favour of a regional office with additional powers so that the Band Councils can refer to it fairly easily; they should be able to hold dialogues, explain the reasons behind their requests and expect action in a fairly short period of time. The modern Indian has not nearly as much patience as his ancestors had.

3

We believe that the Indians concerned should be expected to give their consent before the government applies this provision.

4

We believe that the proposed law should stand, that is, that the first child should have the same rights as his mother until the latter marries. But more than one child and this might become a habit, since of course, in 99% of cases, the father of such children is white.

4(a)

We support the proposal that a non-Indian who marries an Indian unwed mother should accept the latter's child, even if he is not its father.

5

Since we, the members of the Odanak band, are convinced that the family is the natural and fundamental unit of society, we think that all the members of a given family should take the status of the master of the house, since the latter is considered by law to be the pivot of a unit which is essential to the soundness of the social structure.

6

The Abenakis of Odanak do not wish the law on adoption to be changed.

7

We believe that if an Indian, for any reason, wants to become enfranchised, he should be able to do so upon request.

Section 12 of the present Act should be rescinded, for it could well be prejudicial to future generations.

8

We would like the age for renouncing status to remain as 21 years old: an Indian should have reached full maturity before taking such a serious decision.

The Law should also require the consent of the wife, even if she is a minor.

9

With respect to the children of a couple renouncing Indian status, we believe that they should be able to retain their status with the option of renouncing it when they reach the age of 21, if they wish. We also agree that the parents of very young children should have the right to choose for them between renouncing status or remaining members of the band.

10

It is not absolutely necessary to have 2/3 of the votes of residents of a reserve before they may abandon their legal Indian status, especially with respect to the small bands.

13

We think the Indians should make their own estate arrangements, if it is not too complicated. In difficult cases we would like the Minister to intervene.

14

We agree that the Indians should be able to put up their personal property as collateral for a loan, even if they are taking a chance, for everyone has to take chances if he is to succeed in this life.

15

We feel that an individual Indian could give the Band Council his right of occupation in order to guarantee a loan, but for the government, this would become much more complicated.

16

We are in agreement that an Indian who draws income from land belonging to him on a reserve should be able to borrow an amount varying with the size of his income, but such a case must be controlled, so that the payments never exceed the amount of the income; thus, that the lender, if necessary, could take over the income from the said land himself until the debt was fully repaid.

18

For more than ten years, children of the Abenakis of Odanak have been attending provincial schools with the permission of the Department of Indian Affairs. We feel that this is a good idea from the educational point of view, but we should have an Indian school representative so that we can have direct influence on matters concerning Indian children. We are convinced that our brothers in the West are as advanced as anyone else, and are therefore certainly capable of selling their products themselves at a profit without first asking permission from their superintendent; so, this law should be rescinded.

23

The section nominating the superintendents as Justices of the Peace should be rescinded.

24

All provisions having reference to alcoholic beverages should be struck from ^{the} Indian Act, since the government of Canada can change the law at will without thereby changing the treaties.

1

New Indian Act, the following section, 2, mentions legal term, and this signifies an Act.

2

The Regional Office should have increased powers so that the Band Councils can appeal to them and obtain a reply without undue delay.

3

We feel that the Indians concerned should be consulted.

4

Yes for the first only.

5

In both cases, they should take the status of the head of the family.

6

We, the Abenakis of Odanak, feel that the Act should remain unchanged.

7

1 Give up status

2 We feel that, if he wants to, he can request it himself.

8

Yes, on condition that the request is made in common agreement and that the head of the family is at least 21 years old.

9

Not necessarily.

Since one becomes an adult at the age of twenty-one, we feel that this would be the ideal age for them to choose themselves what they want to do in this connection.

10

We vote for two thirds, especially for small bands.

11

The Odanak Band feels that the amendments mentioned on pages 15 and 16 should improve conditions for us and provide the bands with the necessary stimuli for them to reach their personal objectives.

12

We would like the regulation to remain as it stands.

13

Yes, we think that Indians should make arrangements in connection with their estates themselves by virtue of laws approved by the Federal Government on condition they are

We are in agreement.

If the law permitted, he could.

We think so.

At present, the Abenakis of Odanak say no.

Our children have been attending provincial schools for some years and we are satisfied except with regard to transportation.

All members, whether resident or not, should be entitled to vote over the proposals at meetings, if they are on the reserve when the vote is taken.

It is our opinion that the Band Council should have the right to authorize surveys or subdivisioning of the reserve.

Yes.

This section is useless and should be rescinded.

We have no objection to the rescinding of this section.

We agree.

The Band Council should have the right to approve leases, but not for a longer period than five years.

In both cases there should be a Band vote

27

Yes to the first two questions. The powers of the Band Councils should be extended gradually.

28

There should be an article in the law to this effect.

29

The voting age should be 21.

30

We think they should reach the required age of 21.

31

For many years we have had two lists, Chief and Councillors, and we are satisfied.

32

This may^{be}/a good idea, but it depends on the number of councillors in the area.

33

We believe this sincerely.

34

We think that the Bands who want it should have permission to form management committees to manage their affairs on conditions that they are made up of Indians from the Reserve, with the exception of a technical adviser.

Louis Paul O'Bomsawin

secretary

Odanak

P.Q.

Resumé of the Questions from the preliminary meetings in the districts in preparation for the consultations with respect to revision of the Indian Act.

Amos District - James Bay, Amos, Kippewa, Hunter's Point, Winneway and River Desert Bands.

1. ?
2. Yes
3. Yes
4. Yes
5. Yes - No - Yes
6. No - Indian children keep their status,
7. No - Wait six months.
8. No
9. No - Age 21 - Yes
10. Shouldn't be there at all.
11. Same as in the book.
12. Never sell land to non-Indians.
13. Yes - without provincial laws - write their will according to Indian tradition.
14. Yes - on borrowing money only - not on lands and houses - have a justice of the peace to work contracts.
15. Yes
16. Yes - 11 yes and 4 no
17. Yes - Perhaps develop a plan for the Indians themselves, without cost.
18. Same system - by the Indian Affairs - with the Indians (parents) having the right to choose - on or off reserve.
19. Same as No. 12

20. Yes
21. ?
22. That the Indians of the Prairies decide by themselves.
23. Yes - Our justice of the peace.
24. Yes - with our own police, etc. No - for James Bay.
25. Yes - for 5 years.
26. By a vote of the band.
27. Yes - Yes - Full power.
28. Yes
29. Each band to decide.
30. No
31. Each band decide.
32. 3 years - Each band decide.
33. Yes
34. Yes