

Rapporteurs' Account
of
National Conference on Indian Act

Holiday Inn
Ottawa
April 28 - May 2, 1969.

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The National Conference on the Indian Act was officially opened on Monday, April 28, 1969 at 10:00 a.m. by Mr. David Courchene, the Vice-President of the National Indian Brotherhood, on behalf of its President, Mr. Walter Dieter. He advised that Mr. Dieter was unable to be present due to the tragic death of his daughter.

After welcoming the Minister of Indian Affairs and Northern Development, Mr. Jean Chrétien, the Minister Without Portfolio, Mr. Robert Andras, and the delegates to the conference (see Appendix A), Mr. Courchene asked Mr. Chrétien to make his opening remarks.

Honourable Jean Chrétien:

"Mr. Chairman, Ladies and Gentlemen:

Welcome to Ottawa. This is an important meeting. These talks have been valuable. I know many things now that I did not know before, things I never would have known if I had not attended your meetings and seen the reports of those sessions I could not attend.

I am now convinced that what is required are bold new initiatives, a break from the past. You have told me many things. You have said clearly that you are proud of your Indian heritage, a proud people who want to manage your own affairs. You have spoken plainly and your words have been heard. I am impressed and the Canadian people are impressed with the determination shown at meeting after meeting to break the bonds of the past, to deal with your own business and to throw off the shackles of paternalism.

Without anticipating what you will be saying at this meeting, I believe some things have become clear. You want action, not studies, reports or enquiries. The basis for action will have to rest on some fundamental principles which have emerged at

your meetings.

Despite the fact that many Indian people have made, and are making, a great contribution to Canadian life, barriers remain. Your people want the right to participate fully in the social, economic and political life of Canada. You want other Canadians to recognize the importance of your cultural diversity in the mosaic of Canadian life.

You believe that services ought to be available on an equitable basis to all Canadians. You think those who are furthest behind in material things ought to have enriched services to help them catch up. You have said that your people's full participation will only follow redress of legitimate grievance. You believe that contracts once entered into ought to be honoured until they are either fulfilled, amended, or commuted by mutual, free and willing consent.

You have asked for control of your lands and funds. You have said that no one should have restrictions placed on his property except those that are for the good of all. You have said that discrimination ought not to be embedded in laws. From hearing you I can now see that land is as important to your people as language is to French speaking Canadians. These are the themes that have emerged from the meetings. The issues you have been discussing are very broad, very complex, very difficult. There are no easy answers, but choices must be made and made soon.

With this meeting the first round of discussions will be completed. Then we of the Government must make our choices. The next move will be for me and my colleagues in the Cabinet to look at what you have said and to respond. I hope to have a response for you in June. I hope to come back to you then with something for you to discuss, some proposals for coming to grips with the problems which have lain so heavily upon your people.

But you have come here to speak for yourselves, not to listen to me. This is an Indian meeting, it is your meeting. We do not wish to interfere. It is preferable in many ways that the department stay out of your way. We want to be helpful and if we can provide a useful service, tell us. But unless there is something you specifically want, you won't hear from us.

The questions we face together are tough ones. Your words will affect the lives of the Indian people for many years. Your responsibility is great. The government wants to hear your views.

I am glad you got here. Travelling is difficult these days. I wish you well in your deliberations."

The Minister then asked the delegates to give their names before they spoke at the meeting because all of its proceedings were being taped and only in that fashion was it possible to obtain a correct record. He then turned the meeting over to the Vice-President of the National Indian Brotherhood, Mr. Courchene.

Mr. Courchene thanked the Minister for his remarks and asked Mr. Guy Williams to say a few words on behalf of Mr. Dieter.

Mr. Williams informed the delegates that Mr. Dieter, who attended all the Indian Act consultation meetings held across Canada and who took such an active part in the preparation of this historical conference, has now been unable to be present because his daughter had been killed in a traffic accident.

The Conference paid a tribute to this tragic death by a minute of silence.

Mr. Jack Shelton then explained to the delegates the technical set up of the conference and answered several questions in this regard.

Mr. Courchene placed before the delegates the question of the election of the Chairman.

In the debate which followed, the delegates expressed several ideas as to the procedure which they thought would be the most appropriate one to be followed in the election of their Chairman. Some delegates suggested that the Chairman should be elected for a period of a day or so on the basis of Regional representation while others felt that it would be preferable to elect several delegates who would rotate in the function of the Chairman. Some delegates suggested that a non-delegate should be elected as Chairman so that he could be impartial in any question which could contain some controversial issues. Before the final motion dealing with this nomination took place, there were two names on the floor which were suggested by the delegates: Mr. David Ahenakew and Mr. George Manuel.

During this debate, Mr. Harold Cardinal issued a statement to the effect that Alberta wished to protest very strongly the arbitrary departmental decision to limit the number of the delegates representing the various provinces. He said that Alberta has six official delegates and that they were not prepared to agree to any decrease in this number. He said that the whole question of representation was one of the most important issues to be decided by the conference at the earliest occasion.

Mr. Cardinal then moved, seconded by Mr. Ed Bellerose that Mr. George Manuel be the Chairman for this day. Mr. Guy Williams moved an amendment to this motion to the effect that Mr. Manuel be the Chairman until such time as the decision would be reached which would elect chairmen on the basis of Regional representation.

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

Mr. George Manuel, the Chairman, thanked the delegates for electing him, and mentioned that in order that there be no doubt as to his status, he had resigned from the Department and that he was now working for an Indian organization.

Mr. Guy Williams nominated Mr. Dave Courchene as co-chairman, the motion was seconded by Harold Cardinal. Mr. Andrew Nicholas opposed the motion and nominated Mr. Andrew Francis, from New Brunswick who was not a delegate, for the position of co-Chairman. The motion was seconded by Mr. Max Gros-Louis.

Mr. Omer Peters agreed and mentioned that he was concerned about the 10,000 Indian people of the Six Nations people who would not be represented.

Mr. Courchene said that he wished to withdraw from his nomination as co-Chairman but felt that the chair should have some eastern representation.

The motion nominating Mr. Courchene therefore fell.

Mr. Philip Paul suggested a permanent Regional Chairmanship should be considered before the discussion of a co-Chairman.

The motion nominating Mr. Andrew Francis was carried.

The Chairman, Mr. George Manuel, then asked the delegates if they would agree to an impartial secretary for the remainder of the Conference.

Mr. Guy Williams nominated Mr. Isaac Beaulieu as an official secretary for the Conference. The motion was seconded by Mr. Nicholas and carried.

Mr. Max Gros-Louis suggested that the Conference set up a press committee. However, Mr. Omer Peters suggested that the meeting should be open to the press.

Mr. Courchene also said that the press be in attendance, but that they identify themselves to the Chairman.

Mr. Guy Williams moved, seconded by Mr. Dubois that the press have the freedom to attend the Conference except when the assembly went in-camera.

Mr. Harold Cardinal moved, seconded by Mr. Nicholas that Departmental officials in any capacity not be permitted to attend the meeting if it was in camera. The motion was carried.

Mr. Guy Williams agreed but mentioned that Indian observers were in attendance from a great distance and that the Conference should stress to them that such in-camera sessions would be confidential and moved that such persons should adhere to the rules of the closed sessions.

Mr. Peter Dubois moved, duly seconded, that Legal Advisors be permitted to sit during in-camera sessions.

Mr. Fred Gladstone moved, seconded by Mr. Philip Paul that they retain Mr. Manuel and Mr. Francis for the remainder of the meeting as Chairmen since they represented Indian people from coast to coast.

✓ Mr. Guy Williams moved an amendment that Mr. Francis become a joint Chairman and that a third person be appointed as co-Chairman perhaps from the central region.

The seconder of the original motion agreed to the amendment.

The motion as amended was carried.

Mr. Omer Peters seconded by Mr. Wallace LaBillois, moved that Chief Isaac from the Six Nations be a co-Chairman representing central Canada.

Mr. Andrew Delisle said he was prepared to agree that the joint Chairman for the east would include Quebec as well.

Mr. McNab then moved that Mr. Tootoosis also be a co-Chairman.

Mr. Peters agreed that regional areas other than Ontario should also be involved and with his seconder's approval withdrew his motion.

Mr. Wilmer Nadjiwon then moved, seconded by Mr. Kelly, that there be nominations for a co-Chairman.

Nominations for co-Chairmen were then made for Mr. Isaac by Mr. Peters and for Mr. Tootoosis by Mr. McNab.

Mr. Nadjiwon moved and seconded by Mr. Gladstone that the nominations cease. The motion was carried.

Mr. Victor Adolph moved that Mr. Isaac and Mr. Tootoosis both be co-Chairmen for the duration of the Conference. The motion was seconded by Mr. Philip Paul and carried.

Mr. Dubois speaking for the Saskatchewan representation suggested that Mr. Dave Ahenakew be added to the official list of delegates representing the Saskatchewan Federation of Indians. The motion was seconded by Mr. Paul Ahenakew.

Mr. Harold Cardinal then asked that the six delegates chosen from the Alberta Regional consultation meeting be recognized as official delegates. The motion was seconded by Mr. Ed Bellerose. Mr. Cardinal said that at the Alberta consultation meeting, himself, Mr. Currie, Mr. Bull, Mr. Doore, Mr. Gladstone and Mr. Bellerose had been elected to represent Alberta at the National Meeting. He said that the Regional conference had refused to send only four persons since they did not have that authority.

Mr. Ahenakew asked how the National Conference delegates were chosen.

Mr. Harold Cardinal said that the six representatives, two from each of the three treaty areas in Alberta came from the southern, central, and northern regions of the Province.

Mr. Nadjiwon suggested that Ontario should have additional delegates as well.

Mr. Cardinal said that they were not against the idea of proportional representation but that the question of representation should be decided by the Indian people in each Province rather than the arbitrary figure determined by the Department without consultation.

Mr. Bellerose supported Mr. Cardinal and said that if only four are chosen then none should represent Alberta since the Alberta meeting had chosen six.

Mr. Nicholas supported the views of the Alberta representatives and objected to the way the Department determined rather than selected the delegates. He said that Nova Scotia and Prince Edward Island were not represented at all. He suggested that all Provinces should have Regional representation.

The secretary then read the motion on the floor. "Moved by Mr. Cardinal, seconded by Mr. Ed Bellerose that the six Alberta delegates be recognized as official delegates to the meeting."

Mr. Guy Williams said that he would like to get together with the British Columbia delegation to discuss the matter. Mr. Cardinal said that they have found the money to bring six representatives to the meeting and that the Department of Indian Affairs should reimburse them for the expenses of the six representatives.

Mr. Dave Ahenakew said that the Saskatchewan Federation of Indians financed his trip.

Mr. Williams again suggested that the B.C. delegates get together to discuss their representation at the meeting.

Mr. Nadjiwon said that the assembly should not get involved in divergent opinions.

Mr. Cardinal, clarifying his position, said that the Alberta representatives did not want to oppose any section of the country but to work out solutions for the best interests of the Indian people whether in Alberta or in any other part of the country.

Mr. Max Gros-Louis wondered whether all six representatives from Alberta should vote on motions.

Mr. Cardinal said that if the delegation of six from Alberta was acceptable to the assembly, then there would be six voting.

Mr. LaBillois moved that the motion to send six delegates from Alberta be tabled until after lunch if this was agreeable to Mr. Cardinal. The motion was seconded by James Gosnell.

Mr. Cardinal was agreeable and the motion carried.

Mr. Cardinal then moved that an in-camera session take place after the lunch hour to convene at 2 p.m. The motion was seconded by Mr. Nicholas and carried.

Mr. Courchene said that he had received a phone call from Mr. Dieter and that he would not be in attendance for the rest of the week. He suggested that the National Conference send a telegram and a wreath to Mr. Dieter and his family.

Mr. Nicholas supported the suggestion and asked that the secretary of the meeting send a message to Mr. Dieter expressing the sympathy of the Conference to him and to his family at this most tragic time and that a wreath be sent on behalf of the Conference.

Mr. George Manuel, the Chairman, suggested that Mr. Courchene send the telegram on behalf of the delegates and that Mr. Ahenakew would receive donations for a wreath. The afternoon session would be in camera with the Department of Indian Affairs personnel not being asked to come until further notice from the assembly.

The meeting adjourned until 2 p.m.

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In Camera Sessions

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Tuesday, April 29, 1969.

The Chairman called the meeting to order (10:45 a.m.). He asked that the press be courteous with the delegates in their deliberation because the delegates needed public support.

John Tootoosis emphasized that the delegates had to speak to the government the way the white man spoke to the Indian people, when he first came to the continent, as brother to brother. He said the Indian people had let the white man live peacefully with them, and they had taken him by the hand, as a brother. This had been engraved on the treaty medals. But he said the Indian people hadn't been treated as brothers. They had been discriminated against. He said that this national meeting, unlike the joint committee meetings, was giving the Indian people a chance to talk by themselves, for the first time, without government officials being involved. He urged the provincial representatives to say what they stood for. He said that they still stood for their own regional and treaty rights, but he said that all Indian people shared these rights that came from being a native of this land. When the delegates realized this, they would all join hands and fight together for their rights.

The Chairman said he thought there was no question that everybody had the same desire to see their rights honoured. He believed that treaty Indians had treaties which should be honoured. He said he thought the approach to the discussion should be that treaties and aboriginal rights should be recognized in the Indian Act, because this was a meeting to discuss the Indian Act.

Mr. Courchene thought that during the discussions of the last couple of days the delegates had got down to the basic principle of how they were going to unite and what their approach to the government should be. He said he had prepared a paper in the name of the National Indian Brotherhood which had been distributed to all of the national

and provincial organization leaders. He asked if he could present this paper to the delegates and discuss it with them.

A delegate suggested that because the paper was so important, the Indian Affairs officials should hear it as well as the delegates.

Mr. Courchene said the paper would be presented to the Minister if the delegates wished, but that the delegates should hear it first so they could make any changes they wanted in it.

Mr. Bellerose said that the meeting should get the delegates' views even if they were confusing. He said a proper brief couldn't be presented to the Minister unless the delegates expressed their views beforehand.

The brief was read to the assembly by the Vice-President of the Brotherhood, Mr. Courchene. (See attached - Appendix B)

Mr. Johnston asked that copies of the submission be made available to the delegates.

Mr. Beaulieu said copies were being made.

Mr. Gottfriedson noted that the submission indicated that N.S., N.B., and P.E.I. would form one committee and the rest of the country form the balance. He pointed out that the Yukon had been left out.

Mr. Dubois said that Chief Elijah Smith from the Yukon had asked him to advise the conference that the matter of legal advice in regard to the Yukon had been left up to the national leader, Mr. Dieter. He said Mr. Smith had relied on Mr. Dieter and the

legal consultant that he had brought. He said that without Mr. Dieter being there to advise the conference, Mr. Smith had asked Mr. Dubois to speak to the delegates with regard to aboriginal rights. Mr. Smith wanted to have recognized that the approach of the Yukon people on this issue had never been discussed. He said he was sure that as the delegates continued their discussion they would become aware of one another. He said he would like to endorse the recommendations of the National Indian Brotherhood in principle and go farther to state: "Let us at this conference right some of the injustices that have been imposed on our people in the past. Let this be our challenge to the Canadian Government to bring about a just society which our Prime Minister had spoken of".

Mr. John Tootoosis said he wanted to supplement the statement Mr. Dubois had made. He said he had been to meetings in the Yukon and had no doubt that tribes in the Yukon and the N.W.T. had not been given the rights other Indians had been given. He said he thought these people had the same rights other Indians had, to choose a place. He said these people had the right - the aboriginal right which came from being natives of the land - to do whatever they wanted with the minerals in the ground. He said that Indian people in the areas that had made treaties with the Queen had chosen a place to live without knowing what was in it, but they chose that place and that was their native land that they chose to live on and surrender the rest. That was the last piece of land which they owned under the sun. He said the Canadian government should give the people in the Yukon and the N.W.T. that right.

The Chairman said that he had been both in the Northwest Territories and the Yukon and he said that in the Yukon they were not interested in having special lands reserved or set aside for them.

Mr. Delisle requested that in place of "The National Indian Brotherhood is concerned", the submission read, "the Indian people of Canada as represented at this delegation is concerned", and that aboriginal rights should also include acquired rights and rights the Indian people would make for themselves in the future. He said the reason he mentioned this, for instance, the situation in Cornwall, which the delegates had all heard about. A situation where there was need for a people to make rights for themselves if they called themselves a democratic country. He said the people living in the two provinces and the United States should be allowed to make their own rights for themselves because they were one unique people and one united people.

The Chairman asked for an explanation of acquired rights. He said he was thinking about the rights of B.C. He said that Mr. Delisle possibly had a definite theory in his province.

Mr. Delisle explained that government agencies tended to interpret aboriginal rights as being rights which people had just as much as animals had rights to eat in the forest. He said he thought that acquired rights were rights which the Indian people had made because they had been living on the land and had found a way to live differently from anybody else. He said that these rights which they had made, which were different from everybody else's, should be respected. He added that then there was the question of rights which the Indian people would make for themselves in the future.

Mr. Williams said he thought Mr. Delisle had a good point. He said he thought the submission should include aboriginal rights, acquired rights and human rights.

The Chairman asked if there were any objections to Mr. Williams' amendment. The amendment was accepted.

Mr. Bellerose reminded the Chair that Mr. Conn was present. He said that there were delegates from every province at this meeting and that by setting up the meeting as a special committee it would ensure representation for people who weren't members of the National Indian Brotherhood.

Mr. Nicholas said it was a very well thought out submission. He said it had very good valid points for the people in New Brunswick. He suggested the words "Indian people, through their legitimate organization should be given the opportunity to consult meaningfully with Indians across Canada and to develop their own Indian Act" (page 3), should be changed to read, "the delegates to this National Indian Conference should be given the opportunity".

Mrs. Jacob asked whether the Brotherhood would administer the program.

Mr. Courchene believed there should be a functioning arm to look after things once the delegates had gone home and suggested the Brotherhood.

Mr. Williams moved that the delegates set up a committee to examine the submission. He said there were references in one or two places to amendments to the Act. He said he did not think the delegates were at the stage where they were after an amendment. He said they were now looking for consultations so as to be fully informed, and that there would be revisions rather than amendments. He suggested the document be studied by a committee from each province, and changes made if and where necessary.

Mr. Courchene wondered if it would be possible to get the provincial organization leaders together as a committee.

Mr. Gros-Louis said the delegates had forgotten about the Newfoundland Indians, and that the Yukon should be included too on a provincial committee.

The Chairman said he thought this would be worked out by the committee. Mr. Williams' motion was duly seconded.

Mrs. Jacob wondered whether there had to be a committee on this. She thought since the delegates were submitting it to the government they should all have a chance to express their opinions on it.

The Chairman said the committee just wanted to study it so they could make a recommendation to the delegates with regard to what was incorporated in the paper.

Mr. Nadjiwon moved that the previous motion be tabled until there had been further discussion of the submission. He said the assistance of Mr. Conn would be necessary before the committee could look at the presentation.

Mr. Nicholas said Mr. Conn wanted to discuss the submission with the chairman and the delegates during lunch so he could make a better presentation after lunch. He then seconded Mr. Nadjiwon's motion.

The Chairman invited Mr. Conn to be seated with the assembly. He then called for a vote on Mr. Nadjiwon's motion. Motion carried. He then called for a vote on Mr. Dubois' motion (during closed session), seconded by Mr. Ahenakew, that the delegates approach the Minister for funds to pay their legal advisors. He pointed out that these legal advisors and consultants would be at the disposal of the whole assembly, which would mean that any delegate from other provinces who did not have

a legal advisor could use the legal advisors of Manitoba, Saskatchewan, the Squamish Reserve and Mr. Conn.

Mr. Williams suggested that "approach the Minister" be changed to "request the Minister".

Mr. Courchene said the National Brotherhood President had informed him that there was \$2,000.00 available for legal advisors or other consultants. He said he was sure that \$2,000.00 was going to be insufficient, and that by carrying this motion the delegates would be able to approach the government for additional funds for their legal advisors and other consultants.

The Chairman read the motion as amended, "that a committee be set up to meet and request the Minister for the purpose of obtaining funds to pay legal advisors and consultants that accompany provincial or elective delegates to the conference and that these advisors be available to the assembly".

Mr. Nadjiwon asked whether the three legal advisors then present would constitute the legal advisory board for the assembly and its conference.

The Chairman said this was the idea.

Mr. Delisle said he wanted the opportunity to call on his legal advisor if he were needed by the Quebec Association. He said it was not clear whether legal advice would be restricted to just the delegates to the meeting.

The motion was carried.

11:55 a.m. - The Chairman moved that the meeting be adjourned, to be reconvened at 2:00 p.m.

Motion seconded and carried.

The Chairman called the meeting to order (2:00 p.m.)

Mr. Andrew Delisle suggested that Conference documents be reproduced both in the English and the French language.

Mr. Manuel, the Chairman, then introduced Mr. Hugh Conn who was for a number of years working on treaty and aboriginal rights of the Indian people. The text of Mr. Conn's talk is attached (Appendix C).

Mr. Courchene, amid the enthusiastic applause from the delegates, thanked Mr. Conn for his honest and sincere presentation. He said that the government must do more research to come up with a more realistic Act because so far the Indian people seemed to be on the losing side again.

Mr. Fred Plain moved, seconded by Mr. Wilmer Nadjiwon, that Mr. Conn's address be immediately reproduced for the delegates.

Mr. Fred Kelly suggested that the Minister of Indian Affairs should give the Government's

position with respect to aboriginal, residual and treaty rights of the Indian people, so that they could then analyze the position of the Government and accept or reject it.

Mr. Manuel, the Chairman, reminded the assembly that the meeting should be discussing the Indian Act and that it would have to discuss incorporating these rights into the Act.

Mr. Andrew Delisle supported Mr. Kelly's submission and suggested that a copy of Mr. Conn's address be sent to the Minister immediately for his information and prior to the Minister's presentation to the assembly.

Mr. Andrew Nicholas suggested that perhaps a meeting should be set up between Mr. Conn and the legal advisors in attendance before submitting any draft to the Minister.

Mr. Conn believed that the purpose of the conference seemed to be for discussion of the Indian Act. He said the Act would be a new Act of the Parliament of Canada drafted by the Department of Justice and as such the initiative in this respect and the intent of the Government should be enumerated by the Minister. He said the assembly should not draft legislation for the Government, but could come up with suggestions for the new Act and that in this regard he could act as a resource person.

Mr. Delisle enquired as to what happened to Mr. Conn's submission to the Joint Parliamentary Committee.

Mr. Conn said that the submission was printed in the minutes, proceedings and evidence

of the Committee, but that the whole question was ignored in so far as the legislation was concerned.

Mr. Harold Cardinal then elaborated on the position of the Alberta delegates with regard to the Indian Act. He said that the Alberta Indian people had given clear instruction to the Alberta delegation that the Indian Act was not the issue and that they should talk only of their rights - rights that had been denied to them for over 100 years. The delegation therefore was not prepared to discuss the Act since it was only a symptom of larger problems that existed - namely paternalism. He said this arose out of the disregard of the Indian peoples' rights and that the government administrators had personified this. He said that Indian people wanted to take their own initiative even if it took two years to come up with new legislation guaranteeing their rights. He said that the opening address of the Minister ignored treaty rights of the Indian people completely and that the Alberta delegates would support the National Indian Brotherhood paper asking for the resources to carry out their own consultations. He said that the delegates from Alberta had not come to suggest things that the Government wanted to hear, but to tell the Government and the people of Canada what the Indian people of Alberta wanted. He said that for 20 years the Government had skirted the basic issues and concerns of his people. He stated emphatically that the delegation wanted the Indian peoples' rights enshrined in legislation and preferably in the constitution. He supported his brothers from British Columbia where no treaties existed, but that the Alberta delegates' main concern was that of basic rights. He said that they could not wait 10 years and that if the Government had its way this time then there would be no guarantee that they would have any future chance to protect their rights.

Mr. Edward Bellerose spoke in support of his colleague from Alberta and suggested

that it was time the Indian people did things for themselves. He said that only Indian people could explain Indian people's problems. He stated emphatically that they at last stood united for the first time and that they did not have to lean on anyone.

Mr. Fred Plain said that on January 24 he had asked the Minister four questions concerning Indian rights, but had received no answer. He recapitulated the minutes of the Toronto meeting in January 1969 with regard to the Minister's address on treaties and his commitment to change the Indian Act and consult the Indian people. When the Minister was queried by an M.P. on aboriginal treaty and rights in the House, there was very little excitement. When bilingualism or biculturalism was discussed, there was great enthusiasm however.

Mr. Plain said that the Indian people were second-class citizens in Canada and that all Members of Parliament should forget their political affiliations so that there could be a unified front to bridge the gulf between all Canadians and the first class citizens of Canada. Mr. Plain said that they were now talking of things that should be written into the constitution and the Government of Canada must answer such questions as, "When did the sovereignty of Indian people suddenly dissolve?" and, "How did Indian land become vested in the Crown?" and also, "Were the treaties merely tokens?". He asserted that if this were the case, then justice had not been rendered, but if the treaties were such in the true international sense, then they had to be recognized as such and reworded into modern terms. He said that this might take years. The present system of social and family services being offered could be a temporary measure. A solution would only come as the Indian people expressed their unity to the Government and when the Government recognized their sovereign rights as a sovereign people.

Mr. Harold Cardinal then introduced Senator Gladstone amid the applause of the delegates.

Mr. Ernest Tootoosis, speaking on behalf of the Saskatchewan delegation said that the treaties must be looked upon as the real thoughts of the people at the time they were made between the Indian people and the white man. He said that today there were different interpretations of their rights as Indian people and that the Government was whittling them away. He said that this could not be allowed anymore. He stressed that the Indian people had the first claim to the land and that they had the sovereign right to that land. The Government must be made aware of this so that it would recognize the treaty and other rights.

The assembly adjourned for coffee at 3:30 p.m.

3:40 p.m.

After opening the meeting, Chairman Manuel asked the delegates if they wanted to hold a night session to which they would invite the Minister. In a brief debate the delegates agreed that it would not be helpful for them to hold such a session because it was necessary to first prepare the documentation of their material. They thought that it would be possible to call the Minister on Wednesday afternoon when their material would be ready and the delegates would be in position to question the Minister.

Mr. David Ahenakew stated that the proposals and speeches made by previous speakers were in a sense identical to the ideas held by the Saskatchewan Indians; they felt that there was no real difference between the treaty and non-treaty Indians. Because of the Treaties the Government will be required in the future to provide many services

to the Indians but these will have to be provided to all Indians without distinction. The Saskatchewan Indians demand the basic rights such as hunting and fishing rights, education, medical and hospital services for all the Indian people of Canada. They request that no amendments be made to the Indian Act without full consultation with the representatives of all the provinces and regions. He stated that it was essential to deal first with the basic issues which were the aboriginal rights and the Treaty rights of the Indians of Canada. Only then it would be possible to deal with the Indian Act.

Mr. Andrew Nicholas stated that the New Brunswick Indians were also very concerned about their aboriginal and Treaty rights and he therefore supported wholeheartedly the position taken by Mr. Cardinal that these rights had to be dealt with by this assembly. He said that his delegation felt that it was essential for the Minister to make a commitment on these rights within the next 24 hours or they would leave the Conference. He said that the Minister had said in his opening address that he hoped to have a response for the Indians in June; Mr. Nicholas stated that this was a presumption which they condemned and if they would not get the Minister's commitment they would withdraw their delegation and go back home.

Mr. Andrew Delisle speaking on behalf of the representatives of Quebec said that he agreed with the Alberta presentation. He agreed that there had to be a foundation on which the delegates had to start working; this foundation was the Treaty and aboriginal rights of the Indian people. He asked the delegates not to leave the Conference because they had to consider the needs of their people at this time. The Indians should not only speak to the Minister, but also to the Canadian public. He felt that the Indians had to make their hearings strong and if the Minister's reply was going to be negative, they would be separate from the other people but as an

Indian people they would be together.

Mr. Peter Johnston stated that he gave his wholehearted support to his fellow delegates from the Maritimes. He completely agreed that unless they get a definite commitment from the Government of Canada that their rights were going to be respected, there was no point to continue in participating at this Conference.

Forrest Walkem read a statement which had been prepared for this Conference by the representatives of British Columbia Indian organizations and delegates of consultation meetings held in various parts of British Columbia. (Appendix D)

Mr. Peter Dubois said that prior to the coming of people from Europe to this land the Indians did not need any revision of an Act because they had had their way of living, their own environment, a good education and economic system which had been more reliable in supporting the views that had been presented. He said that although the Indian system might have been right their immigration policy had been wrong.

Mr. Lawrence Whitehead stated that the Indians themselves were best qualified to present their grievances. The Indians know their problems but they cannot merely identify them and present them to the Government. They cannot allow the Government to rearrange legislation affecting Indians so that it would deal only with some short-range aims; the long-range goals and essential points must be dealt with effectively on a priority basis. He stated that the very basis of an Indian Act should be the recognition of Treaties and the rights of the Indian people:

Mr. John Tootoosis explained to the delegates that the Royal Proclamation made on October 7, 1763 by King George II was the foundation of Indian rights and Treaties.

The Indian people have been, in the past, very neglected and when they ask the Government now for something they are not begging but they are just demanding their rights.

Mr. Wallace LaBillois agreed with Mr. Nicholas that it was necessary for the Indians to get a fair commitment from the Government stating its intentions in respect to their rights as Indians and as citizens of Canada. After reading an excerpt from the "History of Acadia" which dealt with conditions of Indians in that region in 1607 he compared their unhappy situation which existed then with that existing at the present time. He said that the Indians were in a very poor position as Indians and as citizens under the present system of Government. He stated as an example that the program of the Indian Affairs aimed at creation of employment among the Indian people had so far been completely inadequate because of lack of funds. He said that the greatest difficulty ~~why~~ the Government of Canada has not been doing anything for the Indian people was the fact that it was completely ignorant about the real situation, conditions and problems affecting the Indians. He said that it really bothered him that these things and conditions which prevailed in 1607 have been existing even in 1969. He noted that in 1967 no provincial legislature had invited any Indian to sit at the opening of their provincial pavilions at Exop '67. He said that the whole question of Indian rights is a subject on which the Indian people wanted to hear from the Minister.

Mr. Andrew Delisle told the delegates that he wanted to make it clear that the rights of the Indian people already existed long before the arrival of Europeans. The Indian people in the province of Quebec had made certain demands and were hoping and waiting for the Federal government to back these demands because this was this government's responsibility. He said that he mentioned this point because it was very important

not only to Indians in Quebec but also to Indians from other areas who were making presentations to various provincial governments. He explained that the demands of this conference should be made to the federal government who had a responsibility to fulfill them and not to the provincial governments; furthermore, the Indians should not be divided on a provincial basis.

Mr. Wilmer Nadjiwon said that it was clear that the majority of the delegates attending this conference were primarily interested in aboriginal, residual and treaty rights. He felt that the conference had to be sensitive to those people such as the delegation from British Columbia who had no treaty and were not certain of their rights. Mr. Nadjiwon explained that there was a division between treaty Indians and non-treaty Indians; the particular interest of non-treaty Indians who had not the same rights of negotiation as treaty Indians would be a commitment by the Minister that he was willing to negotiate those rights. He said that this was point number one of the conference. Point number two would be to persuade Mr. Nicholas and his delegation to reconsider their statement that they would leave the conference if the Minister did not make such commitments within twenty-four hours. He believed that no delegation should go home before all the delegates unanimously decide to do so.

Mr. Anthony Francis dealt with the question regarding the legal status of the Indian people. He mentioned that in 1694 the English Court had decided that English law could not be imposed on a conquered nation unless this was done by a treaty agreement. He said that the Indian people had been unjustly treated throughout the years of their association with white men. He felt that it was very important for the Indians to maintain their present status as Indian nations because this position would enable them to negotiate with the Canadian government to ensure that it would make a commitment

in regard to the aboriginal, treaty and residual rights of the Indian people before the consideration of the Indian Act. He felt that the responsibility for Indian rights should not be brought down to the provincial level.

Mr. Isaac Beaulieu felt that if the Indians were to get themselves involved in the Indian Act there would be 200,000 different Indian Acts. For this reason the government would eventually take command. He said that the Indians had much more basic problems to worry about - their rights. He explained that their rights would be a common denominator on which they would start their work. He expressed his belief that the delegates should prepare documents which could be presented to the government rather than to keep on making so many statements.

Mr. Fred Plain brought up a general subject involving the legislative process in Canada as well as the whole question of constitutional amendments at the present time. In a debate that followed and in which several legal advisers attending the conference expressed their opinion, it was generally agreed that the Indian problem was more constitutional than legislative and that it was also a political problem to the extent that certain rights had been taken away from the Indian people and certain actions regarding Indians had been committed unilaterally by the federal government. The delegates were also informed that the BNA Act was still in fact amended in Great Britain and that the whole question of constitutional amendment in Canada had been a subject of several federal-provincial conferences.

Mr. Ed Bellerose read a quote from the book "Through the MacKenzie Basin" dealing with negotiations conducted in 1899 between Indians and white men and compared that situation with the present negotiations. He stated that the Minister was unable to give the Indian people anything unless the Indians themselves made their own stand and

proposals and formed a committee.

Mr. Andrew Nicholas moved, seconded by Mr. Peter Kelly, that when the delegates dealt with the submission of the National Indian Brotherhood, those sessions would be held in camera. After a brief debate in which the majority of the delegates opposed this motion on the grounds that the information contained in this submission had already been made public and that the Indians, by meeting in camera, would be missing an opportune time to relay their ideas and wishes to the general public, the motion was defeated by a vote of 14 in its favour and 19 against.

Chairman Manuel informed the delegates that the three following items would be on the agenda the next morning:

- (1) Documentation of official position to be taken by the conference;
- (2) Selection of official representatives to present this position to the Minister;
- (3) Consideration of the submission of the National Indian Brotherhood.

Chairman Manuel adjourned the meeting at 5:15 until 9:30 next morning.

Wednesday, April 30, 1969

The Chairman declared the assembly in session (9:55 a.m.).

Chief R. Isaac (Six Nations) thanked the delegation for the opportunity to speak. He noted that he was not chosen as a delegate at the Toronto meeting but was invited through Mr. Peters. He advised, for those who had inquired, that they were called "Six Nations" because there were six combined tribes - Cayuga, Mohawks, Tuscarora, Oneida, Onandoga, Seneca. He believed that this was an historic meeting, where east met west and he hoped that all could be united in their deliberations. He noted that he favoured unity and approved of asking for God's help in making their decisions.

The Chairman noted that yesterday the presentation of the National Indian Brotherhood had been tabled. He suggested that this proposal be discussed at this time.

Mr. D. Courchene noted that all delegates are responsible to those they are representing. He noted there could possibly be errors but if so such errors were not intended to hurt any part of the country or any group of Indian people and would be made only with honesty and sincerity hoping to clarify the position which the Indian people should take. He suggested that the presentation to the Department be well articulated so that the government knew what the Indian people want. He also believed that national unity was required, not only for this meeting but on a continuing basis. He suggested that matters develop rapidly in this day and age and the Indian people must keep up with them or be sidelined again. At the request of Mr. Courchene, Mr. Walsh read the first portion of the brief as originally amended (attached).

Chief Joseph M. Joe noted that there appeared to be a conflict of ideas between this submission and the British Columbia submission. He quoted paragraph D on page 1 of the National Brotherhood submission. He advised that he was not prepared to debate this at this time since the authority and instructions from his people were to discuss and make suggestions towards the revision of the Act. He added that he had no way of obtaining other instructions. He noted that he could not go back and advise he had supported another body, or submission when he was sent here to make their recommendations for revisions to the Act. He requested clarification in respect to the two submissions.

Chief A. Delisle noted that since there were both treaty and non-treaty areas that the statement should reflect this. He did not know how it should be worded specifically but believed that it should be included and the non-treaty claims respected. In answer to a suggestion by Mr. Walsh that this was included in paragraph A and D he advised that he would like to see it spelled out. He further advised that he believed that all of the delegates were here to discuss the Act and that the people who chose them would have confidence in them if they discussed matters which are of mutual interest among all Indian people in Canada. He noted that he appreciated the concern of the British Columbia delegation but noted that his delegation was sufficiently flexible to discuss basic issues. He stressed his belief in having a foundation to work on as it was of little use to discuss by-laws before the company was formed.

Chief Joseph M. Joe advised that he appreciated the remarks of Chief Delisle. He noted that flexibility was mentioned and he agreed with this. He noted that

the B.C. delegation had supported the views of others and hoped that they would support their views. He also believed that the foundation should be set, but in this respect the Indian Act dealt with basic items such as the administration and management of reserves. He believed that progress could be made here.

Chief W. Nadjiwon believed that during a previous discussion it was suggested that the National Indian Brotherhood submission be examined by a committee. He thought that if this had been done the differences could have been reviewed, considered and an amended submission prepared.

The Chairman noted that such a motion had been made. There was also a motion to table the submission for consideration today. The latter motion was carried and this is what was being done. He noted that the legal advisor from Manitoba was reading the submission in order to obtain the reaction of the delegates, for revision, amendments or ratification. He also understood that Manitoba had suggested that the B.C. delegates make representation as to what they want.

Mr. Forrest Walkem gave a few of his views and those of the people he represented. (See appendix E). He noted that these were only ideas at this time.

The Chairman declared a break at this time (10:45 a.m.)

The chairman, Mr. Manuel, reconvened the meeting (11:10 a.m.) and advised that a committee of 3 delegates would be approaching the Minister during the day to discuss expenses for the additional delegates.

He then circulated the prepared items that had been discussed in the past two days.

Mr. James Gosnell, speaking on the National Indian Brotherhood Submission, said that the Submission did not represent the views of the Terrace consultation meeting since the meeting had never seen the brief. He suggested that the National Body should be in fuller communication with the Indian people at the local level. Further, Mr. Gosnell said he had been sent to discuss the Act and not treaties but would support any discussion from other delegates on the restoration of the treaty rights of the Indian people.

Mr. Manuel suggested there seemed to be two different schools of thought in the assembly and that it would now be in order to call a meeting "in camera" or to strike a committee since there should be no division or conflict in the assembly.

Mr. Plain reminded the conference that a motion was defeated in the previous session, that the assembly go "in camera" to discuss the National Brotherhood submission.

Mr. Cardinal moved, duly seconded, that "in view of the fact that we have been talking about broader issues, we call an 'in camera' session so that we can continue our discussions"

The motion was carried, and the assembly moved into closed session.

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In Camera Session

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The Chairman opened the meeting to the public and the press (3:50 p.m.). He then called for a vote on the motion, already on the floor, by Mr. Delisle that the official voice of the Indian people be the delegation there assembled, and not any one organization.

Mr. Gros-Louis seconded the motion. Motion carried.

Mr. Ahenakew said he wished to make it clear to the delegation that Saskatchewan had its own ideas. He said the delegates had discussed at length the rights of the Indian people and had shown that they wanted unity. They wanted their rights recognized and they wanted to be able to do it themselves. He said that Saskatchewan now wished to submit a resolution to enable the Indian people of Canada to establish their own destiny and priorities. The resolution was read to the delegates (see attached Schedule "B"). He said that Saskatchewan was proposing the establishment of a national committee to look into the points raised in the resolution, to be composed of the delegates to the National Conference.

Mr. Kelly asked if the headland to headland question, as it concerned off-shore fishing rights which was of concern to Indians in northwestern Ontario, would be included in the research done by the committee.

It was noted that the Federation of Saskatchewan Indians was going to take advantage of research that was presently being done on these matters under a \$25,000 grant which findings would be ready in September and would be the basis of Saskatchewan's position.

Mrs. Jacob asked whether it was possible to get the definition of aboriginal rights from the legal advisors present or from Mr. Conn. She added that research on treaties and the funds to do it with were needed in the N.W.T.

The Chairman said he thought the native people themselves would have to define aboriginal rights. He said he thought this was the purpose of the committee, so that each province could, on the basis of its studies, define its aboriginal rights.

Mr. Walsh said he thought the Saskatchewan resolution would have the effect of adjourning the present meeting and striking up the committee with regional sub-committees. Research costs would be within the \$ $\frac{1}{2}$ million budget proposed in the brief of the National Indian Brotherhood. The committee would adjourn for perhaps six to eight months and when they reconvened it would have all of the research done by its own committees and would be able to present its own draft of an Act and its own definition of rights. He said he understood the resolution to want the present meeting to recognize the priorities of a new Indian Act, aboriginal and other rights and all the things that everyone had been talking about, the intent of unity and the intent to do research, so that the Indian people at the present meeting could present their recommendations to the government in a specific, rather than a general way. He said that they, the movers of the motion, hoped the government would finance the regional and national committees. He said he thought a lot of people, including the legal advisors, had come to the present meeting with a brief case and an empty pad, and that to properly discuss the issues, they were going to have to have their research done and their definitions to hand. He asked that copies of the resolution be made and handed to everyone, as it was a complex resolution and was probably a crystalization of all the thoughts that had been forming up to that point.

Mrs. Jacob asked whether the delegates were being asked to make their own definition of aboriginal rights, or whether this was a term that already had a definition.

Mr. Conn said he wanted to quote from his report dealing with the question of aboriginal rights in the broadest sense of the word, "These rights may have varied and may have varied in terms of land usage, but basically and fundamentally the Indians owned this continent lock, stock and barrel." He said this meant absolute, unequivocal ownership of the continent and he said this meant the government was obligated to show how and by what means the absolute title had been extinguished.

The Chairman adjourned the meeting to allow for the reproduction and distribution of the Saskatchewan resolution.

Mr. Williams moved that the policy statement of the British Columbia delegation be read to the assembly at that time for its consideration.

Motion seconded by James Gosnell.

Mr. Delisle reminded the chair that it had been moved, seconded and carried that the Minister be asked to come and sit with the delegates, but he understood that the Minister had not yet been asked.

The Chairman said the request had been made. He called for a vote on Mr. Williams' motion.

Mr. Ahenakew said the Saskatchewan delegation wanted to deal with its resolution first.

After the matter had been discussed by the delegates, Mr. Ahenakew moved that the resolution to deal with the Saskatchewan brief be tabled. Motion seconded and carried.

Mr. Williams emphasized that the B.C. policy statement had been prepared in good faith, without prejudice to any of the delegates.

Mr. Paul read the brief (see attached Appendix "D").

The following comments were made while the brief was being read:

Mr. Delisle said that the statement "We believe, and our instructions are, that the government should be asked, when we adjourn, to incorporate these principles, policies and objectives in the draft of a revised Indian Act" was completely opposed to the stand of the Indians of Quebec who felt they should draft the Act and not the government.

Mr. Bellerose said he supported Quebec on that matter. He said that in a proper democracy the people should be able to say what applied to them. He said he was opposed to the idea of an Act depending on the government again.

Mr. Charles said the B.C. delegation was not there to discuss with the other delegates the item by item changes B.C. wanted in the Indian Act. He said these changes had been made clear at the B.C. consultation meetings. He said what B.C. wanted now was for the meeting to accept in principle the policy stand which the B.C. delegation had taken. He said the B.C. delegation was not trying to impose their ideas on the meeting, but wanted the meeting to affirm the B.C. position and give its prestige to the B.C. demands, that changes to the Indian Act go hand in hand with some settlement of the aboriginal and hereditary rights of B.C.'s Indian people.

Mr. Nicholas moved that the B.C. submission be accepted by the delegates, as it stood, as the official submission of British Columbia.

Motion was seconded by Mr. Plain.

The Chairman introduced the Minister to the meeting.

Mr. Max Gros-Louis thanked the Minister for coming and hoped he would understand what the delegates wanted in the way of an Indian Act when he left.


The Minister said: "Excuse me if I am a bit late, but the traffic is terrible downtown and I only heard about 15 minutes ago that you wanted me to come. My colleague Mr. Andras will come later. He is in the Committee in the Cabinet now, but he told me he would be here in 15 minutes or half an hour. I have nothing to say. It is your meeting and I am here to listen to you. If you want some comments I will make some comment later on."

Mr. Williams requested that the B.C. policy statement be read through to the end, as it was going to be accepted as an official document, so that it would go down on the record.

Mr. Cardinal asked whether the acceptance of the B.C. statement would mean that the question of rights could not be discussed until specific revisions to the Indian Act had been discussed.

Mr. Johnston asked whether the B.C. delegation had changed its mind since it had drawn up the statement about having two separate conferences, one for treaty and one for non-treaty Indians.

Mr. Williams said no, that non-treaty Indians were not familiar with treaty problems and only through a policy statement from treaty Indians would the delegation understand these problems and be in a position to give treaty Indians the support they required and to consolidate its stand in seeking



justice for people across Canada.

Mr. Paul finished reading the B.C. submission.

Mr. Labilloy asked if the assembly, now that they had allowed B.C. to read its brief, would seat a representative from Nova Scotia, in view of the fact that only New Brunswick was represented in the Maritimes delegation, because he wondered who was going to determine which areas had treaties and which did not. The government had indicated that New Brunswick had no treaties, but he believed it did. He said that as the government did not recognize that there were any treaties in Nova Scotia, he wanted to have a delegate from Nova Scotia seated. He said he could not discuss the B.C. statement unless there were a Nova Scotia delegate present.

Mr. Williams said the B.C. statement had been presented without prejudice and that the B.C. delegation did not object to seating a representative from Nova Scotia.

Mr. Courchene said he endorsed certain parts of the B.C. presentation. He said he hoped the delegates would ask questions on it while the Minister was there, so he could give his views.

Mr. Delisle said the Quebec delegation respected the decision of the B.C. Indian people, but wanted to restate Quebec's opposition to the proposal that the Department of Indian Affairs or the government draft the new Act. He said the Indian people should do that. He said Quebec Indians wanted their treaty rights and their rights as people respected first of all, before anything else was done. He said the Indian people had to build their own foundations, and other people shouldn't have to do it for them. He said the Indian people had

to be involved right at the beginning, with the formation of a new Indian Act.

The Minister said he wanted to clarify some of the points that had been made up to that point:

"I understand that there has been a lot of talk going on here since the beginning of the meeting about treaty rights, and their recognition. At all the consultation meetings I, or when I could not be there, the Minister Without Portfolio attached to my department, Mr. Andras, attended, we said that the Government of Canada intended to recognize treaty rights. There is no doubt about that. The problem that you face and that we face is the interpretation of the treaties. What do they mean? Some people say that the treaties have not been respected. Others say that the treaties have been respected. There are different opinions on that. As far as the government is concerned, the fact is that today we want to respect the treaties, but there are many things that have to be looked into. Some people expressed the view that they had not received as much as they were entitled to and that sort of thing.

This question has been open to discussion for a long time. I made it plain at all the consultation meetings that I am not in the position to look into the treaties personally and make decisions. In the policy statement that we will make in June we will provide the Indians with the mechanism to clarify these points, to make their case, and if they have a case the government will respect it. Nobody in the government has said that the government will not respect the treaties. But there is a problem insofar as interpretation.

We have talked in the past about an Indian Claims Commission. I mentioned that many times. The Commission will look into that kind of problem and

and solve it. You made a representation on that when we introduced the Bill to establish an Indian Claims Commission into the House of Commons in 1963 and 1965. In the spring of 1965 we received something like 200 briefs from Indian communities. I cannot make a policy statement now, before the consultations are finished, because this would defeat the purpose of the consultations, but as far as the policy statement on the treaties is concerned, it will respect the treaties.

There is another question, concerning those who have no treaties. The members from British Columbia and Quebec face quite a complex problem. I know that the Nishga Federation, for example, has decided to put their case before the courts, to have the courts recognize their aboriginal title. This is one way of looking into the problem. Their case was well-documented, and while I cannot appreciate the legal value of their case, they made their case in court.

I will be making proposals to Cabinet, and we will make our announcement by mid-June. From there on you will know. You will know what the mechanism is by which we propose to solve these problems, and you will have the opportunity to comment on this mechanism and to make representations concerning it. I want to make it very clear to people who say that we do not want to respect the treaties, that this is not so. We want to respect the treaties, but the interpretations of the treaties have been up in the air for years and years. But these are problems of yesterday and now we have to solve them. We can't go around them. They are a reality and we are committed to doing something about them.

I said, all during the consultations, that as far as the government was concerned we intended to respect the treaties. But these consultations were designed to sound out the Indians' views. I know that treaties are a matter of concern to you, but they are not the only problem. What kind of society do you want in the future? What kind of organization do you want at the band level? Should the Minister of Indian Affairs make decisions on every aspect of the life of the Indian people or should he turn the responsibility for these decisions over to the Indians?

Should the Minister sign all the documents affecting your lives or should he let you make the decisions? What should we do with this trust relationship between you and the Superintendent General of Indian Affairs concerning your land? Should we turn the land over to you and let you administer it? These are the questions you have to answer. I know what you want according to what you have said since the beginning of the consultations. The first consultation meeting was supposed to be chaired by one civil servant and one Indian, and after that we said, 'Let the Indians run the show and discuss anything they want to discuss'. You were not limited in your discussions on anything. We received a lot of good advice from you people, right across the country. Now you have the opportunity to exchange with each other the points of view you expressed at each of these consultations, and to present us with some recommendations.

I know that the treaties are a big problem and I am very much aware of it, and it is the policy of the government to respect the treaties, but there is the difficulty of interpreting a treaty signed 100 years ago in the context of today. These are difficult problems and we will have to provide you with the mechanism to solve these problems, but what I would like you to

discuss are the other problems that face you - your economic development, the question of your education, your welfare, your housing and the administration of your land and of your farms, the question of who should be a member of an Indian band, what the relationship between you and the federal government and between you and the provincial governments should be, and other questions that are vitally important to you. On the treaty question, the government intends to respect the treaties, but mechanisms will have to be developed to allow for their interpretations - either a system of consultations with the people of the various treaty areas or the establishment of a judicial court, such as the Indian Claims Commission.

I hope that you will deal with the other problems too, though, because we have to be realistic about the request of some of you to draft the Indian Act yourself. What is an Indian Act? The Indian Act is an Act of the Parliament of Canada. Is it good or bad? It is up to you to tell us. But it will be replaced by another Act of Parliament and the only ones who can pass an Act are the members of Parliament.

What has happened in the past, however, is that the administration has drafted an Act for the House of Commons to pass, and everyone had to live with it after it was passed. For this new Indian Act we took a new approach and decided to get your views. That started nine months ago. On the basis of all the information we received from these consultations we are proposing a policy that will be the new legislation. It will be either good or bad legislation. It will be the new Indian Act, the new legislation, the new approach. You will be invited to make your comments. If the legislation is no good, we will make changes in it, but it is impossible to think that you can draft the Act. The Act will have to be approved by the House of Commons and it will be

the responsibility of the Parliament of Canada to make the decision.

But you will have had the occasion and you still have the occasion now to make known your views on all those things in the Indian Act and in the treaties that affect your lives. As far as the government is concerned, it intends to respect the treaties that the Crown has signed with the Indians over the years, but the question of the interpretation of those treaties is still open. Is it true, for example, that in one specific treaty the Indians received less land than was promised to them at the time of the treaty? Is it true that things that were promised to the Indians under the terms of the treaties have not been delivered by the Crown over the years? If there were some things that the federal government did not carry out, if there were some lands that it did not deliver that the Indian people want, we will have to compensate the Indians involved in that treaty for the breach of that treaty. We will have to look into each of the treaties, but the principle is that the government intends to respect them."

Mr. Nicholas said that the Minister had stated his position and the delegates, as representatives of the Indian people of Canada, were working on theirs. He said that Indians in New Brunswick wanted to determine their priorities regarding aboriginal and treaty rights. He said they wanted financial assistance so they could make a presentation of these matters themselves. He said they did not want the Indian Affairs Branch or the government to interpret these rights for them.

Mr. Kelly said the Minister's statement implied that the government was going to draw on its experience with the present Indian Act to draw up a new Act. He said this assumed that all the conditions existing in the

present would exist in the next 100 years. He said this assumption was false, and would result in another outdated Indian Act. He said it had to be a question of what was going to take place in the future. He added that all the briefs that had been presented so far had recommended that the Indian people themselves carry out research on their rights and treaties. He said that, if this research was done, it would mean the Indian people would be giving their interpretations of the treaties. He asked how the government was going to be able to make a policy statement in June, when this research hadn't been done yet.

Mr. Bellerose said the Minister's statement was nothing new to him, that it was just like a whirling wind with lots of words, the same old Indian Affairs that had been speaking for the last 100 years. He said the Indian people wanted to see the treaties formally recognized, not just an intent to recognize. He asked what intents had ever accomplished, and said he had doubts about the mechanism the Minister had said he would provide to solve these problems.

Mr. Gros-Louis wanted to know whether the viewpoint of Parliament would be based on the Indians' thinking or the non-Indians' thinking.

Mr. Beaulieu introduced Mr. Andras to the delegates as the man largely responsible for the consultation meetings and whose speciality was the Indian Act, and also Mr. Battle.

Mr. Plain said that, despite the Minister's remarks, he could not change the position he had taken vis a vis the Government of Canada. He said he had received no answers to specific questions he had asked. He said he realized the Ministers could not immediately state their policy with regard to a

specific point, but he said they should be able to answer a few questions because their position as Ministers showed them to be people of ability who had the faith of their constituents. He asked what a treaty was and said it was defined in Funk and Wagnell as an agreement in international law entered into between two governments of sovereigns of two or more states, the right to enter into treaty relations being one of the essential attributes of sovereignty. He said the Minister had said in Toronto that the Indian Act and the treaties were two separate problems, and he said he disagreed. He said aboriginal rights and the Indian Act were not two separate problems but one and the same problem. He said that the B.C. delegation had had every right as a sovereign people to present their submission, and that he had no right to turn it down just because of what it had said. He said the government had to listen to every native voice that was raised, and not let it go in one ear and out the other. He said the Minister was trying to tell the delegates they were wrong. He said the problem the Indian people had with the Government of Canada was a constitutional, not a legislative, problem. He said the delegates were learning that any Act of Parliament could be changed by any new government. He said he disagreed with the Minister's statement that the main problem was the interpretation of the treaties. He said the Minister should tell the delegates if they were wrong, but not in a political or a legislative way. He said aboriginal rights had to be dealt with. He repeated the Minister's statement that time was of the essence, and asked that immediate efforts be made, not to alleviate the sad plight of a frustrated people but to completely solve a condition that could best be described as intolerable. He said the Minister was proposing

to the delegates that the situation be alleviated, that the question of the new legislation be dealt with. He said this was not the issue, that the delegates had made it very clear that before they left they wanted more than the vague answers the Minister had been giving them. He asked the Minister at what point in history had the nations of people who entered into treaties ceased to become legal entities. He asked if the treaties that were entered into were tokens, scraps of paper. He said that if the answer were no, it meant the government had been a sovereign power when it entered into the treaties, and at what point had the Indian people lost their identity.

Mr. Prince said the government was going to have to take into account the different problems among Indian people when it revised the Act. He said there were many different problems in B.C. alone that were being worked out by the B.C. Indians, but that the leaders of the Indian organizations in B.C. had come to Ottawa united in their desire to revise the Indian Act. He said that the meeting had to consider the views of people who were not there, whether they were treaty or not. He said that in his own area, in northwest B.C., there were people who were under Treaty #8, who had put their faith in him to come to Ottawa and represent them. He said this meant he had to talk for both the treaty and the non-treaty people. He said that was why the B.C. brief had stated it supported all other Indians across Canada.

Mr. Cardinal said his delegation had come with strong convictions and the same beliefs as the Quebec delegation. He said they had been assured by preceding governments that their treaties or their rights would be honoured. He said that even on the most basic question of education, there was a departmental policy directive that no educational assistance would be given to post graduate Indian students. He said his delegation believed this was an

infringement on their right to education. He said the main bone of contention between his delegation and the Minister was that the Alberta Indians wanted to be involved in the interpretation of their treaties. They wanted a say in what those treaties meant or what their rights meant to them. He said his delegation realized it was unrealistic to expect they could pass the legislation itself since this was a duty of Parliament, but that the delegation wanted the work involved in drafting the legislation to be done by the Indian people and not by the Department of Indian Affairs. He said his delegation requested the resources to be able to do this, so that their presentation would have the same type of resource backing that government legislative drafts had. He said he was disappointed to hear the Minister say that Indian treaties or Indian rights were not the only issues. He said the Indian people recognized there were many social problems that existed that they had to tackle, but he said these could not be tackled until their treaties, and their interpretation of those treaties, were guaranteed. He asked how the government expected the Indian people to believe that it would do things for them when it would not give them the opportunity to present their interpretation of what their rights meant. He said these rights were the basis upon which the Indian people wanted to build the type of society that the government and the Indian people were aiming for.

Mr. Nadjiwon said he felt the Minister was disappointed in the turn that the meeting had taken because it had not turned out to be what the Department of Indian Affairs had hoped it would be, a crystallization of views on the Indian Act. He said this was the attitude which had always been used in the past and which had led to the present difficulties facing the Indian people. He said that if the Department had approached the Indian people and had asked

them to discuss what was most important to them, the consultations would never have taken the form they had, centered around the Indian Act, but would have begun with the basic points which were being raised now. He said the government had assumed that the Indian Act was the most important thing in the Indian's life and that all the consultations, therefore, had been centered around this.

The Minister: "I said earlier that when the concept of consultations was elaborated, before we took over that department, it was centered around the Indian Act, and you received copies of Choosing A Path. But we decided in the first meeting that we should open the discussion and not limit discussion to Choosing A Path but let the Indians discuss all the problems that they had in mind. We have not limited the debate on anything."

Mr. Nadjiwon said the delegates were sensitive to the failures that history had so well recorded, and were trying to ensure that the future would be a success. He cited the government's policy that education was the answer to the Indians' problems. He said he agreed that education was necessary, but that the education policies had educated Indian children into penal institutions, that they had developed a high degree of frustration among Indian people that they had taken away from the Indian people their very foundations - their culture and their language. He said that now that the foundations were gone, the Indian people should start to build again from the ground up.

Mr. Ahenakew told the Minister that the Saskatchewan delegation felt that a new Indian Act should implement the treaties. He said the first thing that needed to be done was to discover what was not provided by the treaties, and until that was done there could be no new Indian Act. He said that the 34 questions in Choosing A Path had no relation whatsoever to the treaties of

the Saskatchewan Indians. He said the main issue for Saskatchewan was the treaties. He said the Indian people couldn't keep scratching at the surface any longer, as the government had been doing for so long, but had to build foundations on fundamental issues as the Quebec delegation had suggested. He said these issues were the aboriginal rights and the treaties, and he said the Indian people did not want the Government of Canada to interpret these treaties.

Mr. Delisle said the Quebec delegation wanted to know where they stood before they started discussing by-laws which was the Indian Act. He said it was difficult for the delegates to discuss anything when they didn't know where they stood or what they could do. He said he supported the delegates' request for resources to enable them to discuss the Indian Act, their aboriginal rights and their rights as people. He said the Indian people did not understand the government's delay in supporting Indian groups. He said the federal government had not backed up the claims of Quebec Indians against the provincial government, and he felt the federal government had a responsibility to support Indian people no matter where they lived. He said the delegates to the meeting had decided that Canada was not divided into provinces as far as they were concerned, that they were going to work together as people, people striving for rights, and the differences between the federal government and the provincial governments, especially Quebec, should not affect them. He asked the Minister to support the claims of Quebec Indians against Quebec.

Mr. Courchene drew attention to the Minister's statement that the Indians should run their own show. He said this was the first time in the history of the Indian people that a Minister had said this, and he hoped that they were

not just words. He said they couldn't do justice to what the Minister had allowed them to do in a few area meetings and one national meeting. He said the government had not given them enough resources to hire the expertise they needed to enable them to draft suggestions that could be meaningful for all Indian people across Canada. He said that if the Minister intended to draft a new Act his statement was a farce, but that if the Minister and the Cabinet sincerely wanted the Indians to run their own show, they should give them the necessary financial resources. He said the Indians had the time and the organization but lacked the money to make a proper presentation to the Minister. He said it was going to take more research if the Indian people were going to be able to articulate their position. He said that unless this position were articulated, the Indian people would not get the kind of Act they wanted. He asked the Ministers for a commitment from the government, before the meeting was over, to give the delegates more time and money so they could do a good job, and the things that were happening at this meeting wouldn't have to be repeated in the next century.

Mr. Cardinal asked for Mr. Andras' comments.

Mr. Andras: "It is a pleasure for me to join you again today with my colleague, Jean Chrétien. At the beginning of the meeting he stated, and I applaud him for stating this, that this would be your meeting, that we would participate, either he or myself or any other people from the government, upon your invitation. I got the invitation a few minutes ago and hurried over. The matters you are raising are matters that were raised at almost all of the conferences starting in Yellowknife in July, by the delegates who attended them. If the premise upon which the consultation meetings were

founded in the beginning was to discuss proposed revisions to the Indian Act, I think that changed very quickly. In my own experience, and I have stated this at each meeting that I have attended - which I think amounts to ten or eleven - it became clear very quickly that the Indian Act itself was only one, and perhaps not the major one, of the issues that you wanted to debate. I think that Jean Chrétien is quite correct in saying that from that moment on, and most certainly in all the meetings I have attended, in the meetings we have attended together and from studying the transcripts from those that I didn't attend, the debate was wide open. In those meetings I attended I think the discussions of the Indian Act, and particularly the discussion of the booklet, Choosing A Path, played a very minor role. In most meetings the discussion was about the very issues that I see before me today - the question of your feelings about government commitments to you, treaties, treaty rights, aboriginal rights, fishing rights, hunting rights.

Transcending all that was your expression of your wish that there be meaningful consultation. I think that we have made errors in the format, in the style, in the conduct and perhaps in the premise on which the 17 or 18 regional conferences were based.

I think Mr. Chrétien and I, and those associated with us, have learned a lot in these last nine months and I suggest that all of us in this room and the colleagues you represent back home have learned a lot about this whole structure, this whole style, this whole desire to consult. I think the consultation process is improving, even though there are differences of opinion even amongst some of you as to priorities or the exact wording of a resolution and so forth. There are still things we have to learn, and as

we learn Mr. Chrétien and I have to convey and express your views about what we have learned to our colleagues in the Cabinet. This may be frustrating in terms of a sincere desire on everybody's part to begin moving now - what I have heard many of you term, action rather than words. But I suggest to you that it is just less than one year ago - July through April is nine months - that this new government began this whole new process. I think that you will be the first to agree with me, that there was a lot for us as non-Indians and as government people to learn. We are learning this as quickly as we can. We are conveying it as quickly as we can to our colleagues in the Cabinet.

The measure of importance of the whole matter is the fact that the Cabinet itself - every Cabinet Minister - is involved in discussing what Mr. Chrétien and I present, all the component or partial or total recommendations you have made to us. This time the Government of Canada sincerely wants, and this may be the cause for some slight delay, to take the right action, the kind of action that will join you with us in formulating policy.

Fundamental, too, to meaningful change is immediate and continuing consultation in detail. I know that Mr. Chrétien had told you that our hope is that we will be able to meet with you in June to describe the reaction of government to the whole period of this last nine or ten months, and then to sit down again with you to work out the best policies and programs to reach a certain set of objectives. To me, that continuing consultation is most important. I would respectfully say to each one of you that the mechanism for consultation is probably the most important thing in enabling us to all work together achieve the best form and the recognition that is so necessary. This has been, I guess, the 18th meeting, and I think each meeting has contributed some

progress, although everybody is anxiously waiting for a reaction by government which will be forthcoming before too long."

The Chairman called on Mr. Battle to say a few words.

Mr. Battle said he was happy to be there, that over the years he had developed a keen interest in trying to help the Indian people achieve their objectives, and that he was there simply to help.

The Chairman then called on Mr. Marchand.

Mr. Marchand emphasized he wasn't the Indians' M.P., but the M.P. for his riding. He said he had a responsibility to his constituents, but that, as an Indian, he would also fight hard for the Indians' problems when the occasion arose.

It was agreed that both Ministers would attend the next day's session, and that a representative from Nova Scotia (Noel Doucette) would be seated as part of the Maritimes delegation.

Mr. Gosnell moved that the motion to adopt the B.C. submission as a statement of the position of B.C. Indians be tabled. Motion seconded and carried. He further moved that the additional delegates from each province had the right to be included in the conference under the terms presented by the Alberta delegation.

Seconded by Omer Peters. Motion carried.

Mr. Plain made the point that the delegates' living allowances were too small.

The Minister said he would look into it.

The Chairman declared the meeting be adjourned to be reconvened at 9:30 a.m.
the following day. (6:20 p.m.)

Thursday, May 1, 1969.

The Chairman declared the assembly in session (9:50 a.m.)

It was moved by Andrew Nicholas, seconded by Fred Plain that the British Columbia Policy Paper be accepted.

Mr. Don Moses speaking in support of the paper said that there seemed to be some problems as to the interpretation of the proposal by some of the delegates with regard to its actual content and meaning. He stated that the British Columbia delegation gave whole-hearted support to the position on treaties that other delegates took.

Mr. Edward Bellerose said that he understood the position of the British Columbia delegates, but that the Alberta delegation could not support the British Columbia proposal with regard to the Indian Act because of Alberta's immediate concern with their treaty and aboriginal rights.

Mr. Andrew Delisle advised that the Quebec delegation supported the British Columbia position paper but felt that they must discuss more basic issues such as who they are as a people, first, before discussing the law (Indian Act). He suggested that the Conference should draft, together with the Government, provisions for any new legislation.

Mr. Dave Courchene said that the Manitoba Indian people and the Manitoba delegates to the conference believed they should have a more basic foundation to work from and that treaty rights, aboriginal rights, residual rights and human rights came before any discussion of revisions to the Indian Act. He suggested that the Manitoba delegation would support British Columbia morally and verbally but could not in good conscience vote in their favour.

Mr. Joe Mathias felt that the delegates were missing the entire point of the British Columbia proposal, pointing out certain sections that made the statement look very narrow. Bringing it into context, he said that the British Columbia delegation felt that the policies and obligations that had been discussed in the Consultation Meetings across the country should be reviewed and analyzed and that the Conference should confirm what the Bands across Canada wanted. He said that the British Columbia delegation would be willing to remove the phrase "in the best interests of all our people from coast to coast" in the second last paragraph on page 3 of the British Columbia policy paper of April 29, 1969.

Mr. Bernard Charles said that he was the spokesman from a Conference in British Columbia which had expressed certain ideas and options and he felt that he must follow their guidelines. He appreciated the position of all delegates and Indian people across the country but that in British Columbia they wanted immediate action with regard to the present Indian Act. He said the British Columbia delegation was therefore presenting the idea of the British Columbia Indian people and wished that the Conference would support this provision.

Mr. Forrest Walkem said it seemed that the Conference was going to be split on this issue and mentioned that the Minister had said that there was no way which the Indian people could write the Indian Act. He suggested that perhaps a compromise could be reached, and taking into account the wishes of the Indian people from treaty areas, they could draft a policy with regard to treaty rights, land claims, minerals, hunting etc. and then let the Government draft an Act but at the same time have the Indian people with the same information go home and draft an Act as well. The Indian people would of course have to have financial assistance so that they would have the same access to resources to investigate the issues involved. He said they might have to look into the Canadian Constitution, the Provincial Constitution

and Human Rights. He said the second assembly in the National level might then be convened and a real dialogue could then take place between the Indian people and the Government.

Mr. Sam Currie said that the Alberta people were not interested in revising the Indian Act and they wanted to discuss treaty rights. He suggested that the people from British Columbia and all other delegates should get together and support one another. He supported the British Columbia delegates' request to the Minister and that the Minister should raise the issue of the Conference in the Cabinet. He said this was the first time that the Indian people from across and throughout Canada had ever really felt united in issues of concern to them and he said he would ask the Government to give them the assistance to continue such meetings so that better communication between the Government and the Indian people would take place.

Mr. Fred Plain wanted to make clear to the delegates why he had offered the motion to accept the British Columbia policy paper. He said this did not mean that he accepted the views of the paper nor did he accept necessarily other views by the delegates, but felt that the Government must listen to each and every voice that was raised. He said that the policy paper was the voice of the British Columbia delegation and whether the individual delegates accepted or rejected the content of the paper was immaterial at the present time. He said if the Conference refused the paper then they would be rejecting the right of the British Columbia Indian people to express their feelings. He said his personal feeling was that the issues that should be discussed were constitutional and not legislative. He said further that the Parliamentary Committee of Indian Affairs should be seated at the Conference as well as the Minister. He believed firmly that there could not be one National Indian Act to tie together the different Indian Nations across the country.

Mr. Bellerose again emphasized that during the Alberta Conference the people wanted

to firstly discuss treaty rights and not the Indian Act but that the Alberta delegation would support the British Columbia delegation in their request for a new Indian Act. He said that many of the Alberta Indian people felt insecure, that they did not really belong to Canada because the things that had been promised by the Government had not been kept nor confirmed. He said that he himself and aboriginal rights before the white man came but that he had just become a Canadian citizen a few years ago even though he had fought in the last war.

Mr. Andrew Delisle said that the Quebec delegation would support the British Columbia position with regard to revision of the Indian Act but that he would like the British Columbia delegation to support the other delegates who felt that the basic question was one of treaty rights etc. He said in 1912 surrenders were supposed to have been obtained in the province of Quebec but the Federal Government had done nothing about this situation. He said before the Quebec delegation wished to discuss laws they would have to know where they stood about these original rights.

Mr. Gus Gottfriedson agreed with Mr. Delisle and said that as far as paragraph 4 was concerned their policy paper of April 29 said that the people did not have time to do the drafting and that the Government of Canada had a responsibility in this line. He also agreed with the Alberta delegation and felt that a delegation of Indian people should sit with the Government when the Act was being drafted. He said that they would agree to change the second last paragraph of their proposal where it speaks of "In the best interests of all our own people from coast to coast".

Mr. Courchene felt that a foundation must first be built with the Government creating mutual understanding and trust.

Mr. Fred Kelly suggested that the delegates should really find out what was involved in the positions that the British Columbia delegates had taken, since there seemed to be a great difference in priorities among the various delegations.

The meeting then adjourned for coffee.

Chairman Manuel opened the meeting and advised that the discussion on the B.C. Statement would continue. (11:00 a.m.)

Mr. Gros-Louis said that the Indians wanted some of the money which the Department had already been spending in order to make a draft of the Indian Act. He said that with this money, the Indians themselves were able to do a draft of the new Indian Act. He felt that Indians needed legislation which would protect them and that no one could draft such legislation better than the Indians themselves.

Wilmer Nadjiwon appealed to the delegates to be united and not to allow themselves to be split into groups or into segments. He felt that each delegation had the right to present its own paper in which it would express its own ideas. The B.C. Statement contained, according to Mr. Nadjiwon, wisdom in that it had stated that the B.C. Indians would support any presentation of the Indian people residing elsewhere in Canada. This paper had also expressed the priorities with which the Conference had been concerned during the past two days. He himself felt that the priority should be given to the discussion of aboriginal rights.

Mr. James Gosnell expressed his belief that all the delegates were saying the same thing only in a slightly different way. He felt that all of them understood that the new Indian Act had to be based on recognition of their rights. He stated that the Indians wanted the recognition of their rights - those who had treaties had to have those treaties re-negotiated; those without treaties such as B.C., had to have their claims made. He appealed to the delegates that they had to be united and that they could not walk out from the Conference under any circumstances. He said that he needed the help of every delegate and every delegate attending this Conference needed his help. Regardless of their differences, if the delegates were to accomplish unity, they have accomplished something extremely important. He said the delegates had to think that all of them were in a war against the white man at this time. If the white

man took their land, he had to pay for it in the right way. For these reasons he appealed to the delegates to remain united, to state clearly to the Government that they wanted their Indian Act based on their rights which they had had long before the arrival of the white man.

Mr. Peter Dubois said that the Indian people of B.C. presented their ideas in their submission and no one could deny them the right to make this submission. He said that all the delegates from Saskatchewan supported the B.C. Submission and called for the question.

Mr. Andrew Nicholas moved that the Conference accept the B.C. Submission as it stood, as the official submission of the B.C. Indians.

In a brief debate which followed, Mr. Don Moses said that he requested the legal advisor from B.C. to discuss with the delegates from B.C. some of his suggestions that could change the proposal and that it was decided to discuss this subject during the lunch hour.

After Mr. Nicholas withdrew his motion, Mr. Moses moved, seconded by Mr. James Gosnell, that the B.C. Statement be tabled, for discussion in the afternoon. The question having been called all the delegates were in favour of the motion and the motion carried.

Mrs. Mona Jacob stated that she wanted to place on the official record that the Regional Advisory Council of the N.W.T. had rejected the Thebacha Association's Brief which had been presented at the Yellowknife Consultation meeting and reported in the minutes of that meeting. She said that this brief concerned all the Indians of the N.W.T. and the reason for its rejection by the Regional Council was the fact that it did not represent the wishes of the Indian people.

Mr. Fred Plain felt that by and large, the views expressed by the Indian people were not made known to the House of Commons and that vague answers had been given to

specific questions asked by members of Parliament. It was for this reason that he suggested that the Conference should request that not only the two Ministers but also all the members of the House of Commons Committee on Indian Affairs be asked to come and listen to the delegates; by doing so, they would be able to get much more complete information than they could ever expect to receive in the House of Commons.

Having been invited to say a few words by the Chairman, Mr. Ian Watson, M.P., Chairman of the House of Commons Committee on Indian Affairs made the following statement: "Thank you for inviting us, sir. We, as a committee, were under an impression last week that this meeting was going to be closed to the public for a good portion of its meetings. Consequently after receiving some information from some of the representatives, we arranged for you people to meet with our committee this morning and I found out last night this was not going to be possible. I thank you very much for extending this invitation to committee members. It is the first invitation to my knowledge that we have had from your group and I believe with you that all committee members should be attending this meeting as it is a very efficient way for committee members to become more knowledgeable on your feelings of the subjects which you have been discussing here in the last 3 or 4 days. The cross country visits are going to continue and I would think with the claims commission before the committee that we will want to go across the country with this specific objective in mind to consult various regional groups and individual groups of your people across Canada. Thanks for the invitation. We have 3 or 4 members of the committee here."

Mr. Andrew Delisle told the delegates that the time was passing by very quickly and while many statements and presentations were made it had now become necessary to start talking about what they were going to do in the future about their assembly. He said that some resolutions were made to call for a National Committee to be set up so that

these discussions could be continued; he further suggested that the delegates should go ahead and put such proposals into reality. He thought that the Government people wanted to know what the Indian people wanted. He also stated that he would have liked to go back home and tell his people that the Conference was able to achieve something concrete. He urged the delegates to tell the Minister that they were going to set up such a Committee so that he and his officials could really understand what the Indians were doing.

Mr. David Ahenakew requested on behalf of the Saskatchewan delegates that their legal advisor be allowed to place their comments on record in regard to remarks made by the Minister on Wednesday.

Having received the unanimous consent to make these comments, Mr. Allan Lueck, solicitor for the Saskatchewan Indian presented this statement. (See Appendix "G").

Having been asked to do so by Chairman Manuel, Mr. James Gosnell introduced to the delegates Mr. Frank Howard, M.P. for Skeena.

Chairman Manuel then asked the Minister to make a remark in regard to the Saskatchewan presentation.

Honourable Jean Chrétien, Minister of Indian Affairs: "I just want to make a comment. I am glad to hear the presentation of the delegation of Saskatchewan where they claim that the treaty has not been respected. I do not know all the facts of it. One of the problems is that I am not the one who administers the Department of Health. I am glad you have a presentation of specific cases where you say that the treaties have not been respected. It is the kind of approach I like. It is specific and I know you have that in mind so we can look at such a problem and try to find a solution to it. So thank you for your presentation. I cannot make more comment because I am not more aware than that of it and I will look into that then."

Having been asked by the chairman, and the Saskatchewan delegation agreed that the Saskatchewan presentation be made available to every delegate.

Mr. Ed Bellerose supported the Quebec stand concerning the establishment, by the delegates, of a National Committee. He expressed his fear that if the delegates went on talking and presenting briefs, they would become so mixed up that they would be unable to establish anything that would be of benefit to the Indian people at the present time.

Mr. Max Gros-Louis repeated his belief that the Indians needed money in order to be able to submit briefs similar to that which had just been prepared by the Saskatchewan legal advisor. He said that the Quebec Indians wanted to do the same thing that was done by the Saskatchewan Indians and they wanted money to be able to pay for legal advisors. He felt that the Indian Affairs which had been spending so much money on so many things should now give some money to the various Indian groups so that they could bring along their own legal advisors who would prepare their briefs.

Mr. Guy Williams expressed his confidence that before the delegates would have left Ottawa they would have accomplished one thing of extreme importance and that was their unity - an accomplishment that they had never achieved before.

At 12:10 p.m. Chairman Manuel adjourned the meeting until 2:00 p.m.

The Chairman called the meeting to order and requested Mrs. J. Goodwill to act as secretary during the temporary absence of Mr. Beaulieu. (2:15 p.m.)

The Minister advised that he had authorized an additional \$5.00 per day for each delegate to meet expenses for this meeting.

Chief Elijah Smith advised that after listening to the delegates he had decided to join with the B.C. delegation in order to bring a better Indian Act which will

be of benefit to the people of the North. He noted that the current Act ignores the north, and further that the rights of these Indians for land, education, economic development and other internal matters in the North have been ignored or delayed for many years. He requested the support of the other delegates in his quest for justice.

Chief J.M. Joe noted that there were a few corrections to be made in the B.C. submission in that it was the submission of the B.C. and Yukon delegation. He advised that the following changes should be made:

- pge. 1, first line to read "British Columbia Indians and Yukon Indians Organization and delegates";
- page 3, penultimate paragraph - . . . "from British Columbia and Yukon;
- bottom of pge. 3 - Nicholas Prince, Prince George Consultation meeting;
- page 4 - Bernard Charles, Chilliwack Consultation Meeting.

The Chairman noted that the question had been called for in respect to the matter of the British Columbia policy paper; and having voted, declared the motion carried.

Chief Wilmer Nadjiwon noted that the Minister had indicated that a policy paper would be tabled in June and that the government intended to honor the treaties. He believed that this was insufficient. He noted that it was current policy to permit the provinces to assume control over some points included in the treaties. He believed that immediate action could be taken in respect to the matters of health, hunting, and policing - to improve them and to clarify jurisdiction. He requested the Minister to clarify a focal point on this statement.

The Minister stated "Perhaps I can take this occasion to clarify some points. I want to clarify that the statement that I intend to make in June will be a statement of policy. There are some delegates who have asked if I intended to table the new Indian Act. I do not intend to do so. I intend to present a policy paper for the

Government in the House of Commons, to you, and to the people of Canada, giving the direction in which we will go - on the problems of the Indian Act, the treaties, the land of the Indians, and where we stand on the possibilities of solving the differences that exist between the Federal Government and the Indians on the interpretations of the treaties. It will be a general statement of policy which will be sent to all of you and it will cover many of the points you have raised up to now - at this meeting and in the meetings that we have had for the last 9 months across the country. You will receive that policy statement - and I hope it will be as brief as possible - and you will have occasion to study it; there will be consultations. I do not know what form they will take. We will discuss that with the National or Provincial Brotherhoods. It will not be a new Indian Act. It will be the direction in which we want to go for the future social, economic, and cultural life of the Indian population and you will have occasion once more to express your views on all the aspects. It will cover the statement I made yesterday, that we intend to respect the treaties, and if there is a grievance, the way in which we wish to solve this grievance in order to make you satisfied that the grievances have been corrected. It will probably take the form of direct negotiation with those involved, and if we cannot find agreement it would go to a kind of neutral, independent, quasi-judicial tribunal - we will look into that. I cannot say more than that. It will be a policy statement that I will make in six weeks from now. From there we will draft proper legislation. We will ensure that you are consulted at different stages of the proceedings."

Peter Johnston noted that the Minister had indicated that the next round of consultations will be based on negotiation with the Brotherhoods. He believed these should be based on the opinion of the current delegates.

The Minister suggested that he was not committed to any specific course and would consider representations, discuss it with his colleagues and hopefully find a method of consultation satisfactory to all.

Anthony Francis noted that the New Brunswick Indians believed that the treaty and aboriginal rights are of the utmost importance and talking about the Indian Act is of little value unless these rights are protected. He believed that no nation can implant their laws upon another nation unless it is done by treaty and therefore no nation could take away the lands from the Indian Nations unless by treaty based on fair trade. In his opinion this was never done in New Brunswick - the only treaties made were those of peace and friendship where the hunting and fishing rights were promised. These rights were now being violated.

Andrew Nicholas did not believe that the Minister's statement respecting the honouring of treaties was very meaningful. He also indicated that the consultation meetings held in New Brunswick were not meaningful. He believed that their organization meeting on April 12 and 13th indicated this. He was requested at that time to stress this point. He advised that the statements of Mr. Conn and the legal adviser to the Saskatchewan delegates reinforced what those from New Brunswick demanded. He demanded financial resources to obtain the necessary research, necessary counsel, legal and otherwise, to present the realistic and unique position of the New Brunswick Indians. He noted that he wanted to take back to New Brunswick the definite assurance that these funds will be made available so that their interpretation and sentiments will be clearly contained in future demands. He further thought that from here on they must present a positive position. He requested Mr. Conn to make a statement on their behalf.

H. Conn noted that in his previous statement he had tried to give the important points in a short talk. He advised that he would now like to give one or two concrete proposals. In his opinion the proclamation of 1761 created a status quo on the Atlantic seaboard including Nova Scotia. Any settler who inadvertently located there was ordered to move and was strictly prohibited from molesting the Indians. This proclamation took affect until His Majesty's further pleasure was known.

He added that there is now a wide divergence of opinion as to whether this proclamation applied. He believed that it and the proclamation of 1763 did apply. He believed that this was a concrete example which has to be documented and proven so that the New Brunswick Indians may submit a concrete claim. He noted the following two cases as examples of the constitutional rights of the Indians which have not been fully observed, being:

1. In the Natural Resources Transfer Act, Canada recognized and the provinces agreed that in such a transfer of the natural resources there was a definite commitment on the game resources in the form of Indian treaties. He noted that a clause was put in these treaties which guaranteed to the Indian the right to hunt, fish, and trap in all seasons of the year on all unoccupied crown or other lands. He added that this claim, insofar as provincial laws are concerned has been upheld by the Supreme Court of Canada. On the other hand in the application of federal law, the Indian rights as embodied in this constitutional amendment have been defeated on the basis that the BNA Act gave the Parliament of Canada the exclusive jurisdiction over Indians and lands reserved for Indians. He advised that many of the justices of the highest courts have expressed dissatisfaction with the law as it exists.

2. When Quebec was extended to its present boundaries in 1916, there was a definite provision that Quebec would enter into treaties with the Indians on the same terms as other places and that Quebec would pay the costs. He noted that these constitutional rights have not yet been implemented.

He advised that contrary to the belief of many people these were not ancient treaties since the last adhesion to a treaty took place in Saskatchewan in 1956. He believed they were valid and subsisting agreements between the Indians and the Government of Canada from the Royal Proclamation of 1763 to a few years ago. He further believed

that until these rights are substantiated and restored there would remain an atmosphere of suspicion and mistrust.

The Minister noted that the government intended to respect the treaties but there was a problem of interpretation. He believed some mechanics were need to ensure that there was meaningful discussion and a fair settlement. He requested Mr. Conn's suggestions and views.

H. Conn advised that in his opinion these points are underscored by most Indians across Canada by the Migratory Birds Act. He was of the opinion that the dissatisfaction with this Act had been known by the Department for years but no concrete action had been taken or proposals made to correct it. He suggested that the United States should be approached and advised that Canada had a prior commitment in this respect.

The Minister inquired as to how a disagreement respecting land could be solved.

Mr. Conn noted that this problem was out of his realm and suggested that the basis for the meetings were to get the Indians' opinions. He also noted that he had undertaken the first study of the treaties to convince them of their lack of value but ended up confirming their opinion. He believed that with resources, financial and otherwise, a proper study could be made and documented.

Mr. Plain requested one of the solicitors present to define a treaty or guarantee and indicate what the Indian rights are under those treaties.

Mr. Walsh suggested that this could not be done without a large sum of money and considerable time and that the Saskatchewan motion was to effect that very thing. He noted that such agreements and treaties are not that simple in terms of aboriginal rights, and the BNA Act. The problems can be identified but considerable research is required to document and substantiate them. He suggested that the Indians could answer this with financial assistance, even if that assistance took the form of a loan to be repaid from the subsequent settlement.

Mr. Plain enquired from the Minister what his functions are as the Minister. He noted that he recognized the authority vested in the Minister by the constitution and also that where there was an Act of Parliament, then authority to carry it out was necessary. He advised that he had once asked a departmental head when the Indian lands had become Crown lands since he believed they were sovereign lands. The only answer he had received was a pounding on the table and that it was necessary to go by the Indian Act. He also believed that the Indian Act was discriminatory in its essence since it tells a particular people how to live and will remain discriminatory if it continues to do so. He added that he had requested a meeting with the Minister to consider the matter of erosion of his lands; and was advised that a meeting was arranged with a departmental head. He did not want to meet with a departmental head as this was merely a meeting with the entrenched system that has kept his people in the state that they are in.

The Minister advised that he had been appointed by the Government of Canada to be Head of the Indian Affairs and Northern Development Department, and that his responsibilities were to administer the Indian Act and all the relative regulations in legislation, which is done under the name of the Crown of Canada. He further noted that "if I go tomorrow there would be another man who will have to interpret the same law and will be obliged to act under the same regulations. The fact is that you may have an individual which is better than another one in terms of approach. For instance, you know you can have an old or young fellow or speak French or English but the law is the same. I represent the Crown of Canada for this Department and when you talk to me you talk to the representative of all the

population of Canada as far as the Indian Act is concerned. And so I listen to you. You raised two points - the Indian Act is discriminatory and that you will always object to any Act that is directed to a specific group of people. Is it your intention-exactly what you said-when you said that you would not recognize an Indian Act, if it is going to apply to a certain group of people."

Mr. Plain noted that he was leading up to a point - that if there is a necessity for an Act there must have been or there must be a reason for the Act.

Mr. Gros-Louis said yesterday, we want protection.

The Minister: "Yes, but you say if we have an Indian Act, it is going to be discrimination. If we have an Act that apply only to the Indian you say that that is going to be discrimination.

You raised another point that I would like to discuss. You mention that the Indian lands should not be Crown lands but should be Indian land. This means that you don't like that as a Minister of the Crown, that I have a certain responsibility towards the lands of the Indians. You would like to have all the authority on the Indian land in the hands of the Indians and not have the federal government to look after them any more. Is this what you imply?"

Mr. Plain: "If this were so, how would the protection be afforded us?"

The Minister: "By yourself."

Mr. Plain enquired if this would be by an Act to be changed at any time, or would it be afforded in a constitutional manner.

The Minister noted "it would be like any other citizen. As an example if my father gave me a piece of land, I would have the choice of selling it or keeping it, and I would be protected by the law of the land. If I were cheated by someone I would have recourse in court; but if I sold my lands and spent the money so that I had none left I could not complain about anything. I would have decided myself. I would have had the choice - the liberty to make a choice. If you want to end the trusteeship of the Federal Government over your land, I'm ready to look into that."

Mr. Plain requested a clarification of the statement - you are the head of your Department.

The Minister advised that he had been appointed by the Prime Minister of Canada to be the Minister of Indian Affairs and "if he asks me tomorrow to go I would go or if the people in my riding decide that I was not good as a member anymore - and it is possible that they will say so because they tell me that I am not in the riding often enough for I am travelling around the country a great deal because of my Departmental responsibilities - I would go. I represent the people of Canada, today, as Head of this Department. When we consider the problems of the Indian Act he has to interpret that, you know, on behalf of the people of Canada. So the fact that you have one Minister rather than another one is the problem of relations between two individuals or an individual in a group. But legally the situation is still the same. I am exactly in the same position as my predecessor or the Minister of Indian Affairs 10 years ago or 50 years ago -

legally my position is exactly the same. If the Prime Minister were to kick me out tomorrow morning there would be another one who will be exactly in the same position as I. He may be more pleasant or less pleasant. It would be up to you to judge."

Mr. Plain noted that in Toronto the Minister had stressed a time element in relation to certain problems that could be improved with amendments to the Act. He added that he was not familiar with the entire process of amending or revising an Act but that undoubtedly it takes considerable time. He suggested that many of the problems require immediate attention and can be accomplished under the authority of the Minister and do not require an amendment to the Act. He suggested that the Minister and the government acknowledge that the Indian had basic aboriginal, fundamental and human rights and that these be taken into consideration before any kind of legislation is amended or revised.

Mr. Ahenakew noted that the previous day a resolution from the Saskatchewan delegates was introduced, moved by Mr. D. Ahenakew, seconded by Mr. P. Dubois and subsequently tabled. He requested permission to reintroduce this motion.

The secretary reread the resolution of the Saskatchewan Delegation.

The Chairman enquired as to the pleasure of the delegates.

The Minister introduced the following members of Parliament who had entered the meeting - Mr. Howard, Mr. Thompson, and Mr. Simpson.

The Chairman adjourned the meeting for a coffee break. (3:30 p.m.)

The chairman called the meeting to order at 3:55 p.m. and asked if the resolution discussed prior to the break would be adopted.

Mr. David Ahenakew stated that he would like the following added to the resolution and hoped there would be further discussion:-

- (4) be it further resolved that the Government provide to the several committees any research material they may have at their disposal in order to facilitate research projects.

Mr. Max Gros-Louis suggested that the resolution be changed to read Federal Government.

Mr. Peter Johnston requested that the record include his desire to serve the best interests of the people he represented and although he had not been given the authority to do so, he would approve of the resolution. He objected, however, to the appointment of regional committees from this delegation and the National Association. He requested clarification from the Saskatchewan representatives.

Mr. David Ahenakew emphasized that they were pressing for the establishment of a National Committee composed of delegates present at the conference, who would be selected by the Provincial representatives. He stressed that the resolution was not being imposed on anyone, but was a suggestion from his delegation.

Mr. Peter Johnston thanked the Saskatchewan representative for the clarification. He hoped that when the Minister read the resolution, a commitment would be received that every two months the committee would meet and bring to the attention of the Government its findings. This would be a continuing process.

Mr. Andrew Nicholas assumed that the delegation as a whole adopted this resolution.

Mr. Guy Williams noted that his delegation were in agreement in principle but would like to see provincial organizations included and represented.

Mr. Raymond Bruyere also agreed provided the three levels were represented - Regional, Provincial and National. He did not feel that Saskatchewan could represent Northwestern Ontario.

Mr. David Ahenakew stated that the resolution could be altered to include "or Provincial" as they have no authority to direct what each province will do. He hoped that the provinces would not be fragmented and perhaps the larger provinces would have provincial representation and the Maritimes would join together to be represented by one group. There could be a sub-Committee set up from this delegation with one member from each region or province, backed up by the organization of the respective area.

Peter Johnston stated that he was from Northeastern Ontario and represented a huge area, which he described. This was why he wanted his region represented on any committee set up and felt that there were other people in his area who were better able to represent his region than a provincial organization.

Mr. Raymond Bruyere expressed agreement with Mr. Johnston. He did not want Northwestern Ontario left out from having a voice in the meetings.

Mr. Chairman remarked that all present knew what they wanted and that the question had dragged on. He emphasized that something should be done now.

Mr. Raymond Bruyere wished to discuss the matter of legal counsel. There was \$2,000.00 set aside for this purpose. He emphasized that because his organization knew the situation better than anyone else, they should represent their area.

The Chairman requested if a vote should be held and having voted declared the motion carried.

Mr. Peter Johnston wanted it recorded, seeing that the motion was carried, that further clarification was required on No. 3. He enquired as to when the draft budget would be prepared and suggested immediately.

The Hon. J. Chrétien felt that it was up to those who knew the situation best, the Provinces and Regions, to establish the committees.

Mr. Max Gros-Louis gave his assurance that the Quebec Delegation were elected by 42 Chiefs and truly spoke for the Quebec Region. He emphasized that if anything was written in the press on behalf of the Quebec Indians, that the individual's name should not be included without their approval.

Mr. Andrew Delisle felt that now that the resolution had passed, they should get on with the business. He questioned whether an office will be provided at Ottawa to work on revisions to the Indian Act? Would they meet every two months? He suggested that these should be put forward to the Minister immediately and the delegates should go back to the people and draft the budgets.

The Hon. J. Chrétien noted that the draft to the Indian Act is not being made yet. He advised that a policy statement would be made first and then a new Act drafted based on the policy. With respect to facilities, he emphasized that the Federal Government had decided to financially assist Provincial organizations and the National Brotherhood. This had been done and requests have been received for more funds. A formula was being worked out and it was not possible at this time to state when it would be completed. The funds that the Federal Government made available to the various organizations would be used as decided by the organizations. Similarly, if special committees are desired, it would be your decision and no interference on my part would be made. If requests for assistance are made to the Department, he would do everything he can to help; but insofar as their internal

organization is concerned, they must decide for themselves.

Mr. David Ahenakew wished to know if the Minister approved or disapproved of the financial aspects of the fourth paragraph of the resolution. He asked for a firm commitment on the financing of research and suggested that it would be useless to continue with formulating a committee until this was received. He asked if the Minister was inferring that the funds the National Brotherhood requested and for the Provincial organizations was for operation and maintenance of those organizations as they now exist. He noted that the funds presently being requested were for a separate thing altogether.

The Hon. J. Chrétien noted that previously, it was on an interim basis because a formula had not been developed for financing the provincial and national organizations. However funds would be made available under a formula after it has been developed. What use the funds were put to would be up to each group.

He further noted that the question of legal assistance and advisors had been discussed before, for example, in December when the National Brotherhood met at Ottawa. The formula that was to be presented to his colleagues covered all these aspects. He re-emphasized that priorities must be decided by the organizations. He suggested that perhaps they might raise funds themselves and remarked that he was aware that some Indian Associations will not accept financial assistance from the Federal Government. A formula was required in order to ensure that these organizations are maintained. He stated that a certain amount of money would be turned over to them, and they would have access to Provincial help and other organizations in Canada. It was the Association's decision to set priorities.

Mr. Andrew Delisle expressed the desire to back up the representative from Saskatchewan. Although the Provincial organizations received assistance, the present discussion concerns funds to reconvene this group at a future date. He felt they

could not operate unless the Government helped and wanted a definite answer so that they could reconvene in two months time without having to be concerned about money. He felt that the Government had not provided legal advice and sufficient financial assistance, except at the Government's decision. Financial aid was necessary in order for them to procure independent legal assistance.

The Hon. J. Chrétien asked if Mr. Delisle was speaking as the President of the Provincial Brotherhood of Quebec or as a delegate. He noted that at the end of this meeting, certain associations will still require assistance and inquired as to what was the intention in this respect. He was committed to more consultation and felt it was a wise thing to do.

Mr. Andrew Delisle felt that too much reference was being made to associations, and asked why not refer separately to each Chief.

The Hon. J. Chrétien emphasized that he must either recognize the associations or not recognize them.

Mr. Harold Cardinal enquired if the financial aspects were considered when the Federal Government decided to implement the B. & B. recommendations. He suggested that the Minister examine the resolutions and see what was behind them. There should be little discussion about budgets and they should not try to mix up budgets with specific projects. He felt that the Minister was telling them how to use their funds and, in Alberta, they were not prepared to use budgetted funds for this purpose. He added that specific funds for consultation, as outlined in the resolution, were being requested.

Mr. Peter Johnston fully supported Mr. Cardinal's resume and felt that the Minister had committed himself to the Provincial Organizations and was not fully aware of the significance until today, as were the delegates. There was no previous provision for this type of request. He enquired as to what vehicle could be used to settle the problem.

The Hon. J. Chrétien advised that when they met in December, in a different capacity, representation was made to him for financial arrangements to hold this conference. He agreed that they should receive assistance at that time. Now, he understood them to say that they are forming a different association.

Some delegates advised that this was not the case and asked who came here in December?

The Hon. J. Chrétien advised that it was a meeting of the National Brotherhood and representatives of all the Provincial Brotherhoods were invited for a week-long meeting. He added that many of those present today were at that meeting in December. The Hon. J. Chrétien noted that previously, it was on an interim basis because he understood that efforts were being made to establish something different. A formula had not been developed for financing the provincial and national organizations.

Mr. Harold Cardinal explained that the money requested in December was for administration and operation and to support things discussed at that time, but the funds being referred to now were for the consultation process. He further noted that the question of legal assistance and

The Hon. Chrétien asked by whom, the Indian Brotherhood, or this group?

Some delegates indicated it was by this group.

The Hon. J. Chrétien stated that he would study the resolution and inquired about the problem of the Brotherhood and the provincial associations.

Mr. Dave Courchene hoped that he could clarify the situation as Vice-President of the National Organization. It was their intention to organize on a national basis without including the provincial organizations, unless they so wished. It was the Association's intention to request funds from the Federal Government as financial assistance was required for organizational work, offices, etc. The present issue concerned special funds for a special project - to research the various misunderstandings and misconceptions. As a special project, special funds were being requested apart from the requirements of the National Organization, as funds were

also required for the National Organization and the Provincial organizations. These latter funds would be required until such time as other resources can be found as the Indian communities develop and commitments are received from areas other than the Federal Government. He noted that it was stated at the beginning of the session that this was a national meeting of representatives selected by the people in the consultation meetings. He hoped that the Minister understood that this was a special project requiring special funds separate from the requirements of the National and Provincial organizations.

Mr. Fred Plain reminded the Minister that he had said it was their meeting and wished to hear from the delegations and had done so. He suggested that after coming up with a valid proposal for their betterment, it was not possible for the conference to get a direct answer. The delegation had formulated a proposal and agreed to a method of continuing the efforts to solve their problems. He noted that at one point they were told "this is your meeting" now it was "We arranged this, and this is the end of it, who are you, who are these delegates". He emphasized that all were elected representatives and wished the Minister to recognize what they had said.

The Hon. J. Chrétien with respect to public relations, he noted that some funds had been spent but he felt it was important that the Canadian Public be made aware of the different confrontations and the expenditures on public relations ensured that the Press and T.V. people were aware. It was not to hide anything. It was to permit the proceedings to be reported in the press and to the public and it had been successful. Since this approach had been adopted, the public was more aware of the Indians of Canada. The expenditure of a comparatively small amount of money had successfully put their case in the public mind. This was stated in the House of Commons and he was not reluctant to ensure that the people of Canada were aware of what was happening at the meetings.

Concerning the second point, the Minister felt that this was a new proposal. His understanding was that they had been elected to come to Ottawa for the last consultation meetings. Now he was told that the meetings were to continue and these delegates would be the people who would represent the Indian people. He also noted that this group was different again from the Provincial and National Organizations. He felt that he must reconsider relations between the Government and the Indian people since Provincial and National associations had been formed and recognized, financial assistance was requested for facilities, expertise and research, and a formula was being developed to assist these groups. Now, it appeared that a different association or set up was requested for the consultation.

Mr. Harold Cardinal advised that it was his understanding throughout the consultation meetings that this was a preliminary conference and not the last meeting.

Mr. Andrew Delisle explained that they wanted to run their own meetings on consultation and then go back and see what the people wanted.

The Chairman advised that it seemed to him that the delegates wanted the Indian people themselves to handle the second round of consultations and wanted the necessary finances to carry out the consultations.

Mr. Forrest Walkem explained that he attended the December meetings and the question now is - who speaks for the Indian people? He advised that The National Brotherhood reported certain grievances to the Minister and requested funds. The Minister now asked with whom he was dealing - yet when these meetings were called, he did not go through the National Brotherhood but dealt directly with the people with the result that representatives were now assembled. It was his understanding that the Minister wished to dissemble the meeting and deal with the National Association. The National Association does not include Quebec and does not have the unqualified support of all the Indians of Canada.

He further explained that by the Minister's own initiative, a parallel organization was created by calling representatives directly from the first meetings. As a result of dealing directly with the people through consultation with Bands and other groups, a representation was produced here that is more truly representative of the Indians of Canada than any previous association. This representative body has decided that for the sole, unique purpose of articulating and presenting Indian claims concerning rights and treaty rights and its position concerning the Indian Act, that the delegates perpetuate this assembly and conduct research. This he understood was what they were invited here to do. He felt that to turn around now and deal with the National and Provincial Associations was assuming other direction. He could not understand why the Minister was surprised to find that they wanted to continue. They were invited to find out what the people wanted but they did not have enough answers yet. Therefore the Minister should not be surprised to hear that more time and money was required.

The Hon. J. Chrétien reiterated that the establishment of new policy will be proceeded with and there will be further consultation. He believed that after the establishment of the new policy, the delegates wanted him to continue dealing with this group. During the first round of consultations, when out in the various areas, he had said that there would be further consultation. Now as he understood it they wanted to stay together and be the representative body for consultations in the future which seemed like a new situation which would be considered.

He added that it had always been his view to help them to get organized, to enable research, and legal aid to settle the problems concerning the treaties. Now it appeared that the delegates claim this is something apart from previous discussions. He did not think it possible to provide separate funds to different organizations to accomplish the same job. The same work could not be done at two levels. If it was desired, the matter could be referred to the Provincial Associations.

Mr. Harold Cardinal enquired whether this was a threat to the organizations for not answering the 34 questions.

The Hon. J. Chrétien assured the delegates that it was not a threat and that he was prepared to provide funds for the purpose requested in December, but now he was requested to provide these funds to the present representatives, which they claim is different from the others. This would have to be considered as resources provided could not be duplicated.

Mr. Max Gros-Louis felt that during the consultations, many of the Indian people did not understand what was going on. They had to go to each Band and explain and find out exactly what they wanted. It was essential that the consent of all the Indian people in each Band and legal advisers who are familiar with Canadian Law be obtained. He explained that when an Indian said "yes" it sometimes means yes but at other times it means no. They required legal advisers to say "yes" that meant that; and "no" that meant no. The Association did not have the funds for this purpose and that this body wanted to give the Indian people what they really want in the Indian Act.

The Hon. J. Chrétien agreed with Mr. Gros-Louis' sentiments and remarked that during the first round of consultations many came to him on behalf of provincial associations for funds to consult with the people at the Band level and he approved. He was prepared to do the same thing for the second round. But now there was a request to do the same type of thing from this group. He enquired as to the position if Mr. Gros-Louis requested funds today for this group and tomorrow made the same request on behalf of the Quebec Association. The problem being faced now in his opinion was the possibility of the duplication of effort and finances.

Mr. Max Gros-Louis remarked that Indian Affairs must realize that about 90% of the Indian people do not understand the Indian Act. They must understand

the Act in order to determine what they want to keep and what they want to change. This required money and it must be a special fund to improve their capacity to make these decisions. The Quebec Association must go throughout the reserves on a different special mission. He emphasized that the Quebec Association had done good work until now and was prepared to assume the responsibility of consulting with each Band if funds were made available for the purpose.

Mrs. Mona Jacob wished to emphasize that they were here as an elected body separate from other organizations. In fact, she noted that not all the people are represented by Provincial Associations. This body was representative of the people; was a special body for a special project; and required special funds. She failed to understand why this was not clear.

Mr. Andrew Delisle stated that he would not be referring to organizations as such and wanted the resolution and the position of those present established and understood. He noted that some of them do not belong to organizations and therefore wanted this group to be recognized as representing the Indian people for this purpose. They wanted the Department to hear what they had to say and wanted an answer as soon as possible. He realized it was difficult but an answer was required.

The Hon. J. Chrétien remarked that this had been a good discussion and he wanted it thoroughly reviewed because it was quite important. He understood that they wanted to be recognized permanently for consultations on the Indian Act. He believed this was important because it was not what was intended or explained during the consultations. He appreciated that now they wanted this organization to become a permanent spokesman for the Indian people and noted that this feature must be kept in mind as the implications were great and he wanted to be sure of their intentions.

Mr. Andrew Delisle stated that this committee did not say it would be the official spokesmen of the group but rather it was going to be the working committee.

The Hon. J. Chrétien advised that he would study the resolution.

Mr. Forrest Walkem felt that what they wanted to do was draft a "Choosing a Path" but the shoe would be on their foot - they wanted to do it themselves and at the Government's expense. He felt that they could draft the Indian Act.

Mr. David Ahenakew expressed the hope that the consultations would continue and there would be no duplication of services or funds. He believed the 34 questions, was a mechanism to channel the Indians into a position to say that they were consulted. What they were asking for was a commitment from the Minister for a special project - a research project. The Saskatchewan people would not deal with the Indian Act until more research was made into their rights. He indicated Medicare in Saskatchewan as an example and said that it was going to the Supreme Court. The Manitoba organization had submitted a budget to show what it was attempting to do but it was not enough. He asked if the Minister was going to recommend their proposal or not? Did they have his support or not?

Mr. Guy Williams advised that on behalf of his organization, he appreciated the Minister's presence and interest. In 1946 when the first revision to the Act was commenced, the conditions and way of life of the Indian people was very bad. That revision had bettered the lives of some of the people but it did not answer the need of the Indian people to get into the mainstream of the new society. He expressed his appreciation to the Minister for appearing and speaking to this convention. He remarked on the changes in society since 1952 that have been forced upon them but believed the Indian Act of 1952 was totally inadequate. He thought an absolutely new approach must be taken if the Canadian Indian was to enjoy the privileges and resources of this country and a great deal of effort and money must be made available. The Indian people in B.C. and other places are in a state of confusion, as a result of the various changes made by various levels of government.

He recalled a Dr. Kerwin who stated to Indian Affairs that the Canadian Indian had been so brow-beaten that he could not get up and make his voice heard. He felt that all his brothers were in agreement across Canada. If money was required to better their lot and get into society, then it was the answer. It will clear the way for them to talk directly to the Government.

Mr. Peter Kelly advised that there had been many methods used in dealing with Indian people including suppression, divide and rule, exploitation. This was a satire on human rights. He emphasized the need to do protective research for themselves.

Mr. Max Gros-Louis stated that several Indians from other provinces did not belong to the National Brotherhood and he believed the Minister had recognized the National Association as the spokesman for the Indian people. This was the confusion that existed.

Mr. Ernest Tootoosis wished to discuss Indian aboriginal rights, legal rights and treaty rights while the Minister was present. He noted that Great Britain had agreed that treaties could only be made between Nations. The Indian people had agreed to be a Nation within a Nation and they have sovereign rights. That was what was agreed to. Canada had no right to sign any treaties. Canada had no right to abrogate any treaties and they must get the Government to live up to the treaties and use language that they understand. If the Government was for an honest and just society, they must take that stand.

Mr. Omar Peters mentioned that he had attended several meetings over the years and went through the same thing. However, he felt good about this meeting because all the delegates were saying the same thing. He remarked that the Government wanted to hear what they were saying and felt that it could not be put any plainer.

They wanted to continue the consultations. The delegates had come to the conclusion that this was a most solid group of Indian people and wanted to continue on this path.

The Hon. J. Chrétien advised that he appreciated the situation very well and that he was very happy with the meetings. Consultations were held in all the Provinces and the problem he faced now was similar to the one faced in December when the National Brotherhood made requests. He remarked that this was the best national meeting that had been assembled yet, because all the Indian people are represented and all the Provinces and Associations. He believed that the resolution to keep the consultations going was quite valid. He had put some questions to the delegates for clarification and they had passed a resolution. But he could not answer right away. It was not possible to make a decision on the spot and it would not be responsible on his part to do so. He must give consideration to the resolution. He would look into the matter but could not say if he would be in a position to comment further the next day. The way it had been explained, he understood that they wanted to carry on, and wanted the Department to help out. He thanked them for answering the questions and advised that he would probably report to them tomorrow.

The Chairman thanked the Minister for his comments.

Mr. Andrew Delisle added that he would like to emphasize that the Minister consider the decision. If the people of Canada were really sincere about clearing the air for the Indian people, now was the time. He thought that the Minister should come back with guarantees of financial help. He felt that if the treaties were properly settled, the Indian people would have their own money for meetings.

Mr. Joseph Mathias suggested that as a result of the discussions that this

portion of the meeting be copied in the minutes and be made available to the Cabinet and the Parliamentary Committee dealing with Indian Affairs so that they could read the essence of what the Indian people wanted to do.

The suggestion was altered to a motion and was passed.

Mr. Andrew Delisle introduced Mr. Ian Watson, M.P., Chairman of the Parliamentary Committee on Indian Affairs.

Mr. Ian Watson thanked the delegates for the opportunity to speak. He added "I would like to say what the committee plans to deal with in the remaining time that we have left before the estimates of the Department are taken into the House of Commons. It is an automatic process now. At the end of May the estimates will go back to the House of Commons. However the committee has also had the annual report of the department referred to it and this will allow it to continue to sit on questions of concern to Indian Affairs in the month of June. If we decide to visit reserves during the summer we would be entitled to do this with the report before the committee. While we are considering the estimates we have decided to concentrate on a few items which are of major concern to the Indian people of Canada. Housing and education are two items which we hope to get into in some depth during the month of May.

We got into the question of Indian employment last autumn. It is my personal view that a lot of the problems that we have throughout Canada relating to our Indian people, are directly concerned with the fantastically high unemployment rate. It is a disgraceful situation and the committee felt that by concentrating some attention on this terribly high unemployment rate that we could perhaps encourage

industry to do more about solving the problem. Certainly we intend to bring additional pressure on the government to contribute toward solving this problem. It has to be a joint industry, government initiative but we, as a committee, would like to hear suggestions from your representatives about what you feel are new initiatives which could produce results in the area of employment, in the area of education, which is really related to employment, and we'd also like to hear criticisms of the housing program. There are so many aspects which need considering that we felt obliged to restrict ourselves to those we considered the most important and I thought you would be interested in knowing that the Committee is going to be considering these items during the next month.

We have found these consultations useful. When the Claims Commission Bill comes before the Committee and the committee's mind is open how are we going to be able, as a Committee, to hear the views of people across Canada on it and if the Indian Act is brought before us at some later date, how are we going to consult properly with the Indian people. How is our Committee going to consult? Now we need your advice on this because it may only be through a group of people like yourselves to obtain proper consultation because there are well over a thousand, I guess it is over 2,000 bands, in Canada and it is physically impossible to consult with everyone. So we've got to decide on how we are going to do the consultation. It would seem to me that a reasonable approach to this consultation should be worked out through a group such as yours. I would hope if any of you individually here today have particular ideas on this subject, that you could communicate with members of the Committee and with myself and we will try to work out a procedure so when these things do come before the Committee, that we will have a procedure available for consultation with as broad a segment of our Indian population as we can reach. We will certainly be prepared to go across Canada, and in fact, we will expect other

people to come to see us. But even doing this we are not going to hit that many people unless we have a full system worked out. With those words I would like to thank you, Mr. Chairman, for allowing me to say a few words. Thank you very much gentlemen and ladies."

Chief Max Gros-Louis thanked Mr. Watson for appearing and for his comments.

Mr. F. Glynn, at the request of the chairman, explained the administrative details respecting the additional expense allowance approved by the Minister. In answer to a question he advised that the hotel had indicated that the room rates quoted would stand and there would be no reductions.

The Chairman advised that there would be an official opening of the Handicraft display in the adjoining room at 6 p.m. He then declared the meeting adjourned to reconvene the following day at 9:30 a.m. (5:45 p.m.)

Friday, May 2, 1969

The Chairman declared the meeting in session (9:55 a.m.) and asked the delegates whether the legal advisors should be included in the mailing list of the minutes of the Conference. Thereafter it was regularly moved and seconded that the consultants and legal advisors get copies of the minutes of the assembly. The question having been called, all the delegates voted in favour of the motion.

Mr. Fred Gladstone said that he, as a single delegate, represented the largest single group of Indians in Canada; he felt honoured because of the trust having been placed in him by the Blood Indians. He said that Indians of Alberta had differences of opinion among themselves but they had put these differences aside in order to participate in this Conference. He felt that this Conference, which could well direct the future of the Indian people, would achieve the same unity among the Indians of Canada that the Indians of Alberta had achieved among themselves. He appealed to the delegates to take Chief Delisle's advice concerning this unity and the establishment of a National Committee. He said that he was very happy that so many young people took part at this Conference because their education would well combine with the wisdom of the older delegates. He also congratulated Chairman Manuel for the way he had been handling the meeting and how he had translated Mr. Gros-Louis' speeches.

After having thanked Mr. Gladstone for his remarks, Chairman Manuel asked Mr. David Courchene to inform the delegates about a telegram which he received on Thursday.

Mr. Dave Courchene told the delegates that this telegram was from their National President, Mr. Walter Dieter. He mentioned that Mr. Dieter had been doing a lot of travelling to get financial resources needed for the National Indian Brotherhood

and it was because of the tragic event which took place in his family that he was unable to attend this Conference. He then read Mr. Dieter's telegram. (See Appendix H).

Having been asked by Chairman Manuel, the delegates unanimously agreed that each of them should receive a copy of Mr. Dieter's telegram. Chairman Manuel then called on the B.C. delegation to deal with their policy statement.

Mr. Joseph Mathias Joe explained that the B.C. and Yukon delegation had prepared their proposals in addition to the policy statement which they wanted to be presented at this time. He explained that the Indian people in B.C. had a difficult position because of the absence of any treaties. He then asked their legal advisor to read a document entitled "Presentation to the National Conference on the Indian Act by the British Columbia and Yukon Delegation", dated May 2, 1969. Mr. Paul Reecke then read this statement. (See Appendix I).

Mr. Andrew Delisle said that he wanted to speak on the resolution which was presented on the previous day by the Saskatchewan people in response to the remarks made by the Minister of Indian Affairs. He felt that there was some concern on the part of the Minister as to the promises of financial aid to various Indian Organizations made during the discussions on the Indian Act. Mr. Delisle said that the Minister had formally promised finances to the National Indian Brotherhood, to the provincial organizations and to various bands and groups. He thought that the Minister was now concerned that the delegates to this Conference were just another group of people who were asking for funds at the time after he had already promised funds to the other groups. He then asked whether it could be possible for another group or groups of Indians to come along and say that the delegates assembled at this Conference did not really represent their group or groups. Mr. Delisle wondered if the provisional executive of the National Indian Brotherhood which was also only

a provisional organization would consider asking the Minister or asking themselves to withdraw their request for funds in order to recommend that this Conference, as represented by the National Committee proposed by the Saskatchewan resolution, be the group to handle the discussions and consultations. If this could not be done, Mr. Delisle suggested to the delegates to use the National Indian Brotherhood as the group to lead discussions, make recommendations and be the working committee to consult on the Indian Act. He felt that this whole question had to be straightened out among the delegates in case that the Minister asked these questions.

Mr. Wallace LaBillois stated that he would like to ask the Minister this morning whether he would send someone from his Department to Washington today to see if the American Government was willing to sit down and renegotiate the terms of the Migratory Birds Convention Act. He suggested that he could send his Deputy Minister or could go himself; this would be the positive action that the Indians wanted. Mr. LaBillois explained that if the Minister were to do this, then he himself could go back to his people and tell them that the Government was going to do something positive. He concluded his remarks by requesting that this message be immediately sent to the Minister at the House of Commons.

Having been advised by Chairman Manuel that in order to take such a step, a motion was needed, Mr. LaBillois, seconded by Mr. David Ahenakew, moved that the Minister today send someone to Washington to sound out the American Government to see if they were willing to renegotiate the Migratory Birds Convention Act. The question having been called, all delegates voted in favour of the motion.

On Chairman Manuel's request, a member of the Alberta delegation introduced to the delegates, Dr. Paul Yewchuk, M.P. for Athabaska.

At 10:30 Chairman Manuel adjourned the meeting.

The meeting reconvened at 10:40 a.m., after the mid-morning break.

Mr. Andrew Delisle moved that discussion of new items be delayed until those items already presented have been finalized.

Mr. Joseph Mathias realized that priorities must be set and agreed that the Saskatchewan delegation should receive priority.

The motion was seconded and passed.

Mr. Peter Dubois introduced the Member of Parliament for Regina - Lake Centre, Mr. Les Benjamin.

Mr. Les Benjamin wished the delegates success and was impressed with the proceedings. He urged them to keep pressing and fighting.

Mr. Fred Plain realized that the Minister may be very busy and requested that the Honourable Robert Andras attend the meetings while the Minister was not present. The motion was passed and Mr. Plain was requested to arrange for Mr. Andras to be contacted.

Peter Johntson felt that the subject of unification and the construction of a group to represent the Indian Delegations was good. The premature approach by the National Association for funds has caused confusion. He attempted to clarify the situation by stating that the funds were not requested for a specific reason. Saskatchewan's proposal had never been introduced before so it was not the reason. Administrative, development and unification funds are required and is separate from the Saskatchewan submission. If there is some overlap, this must be clarified before any progress can be made. He suggested that Mr. Dave Courchene might clarify these points.

Mr. Ed Bellerose supported the Quebec motion. He believed it was important at this time not to get hung up on organization. The problem was related to treaties and not organizations and this was what his people were concerned about. Since the time of the treaty, his people had been insecure. Although they thought the treaties were okay at first, the Indian Affairs Department created conflict and separatism between people which resulted in a lack of communication. The treaties were violated and today Indian people were paying for their trapping rights and they are harassed by Game Wardens. Thirty years ago a fine nursing station was provided and the medical promises were kept. However, during the last few years, the nurses refer the people to High Prairie and they have to pay their own bills. Sometimes if it can be proven that one is indigent, the Branch will pay the bill. In his opinion lands had been lost and research of the treaties was required. He referred to Education, the drop-out rates, the confusion of children being assimilated and the fact that schools were promised for the children, ammunition for hunting and lines for fishing were to be furnished but in some places children spend 11 hours away from their homes by taking the bus to schools.

Most important of all is the relationship with Indian Affairs today, where there is misunderstanding, paternalism - we are treated like little children.. The original treaties and the Indian Act are different and the administration moved in and created a monster administration that is confusing. The Indian people want security, the treaties honoured and then attitudes will change. Education and aspirations will go up, mentality and health will change. He believed the whites wanted to control the people so that they would have no ability to think for themselves or have aspirations. He thought it essential that the Indian people unite and not get hung up on organizations.

He noted that there are people who are very insecure in their conditions. Skills were required years ago to hunt and skills of another type are required today.

The Government in the past made them insecure. Although they were not to jeopardize their way of life, it is done - it is sometimes necessary to beg in order to hunt, sell something from the reserve, or receive medical needs. He thought that the whiteman must realize what the treaties mean to the Indian people. Give the Indian people the money and they will do the job and bring back the real feeling of the people. He stated that they should not get hung up on organization. The special project is a very dear one to the people.

The Chairman requested speakers to condense their remarks and confine their remarks to the point because of the limited time left.

Mr. Andrew Delisle moved that the National Committee be formed immediately to start the work mentioned by various people. The National Committee would keep everyone informed of what was going on, such as informing Quebec of what British Columbia was doing. He noted that the hunting and fishing brief cost them about 6 or 7 thousand dollars which does not include the free time of the various chiefs as it only covered the costs of one student and the legal fees. He moved that a National Committee be appointed by this delegation noting that the rights of the Provinces will be respected and will be worked out in the By-laws. He stressed that the Committee must be formed as soon as possible.

The Secretary noted that it had been moved that a National Committee be formed immediately to get the work started.

Guy Williams felt inclined to go along with the Quebec motion. Although with deep respect and sympathy for Mr. Dieter, he had come here with a great deal of criticism for him and could not convince his organization to become a part of the National Indian Brotherhood. He interpreted the motion to mean that the National Committee be formed for the purpose of finalizing consultations, leading to revisions of the Act according to the treaties.

Mr. David Ahenakew felt that the difference between aboriginal and treaty rights should be made clear. He felt they should stick to treaty rights because everyone had rights and some here did not have treaty rights.

Mr. Dave Courchene stated there was great concern today. Not necessarily about the National Brotherhood set up by the Provincial leaders, many of whom were present, but more concerned that the research may get bogged down. He concurred that a mechanism be established to continue after the meetings are over. He suggested that the meeting adjourn, break into Provincial groups and make decisions about delegates to the Committee. They could return after dinner and decide which way to go. He advised that the Manitoba representatives would sit in with anyone to decide a realistic approach. If necessary, new methods would be found. He felt that there was a better chance to arrive at decisions if this were done.

The Chairman felt that this was a little different from the regular motion but quite similar.

Peter Dubois endorsed the motion.

The Chairman having put the motion declared it carried. He mentioned that Mr. Courchene's suggestion was in order and they could decide who would be on the Committee. He wondered if they should consider heads of provinces rather than organizations.

Mrs. Mona Jacob suggested a National Committee be set up leaving administration to the National Brotherhood. They must maintain communications and felt the National Brotherhood could do this as they have an office. If necessary they could join the National Brotherhood on an individual basis.

Mr. Guy Williams was of the opinion that the suggestion made by Mr. Courchene was the right move. After the Provincial people get together and discuss the problem, they can return and appoint a committee with representation from the provinces. One thing has been accomplished from this conference, they were working together as a provincial delegation and was sure that others were doing the same. He felt that they should not overlook a good suggestion.

The Chairman advised that the Minister without Portfolio, Mr. Andras, had arrived.

Mr. Andrew Nicholas felt that Mr. Courchene's suggestion was good and they would like time to sit down with the delegates from Nova Scotia and possibly Quebec to discuss the proposed Committee. He realized that time was important and if they could adjourn until 1:30 p.m., they could return to discuss the decisions that were reached.

The Chairman asked if it would be more convenient to arrive at some conclusion about how the National Committee should be set up.

Mr. Dave Courchene moved that the meeting adjourn into Provincial Delegations and set up a committee in any form.

Mr. Wilmer Nadjiwon suggested that there was no reason why the total assembly could not be adopted as the National Committee with Provincial Sub-Committees for the National Assembly.

The Chairman suggested that this could be suggested to the delegation. It was moved that the meeting adjourn and reconvene at 1:30 p.m. The motion was carried.

The Chairman, Mr. Manuel declared the assembly in session. (2:00 p.m.)

Mr. Dubois said that the assembly had for the past few days expressed a strong desire to be united. Furthermore, the assembly wished to form a committee to carry on research, to be completely autonomous and to handle funds from Parliament. He stated further that it was clear that the National Indian Brotherhood was only provisional, and would require some revamping to be completely representative. However the assembly must continue to show to the people of Canada that the Indian people were united as one body. Mr. Dubois then read a Resolution proposed by the Saskatchewan delegation, "Be it resolved that:

- a) The proposed national committee be established
as an independent, autonomous, ad hoc committee
of the National Indian Brotherhood. The national
committee would be authorized to use the facilities
of the National Indian Brotherhood, but would be in
no way subordinate to the National Indian Brotherhood.
- b) The proposed provincial committees be established
in the provinces by the provincial organizations.

Mr. Andrew Nicholas suggested that it would be advisable to table the Saskatchewan Resolution until such a time as the Preamble given by Mr. Dubois could be attached to the Resolution.

Mr. Dubois then submitted a proposed Preamble which the secretary read as follows:

"This delegation has now for the past few days expressed a strong desire to be united, and want to form a committee to complete our work; and to be completely autonomous and free to handle the grants of money from Parliament. It is also clear that the N.I.B. set up in December of

1968 is provisional only at this time and requires some revamping to make it completely representative, but must be continued to show the people of Canada that we wish unity and continuity of our Act.

Therefore the Saskatchewan delegation have a resolution we feel will justify these wishes;"

Mr. David Ahenakew asked the assembly if they wished to attach the preamble to the Resolution.

Mr. Conn indicated that the Prairie provinces were the largest region listed and were, in the interests of the unanimity of all Indian people, prepared to give up their pre-eminent position and accept one representative on the regional committee. Therefore, perhaps the assembly should consider deleting the figure of 90,000 in the second part of the Saskatchewan Resolution with regard to representation.

Mr. Nadjiwon supported Mr. Conn's comments and reiterated that it would be very important to say that the representatives to the present assembly chosen on the basis of one for every 5,000 Indian people should be called together from time to time to consult and give advice to the committee of 6 when a wider representation was required. He felt that representation of provinces and organizations in different areas would give a wider base to a committee of 6.

Mr. Dubois said that the Saskatchewan delegation would be prepared to omit the reference to the 90,000 people.

Mr. Allan Lueck, the Legal Adviser suggested that the present assembly should remain as constituted, until the Indian Act has been passed through the House of Commons and that the National Committee proposed, should be selected from the present assembly. He said that it would be unwise to set up another autonomous National organization because the Minister had already recognized the National

Indian Brotherhood as a means of communication to the Indian people on a national basis. He said Parliament would wonder if the Indian people really has a unified voice.

Mr. Nadjiwon said that he represented a regional body of people and was therefore subject to election. He said that the present assembly could be named as the body and alternate delegates could then be named.

Mr. Allan Lueck said that if the present assembly was called again to assist the National committee then it should have the same number of representatives from all the areas across the country.

Mr. Walsh agreed and said that the 6 member National Committee having compiled a draft of the Indian Act would then convene the present assembly again for suggestions, additions or amendments on the basis of one representative for every 5,000 people.

Mr. Guy Williams said that every province should submit their reports before the assembly proceeded to appoint or elect a national committee. He said that in the British Columbia Yukon delegations' discussions, they were of the opinion that everyone assembled at this National Conference should become the National Committee since it represented every Indian person-especially since there were areas of unorganized and uneducated Indian people. He suggested that the assembly should be recalled by the Minister of Indian Affairs. He also said that the Department prior to the present meeting, should have called a provincial consultation in British Columbia.

Mr. Allan Lueck wondered how a National Committee the size of the conference could co-ordinate different provincial and regional groups. He said a small flexible group representative of the present assembly could only do this.

The Chairman, Mr. Manuel, then suggested the assembly hear all the rest of the positions from the other provincial delegations.

Mr. Cardinal said the Alberta delegates felt the same as Saskatchewan.

Mr. Courchene said that Manitoba agreed with Saskatchewan.

Mr. Kelly said that Ontario delegates agreed with the Saskatchewan Resolution.

Mr. Delisle said that the Quebec delegations' position was the same as Saskatchewan.

Mr. Nicholas said that Manitoba agreed with the Saskatchewan position.

Mr. Manuel said that the Northwest Territories, although absent would agree with the majority position.

Mr. Manuel said everyone seemed to agree with the Saskatchewan Resolution.

Mr. Don Moses said that the British Columbia delegation would be in a position to choose a member for the National Committee when they had returned to British Columbia and when they could call a Chiefs' Conference.

Mr. Manuel then called for a vote on a Resolution and it was carried unanimously.

Mr. Delisle on behalf of the Quebec delegation thanked the Press and the News media for being so co-operative.

Mr. Dubois then read part of the Saskatchewan Resolution with regard to representation on the National Committee.

"Be it resolved that:

The national committee be composed of one representative from the following suggested regions:

- 1) The prairie provinces.
- 2) British Columbia and Yukon.
- 3) Quebec.
- 4) Ontario.
- 5) Maritimes.
- 6) Northwest Territories.

with the chairman to be selected by the committee.

The Resolution was seconded by Mr. Max Gros Louis and carried.

Mr. Guy Williams stated that the majority of the British Columbia delegates had abstained from voting until they had confirmed representation in the National Committee with the British Columbia Chiefs, although they were not against the Resolution.

Mr. Gosnell supporting Mr. Williams' comments said that he represented 21 bands and that it would be difficult for them to meet, even at a provincial level because of seasonal employment.

Mr. Walkem said that the British Columbia chiefs might ask for 10 representatives on the committee.

Mr. Nicholas said that he and Mr. Gosnell represented 2/3 of the British Columbia Indians but that the southern Indian people should also be able to express their views.

Mr. Delisle asked the British Columbia delegation if they might reconsider their position and appoint someone who could represent them temporarily. He said that it was important that everyone on the National Committee be appointed so that they could get to work immediately. He said delegates to the National Committee could be changed if they are not doing a proper job.

Mr. Walsh commenting on the legalistic intent of the Resolution said that the 6 member National Committee was merely a sub-committee of the whole assembly present, and that this committee would simply co-ordinate the information into a single draft. The main work would be done at the provincial and regional levels. The complete draft of the National Committee would then be presented to the present assembly. He reiterated that the National Committee was merely a co-ordinating body, perhaps initiating research, and not a policy body which would accept all the information sent to it from the regional levels, and co-ordinate the information into a draft for the next meeting of the assembly. He said that these things should have been done a year ago.

Mr. Mathias said that the British Columbia delegation would support the motion and appoint a provincial delegate until such a time as they could confirm the delegates' position with the British Columbia Indian people.

Mr. Guy Williams suggested that the National Committee should be a committee under the present assembly.

Mr. Kelly said that Ontario might like to have further seats made available as well.

Mr. Paul said that they seemed to be getting hung up on representation in this assembly. He suggested that the conception of National unity seemed to be expressed among all the Indian delegates at the assembly and that the assembly should now take a position of trust in the leaders that they had elected. He said the national sub-committee would co-ordinate, while the National assembly would provide the representation.

Mr. Allan Lueck said that the proposed Resolutions had not dealt with the regional committees and that this was being left up to the different regions and provinces. He said that it would require hard work in some areas and a formation of strong provincial organizations.

Mr. Nadjiwon supported Mr. Paul's statement and moved, duly seconded, that they express that "We express unity and support unity". He suggested the meeting recess and the provincial delegation appoint their representatives to the National committee.

Mr. Bellerose said that he supported the motion that established this new working foundation.

Mr. Beaulieu, the secretary, suggested that the minutes and resolutions would take a while to get to the delegates since there was quite a bit of work involved.

Mr. Guy Williams wondered if this was a sub-committee resolution or a National Conference resolution but in any event supported the motion. The motion was carried.

The Chairman suggested that someone should stay and compile the briefs and submissions and that such a person be given financial support.

Mr. Courchene said that Mr. Beaulieu had other commitments with the Manitoba organization but suggested that the National Committee should be responsible for getting the material out to the delegates.

The meeting then adjourned for coffee at 3:00 p.m.

The Chairman called the meeting to order and enquired if the various regional delegations had chosen their representative for the sub-committee to be established.

The approved names were submitted as follows:

The Prairies (Alberta, Saskatchewan, Manitoba) - Mr. Peter Dubois

British Columbia and the Yukon - Mr. Philip Paul

Ontario - Chief Wilmer Nadjiwon

Quebec - Chief Andrew Delisle

Maritimes - Mr. Andrew Nicholas (Jr.)

Northwest Territories - Mrs. Mona Jacob

The Chairman then noted that the British Columbia paper, being the one introduced by the solicitor for the Squamish Band containing 25 points, had been tabled and the delegation requested it be reintroduced for ratification. They requested a mover and seconder for such a resolution.

The motion was moved by Mr. Gosnell and seconded by Mr. Adolph.

After a vote, the Chairman declared the motion carried.

Chief W. Nadjiwon extended the thanks of the delegation to the departmental staff, stenographers, and interpreters for their service. He also extended thanks to the Chairman for the wonderful job done at this conference.

The Chairman noted that there were a number of resolutions, papers, submissions etc., presented to the conference. He suggested that one or two persons be chosen to remain in Ottawa and ensure that this material is properly gathered and distributed.

It was duly moved and seconded by Mr. Nadjiwon and Mr. Paul that the Acting Director of the National Indian Brotherhood and his secretary be appointed for this purpose.

Having voted, the Chairman declared the motion carried.

The Chairman requested the Minister to make a statement.

Mr. Chrétien: "As we are at the end of this very useful week of consultations in Ottawa I must first of all congratulate you, Mr. Chairman, for the way that you have conducted the deliberations. I know that it was not an easy task and the assembly had great wisdom when they chose you to deal with the difficult problems of procedure and so on. This meeting was called a long time ago as a meeting following the consultations that we have had in Canada since last July. You have discussed many things and you have made many representations to the Government this week and I was very pleased by the manner and the frankness that you have shown in the deliberation. You passed many resolutions and I would like to comment on two this afternoon. The others will be tabled and I know that the Brotherhood through Mr. Courchene have been authorized to organize these resolutions, and myself and my officials will study all of them. The first thing is the resolution that you passed concerning the Migratory Birds. I would like to say to you that you advised me to be in touch with the United States of America to discuss the situation. I am happy to tell you that this

has been done some months ago by the officials of my department and we have had some informal talks with the officials of the various departments in Washington.

In January I took a few days for rest. I went to Mexico and while I was there I personally took one day of my holiday to visit the officials of the Mexican Government to talk about this very problem because the Migratory Birds Convention concerns the Mexican Government, the American Government and the Canadian Government. So when we make our statement in June, about the direction in which we want to go with our policies, I will cover that topic and I will make known what are the views of the Government concerning the problem of the Migratory Birds. We have received many representations from Indians and organizations over many months and years and we have received representation from other interested groups in Canada; but I can tell you that I'm confident that we can reach a decision that will satisfy all of them and I will, as I said, make that known in June.

Now I would like to congratulate everyone of you who have been elected to represent your provinces on the committee, the independent and autonomous committee of the National Indian Brotherhood - to discuss the future form and the nature of the consultations that the Indians want to have with the Federal Government. It is a very good occasion for me to congratulate all of you. I am very proud of being associated with that big step. For the first time you have reached a common decision and there is no division between yourself, and since it is the result of the consultations that we started in July I think that I can associate myself with that achievement. For the future you have chosen an executive committee who will represent each of the provinces and at a future date I will make sure that we will have a meeting with them to discuss the nature, the timing and the financing of the future consultations between the Indian people and the Government of Canada.

These past months that we have had have been great for us and for the Indian people too. We made every effort possible to state the case of the Indian people of Canada in the public mind. At each of these consultations, you know we have seen the Indian discussing the problem of the Indians in Canada - and each of these meetings were public meetings, the press were invited. We provided the facilities both to the Indians and to the press to make sure that the message would come across. It is the end of these meetings and you want to keep this format of consultation. So I welcome this move where you have decided to form from this committee an executive committee. I have to report these things to my colleagues in the cabinet on the first occasion I will have which will be soon. After that I will call in, either in Ottawa or elsewhere, the executive committee and we will discuss the format, the timing and the financing of the mechanism that will be needed to carry on the job that we started together a year or ten months ago.

I am the Minister of Indian Affairs for ten months and I am proud that the Prime Minister asked me to take over that job. It is a fascinating and a very challenging task that faces all of us. The Indian people of Canada are a great people. They have been here for a long time before we the white man came. There are a lot of problems now that are facing the people of Canada and a group of people of Canada - the Indians of Canada. The facts are clear then in terms of social and economic development the Indians are at the bottom of our society and it's something that we have to correct, all together, the people of Canada and the Indians who are citizens of Canada. We have to work together because you are entitled to share in the social and economic aspect of our Canadian life. At the same time you want to keep your own identity. You have a history that is part of the Canadian history. You have to be proud of it. You want to keep your identity and in the society that we want in Canada we say that it is possible to be full citizens of Canada and at the same time to be ourselves.

I know that you have faced many frustrations in the past but now you get new leaders and you get a better education than ever before and you want to talk, you know, to use the facilities of modern life, to get your point across. I am the representative of the Canadian Government to whom you talk and the ten last months, I, the Government, and my colleague, the Minister Without Portfolio who is attached to my Department to help me to do my job, have learned a lot from the Indians. This has been gratifying for us, so in the weeks ahead we will keep on the process of consultations. You have a committee that I am glad identifies itself with the National Indian Brotherhood so that it does not create the same kind of problems that I had in mind yesterday. I welcome that move. I will give every opportunity to the executive committee to discuss the timing, the place, the format and the financing of the useful consultations that we will have in the future. I hope that we will keep on that path, and I would like again to thank everyone of you for your contribution.

I know that many of you spend considerable time, weeks and weeks, to look into the problems of your people. I know you could do something that would be more rewarding in terms of money and personal achievement for yourselves; but you have put ahead of your personal interests the future of the Indians of Canada. The people of Canada thank you for that. Thank you very much."

Mr. Plain requested a more elaborate statement on the discussions concerning the Migratory Birds Act.

The Minister noted that since the discussions were of an informal nature he could not elaborate at this time. He advised that a formal statement would be made in June.

Mr. LaBillois believed that the Minister was still talking words, not action, and still giving promises. Other than creating a united voice he believed that the delegation was still in the same position as a week ago; that they had no firm commitment on behalf of the government; and that it was pointless to continue talking.

Mr. G. Williams on behalf of the organization he represented thanked the delegates and advised that they were prepared to await the forthcoming decision.

Chief Gros Louis noted that it may take some time to work on the Indian Act. In the meantime he requested the government in conjunction with the provinces where necessary to do something for the Indians of the north who depend on hunting, and fishing for their food and also in respect to lands, houses, and medical care. He gave examples of cases where people had died for lack of these programs.

The Minister advised that he would give consideration to the situation of the Indians in north.

Mr. Cardinal suggested to the Minister that the committee that had been set up by the delegates begin work immediately on solving some of the basic problems. He noted that his delegation did not wish to return to Ottawa and hear that the Government had not yet made any decisions. He was happy with the results of the meeting noting that for the first time the Indian people would be working on the basis of a partnership with the department and not on the basis of directives from the department. He requested the Minister, in conjunction with his colleagues, to alleviate medical problems in Alberta by requiring their officials to be less stringent on the interpretation of directives. He also requested the Minister to eliminate the Branch policy which prevents educational grants for Indian students at the post-graduate level. He thanked the Minister for the position he had taken and expressed

a hope that the approval and facilities to implement the resolutions passed by the delegation would be forthcoming soon.

W. Nadjiwon concurred with previous speakers that there were many immediate stop-gap actions that could take place to relieve some of the problems until such a time as a definite policy can be established for each problems. He thanked the Minister, as a partner, for giving hope and optimism for the future.

Chief Plain requested the Minister to finance the sub-committee chosen by the delegates to commence work on the Migratory Birds Convention Act in concluding a trip to the Government of the United States and Mexico, so that the matter may be placed directly before them by the people most affected.

The Minister suggested that the policy statement would be made in about six weeks and if the proposal by Chief Plain was found to be useful it could be arranged.

Ernest Tootootsis extended the thanks of the Saskatchewan delegation to the Minister and to the delegates. He was glad that unity had been achieved.

Chief F. Walkem noted that the B.C. delegation had suggested a number of changes to the Indian Act on which they would like to see immediate action if only of a temporary nature pending the complete revision. He suggested that if action could not be taken that the people should be advised.

The Minister indicated that in his opinion it was important to transfer the necessary authority to the Indian people to let them make their own decisions.

Mr. E. Bellerose advised that the people in his area were insecure and this insecurity is contributed to by the lack of the confirmation of the Treaty and other rights. He

believed that if these rights were secured, education improved, and aspirations increased, pride would return to the Indian people. The improvement could then take place within the identity as a person of Indian origin. He also believed that the younger generation did not have the tolerance of the older generation. He expressed a hope that the children of all could live in unity and harmony in building Canada.

Mr. A. Nicholas expressed his thanks to the delegates and advised that the deliberations at this historic conference had made a lasting and deep impression. He suggested that the members of the newly formed sub-committee meet for a short time immediately after this session.

Mr. D. Courchene on behalf of the Manitoba delegation thanked the Minister for attending the meetings. He believed that the Indian people were only starting but the conference had pointed out the seriousness of the situation in Canada. He wished to put on record that in the short time that the present Minister had been in office much action has taken place, including the current conference. He hoped that the Minister would take any criticism which was made in the light in which it was given - in honesty and sincerity - to try and put across a message. He further hoped that the true partnership from one human being to another would continue. He also expressed the thanks of the National Indian Brotherhood on behalf of Mr. Dieter, its president, who was unable to be present.

Chief Fred Plain noted that in January in Toronto the Minister had indicated he would shortly make a statement in respect to the Jay Treaty. He enquired as to when that statement would be made.

The Minister indicated that reference would be made to it in the June statement.

Mr. J. Gosnell believed that the comments expressed by Chief Gros-Louis respecting immediate action on certain matters reinforced the content of the 25 points in the submission of the B.C. delegation - that is that immediate action was required on some matters affecting the day to day livelihood of the Indians. He emphasized that these proposals should be considered as interim requirements for the development of Indian Affairs while the process of study and change took place. He wished to stress that the B.C. delegation felt that something must be done in the meantime and requested immediate consideration to their proposal by the Department. He thanked all of the delegates and noted that although differences of opinions and approach were indicated the overall objective was the same.

Chief Gros-Louis thanked the delegates for the work which was done. He requested the Minister to advise the government of Quebec that the Indians of Quebec have had enough of the inhuman treatment afforded them by that government.

Mr. Peter Kelly noted that the majority of Indian children in the Kenora area are placed in an education program leading to grade X and vocational classes. He requested the Minister to issue a directive to all personnel to stop this practice by the vocational counsellors so that more students are placed in the 4 and 5 year academic program.

The Minister advised that he would look into the suggestion.

Mr. D. Courchene enquired if the Minister would accept, at this time, the Indians' consultant's fees and specifically whether the department would look after their financial commitments.

The Minister advised that he could not make a commitment at this time but he had earlier promised to check into the matter of financial contributions and report to the National Brotherhood.

Mr. Gus Gottfriedson agreed that action on some matters was needed immediately. He felt that the Minister was a man of action and hoped that this proved to be the case. He thanked the delegates and wished them all a safe journey home.

Mr. Omer Peters advised that he supported Mr. Gros-Louis and the other speaker who had requested immediate action on some matters. He also advised that he was pleased with the progress made, particularly toward unity. He extended his thanks to the delegates.

Mr. Guy Williams extended thanks on behalf of himself and the B.C. delegation. He believed it had been a successful historic meeting and hoped that a similar meeting would be held shortly. He requested all, in returning to their homes, to work for unity among the people.

Fred Plain extended the thanks of the delegates to the Minister.

Chief Pine extended his thanks to the delegates for their hard and sincere work. He advised that he was pleased to hear the many comments - particularly in respect to the united front as it was only in this way, by working together, that progress could be made.

Mr. E. Bellerose extended thanks to Mr. H. Conn for his assistance.

Mr. D. Moses requested all of the delegates to join him in thanking the chairman for the excellent job he did.

The Chairman extended his thanks to the delegates. He noted that he had been at many meetings but that this was by far the best one that he had attended. He believed that the delegates were of a top notch calibre.

Chief A. Delisle thanked the Federal Government and the personnel involved for supplying the translation services primarily for the delegation from Quebec.

A motion having been made, the Chairman declared the meeting adjourned. (4:55 p.m.)

NATIONAL CONFERENCE ON THE INDIAN ACT

APRIL 28 - MAY 2, 1969 - OTTAWA, ONTARIO

REVISED

LIST OF DELEGATESBRITISH COLUMBIA

Mr. Philip Paul,
854 Clarke Road,
Brentwood Bay, B.C.

Chief Nicholas Prince,
Box 505,
Fort St. James, B.C.

Chief James Gosnell,
New Aiyansh,
B.C.

Mr. Guy Williams,
193 East Hastings Street,
Vancouver, B.C.,
President, Native Brotherhood
of British Columbia.

Mr. Gus Gottfriedson,
Box 27,
Kamloops, B.C.

Chief Joseph Mathias Joe,
2549 Hemlock Street,
Vancouver, B.C.

Mr. Victor Adolph,
General Delivery,
Lillooet, B.C.
Rep. North American Indian Brotherhood.

Chief Forrest Walkem,
Spences Bridge, B.C.

Mr. Donald Moses,
P.O. Box 36,
Lower Nicola, B.C.

Chief Bernard Charles,
16010 Beach Road,
R.R. #2, Whiterock, B.C.

YUKON TERRITORY

Chief Elijah Smith,
Box 2452,
Whitehorse, Y.T.

NORTHWEST TERRITORIES

Mrs. Mona Jacob,
Box 61,
Fort Smith, N.W.T.

ALBERTA

Mr. Harold Cardinal,
President,
Indian Association of Alberta,
Room 307, 10405 - 100 Avenue,
Edmonton, Alberta.

Mr. Sam Currie,
Box 373,
Ponoka, Alberta.

Mr. William Bull,
Box 417,
Lac La Biche, Alberta.

Clement Doore,
Box 3002,
Cluny, Alberta.

Mr. Fred Gladstone,
Cardston, Alberta.

Mr. Ed. Bellerose,
Box 304,
Lac La Biche, Alberta.

SASKATCHEWAN

Mr. Ernest Tootoosis,
Paynton, Saskatchewan.
Mr. David Ahenakew

Mr. Peter Dubois,
Box 722,
Fort Qu'Appelle, Saskatchewan.

Mr. Paul Ahenakew,
Sandy Lake, Saskatchewan.
Mr. John Tootoosis

Mr. Hilliard McNab,
Box 362,
Punnichy, Saskatchewan.

MANITOBA

Mr. Dave Courchene,
President,
Manitoba Indian Brotherhood,
249 $\frac{1}{2}$ Notre Dame Avenue,
Winnipeg 2, Manitoba.

Mr. Isaac Beaulieu
Mr. Lawrence Whitehead
Mr. Steve Anderson

ONTARIO

Mr. Peter Kelly,
34 Sussex Avenue,
Toronto, Ontario.

Mr. Raymond Bruyere,
Box 355,
Fort Frances, Ontario.

Mr. Peter Johnston,
Cutler,
Ontario.

Mr. Ronald Wakegijig,
Wikwemikong,
Ontario.

Mr. Omer Peters,
R.R. No. 3,
Thamesville, Ontario.

Chief Wilmer Nadjiwon,
President,
Union of Ontario Indians,
Cape Croker,
R.R. No. 5,
Wiarton, Ontario.

Mr. Fred Plain,
1048 Tashmoo Avenue,
Route No. 4,
Sarnia Indian Reserve,
Sarnia, Ontario.

Chief Richard Isaac,
Six Nations,
Brantford, Ontario.

QUEBEC

Chief Andrew Delisle,
President,
Association of Quebec Indians,
Box 720,
Caughnawaga, Quebec.

Chief Daniel Vachon,
1 Gregoire Street,
Sept. Iles, Quebec.

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

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

MARITIMES

Mr. Wallace LaBillois,
Box 10,
R.R. No. 1,
Dalhousie, N.B.

Mr. Andrew Nicholas Jr.,
Vice-President,
Union of New Brunswick Indians.

Mr. Anthony Francis,
Big Cove, N.B.

Mr. Noel Doucette,
Chappel Island, N.S.

SUBMISSION TO THE
GOVERNMENT OF CANADA
OTTAWA - APRIL 29, 1969.

THE NATIONAL INDIAN BROTHERHOOD IS CONCERNED, DEEPLY CONCERNED, THAT THE INDIAN ACT CONSULTATIONS ARE NOT MEETING THE EXPECTATIONS OF THE INDIAN PEOPLE OF CANADA. THE BROTHERHOOD SUBMITS THAT THE METHOD USED DOES NOT REALISTICALLY RECOGNIZE THE PRIORITIES FOR DISCUSSION AS INDIANS SEE THEM.

IT HAS BEEN MADE ABUNDANTLY CLEAR, BOTH BY THE CONSULTATIONS TO DATE AND THROUGH INDIAN MEETINGS THROUGHOUT THE LAND, THAT THE PRINCIPAL CONCERNS OF INDIAN PEOPLE CENTER AROUND;

- A) RECOGNITION OF THE TREATIES AND THE OBLIGATIONS IMPOSED BY SAME
- B) RECOGNITION OF ABORIGINAL RIGHTS
- C) RECONCILIATION OF INJUSTICES DONE BY THE IMPOSITION OF RESTRICTIONS ON INDIAN HUNTING THROUGH THE RATIFICATION OF THE MIGRATORY BIRDS CONVENTION AND SUBSEQUENT FEDERAL AND PROVINCIAL LEGISLATION
- D) CLAIMS COMMISSION

IT IS OUR OPINION THAT BEFORE MEANINGFUL CONSULTATION ON AMENDMENTS TO THE INDIAN ACT CAN TAKE PLACE, THESE FOUR ITEMS MUST BE DEALT WITH AND A POSITION OF MUTUAL UNDERSTANDING AND COMMITMENT REACHED.

WE WOULD REMIND THE GOVERNMENT THAT THERE WERE TWO SIGNATURES ON THE TREATIES YOURS AND OURS. WE FURTHER STATE THAT IN THE EYES OF THE INDIAN, THE TREATIES CONSTITUTE SOLEMN PROMISES AND IN FACT CONTRACTUAL OBLIGATIONS. BEFORE THE OBLIGATIONS UNDERTAKEN BY TREATY CAN BE CHANGED OR COMPROMISED, IT IS ESSENTIAL THAT THE AGREEMENT OF BOTH SIGNATORS TO THE AGREEMENT ACCEPT SUCH CHANGES.

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CHANGES HAVE BEEN MADE WITHOUT CONSULTATION - THE GOVERNMENT OF CANADA, REPRESENTING ONE OF THE SIGNATORS, HAS ARBITRARILY AND AUTOCRATICALLY IGNORED THEIR OBLIGATION TO THE SECOND PARTY TO THE AGREEMENT (INDIANS) AND CONTINUALLY COMPROMISED THE POSITION OF INDIANS.

IT IS NOT IMPORTANT TODAY TO DEFINE SPECIFICALLY WHAT THE TREATIES SAY AS MEASURED BY THE SIGNIFICANCE OF THE LANGUAGE USED. WHAT IS IMPORTANT IS WHAT THE TREATIES INTENDED TO SAY AND WHAT EACH PARTY UNDERSTOOD THEM TO MEAN. FOR THE LAST CENTURY, THE DESCRIPTIONS AND DEFINITIONS OF INTENT AND CONTENT, BOTH LEGALISTIC AND OTHERWISE, HAVE REFLECTED YOUR OPINION AND YOURS ALONE. INDIANS HAVE NOT BEEN GIVEN A REASONABLE OPPORTUNITY TO INTERPRET THEIR UNDERSTANDING OF THE INTENT IN SUCH A WAY THAT PUBLIC POLICY COULD REFLECT AN UNDERSTANDING OF THE INDIAN POSITION.

WE ARE NOT PREPARED AT THIS MEETING TO DEBATE THIS ISSUE, NOR THE AMENDMENTS TO THE INDIAN ACT. WE ARE PREPARED, HOWEVER, TO DISCUSS WITH YOU A MORE REALISTIC BASIS FOR MEANINGFUL CONSULTATION.

TO DATE THE DISCUSSIONS HAVE BEEN HEAVILY WEIGHED IN FAVOUR OF THE GOVERNMENT. YOU HAVE THE RESOURCES AT YOUR DISPOSAL TO DEVELOP YOUR POSITION WHILE WE ARE HARD PRESSED TO DEVELOP AND PRESENT OUR OPINIONS. IN THE FINAL ANALYSIS IT WILL BE YOUR INTERPRETATION OF WHAT WE WANT THAT WILL BE REFLECTED IN THE LEGISLATION YOU SUBMIT FOR OUR CONSIDERATION.

WE SUBMIT THAT THIS SITUATION SHOULD BE REVERSED. THE NEW INDIAN ACT WILL BE OUR MAGNA CARTA - ITS IMPACT WILL BE MORE CLOSELY FELT BY INDIANS THAN IT WILL BE GOVERNMENT. IT CAN BE OUR PASSPORT TO EQUALITY AND OPPORTUNITY

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OR IT COULD BE JUST ANOTHER COMPROMISE SOLUTION TO A LONG TERM PROBLEM.

THE NEW INDIAN ACT MUST REFLECT THE REAL INTENT OF THE TREATIES, IT MUST STIPULATE THE GOVERNMENT'S COMMITMENT TO ITS OBLIGATIONS, IT MUST PROVIDE THE BASIS FOR EQUALITY AND OPPORTUNITY AND IT MUST REFLECT MUTUAL TRUST AND UNDERSTANDING.

TO ACHIEVE THIS OBJECTIVE, THE NATIONAL INDIAN BROTHERHOOD SUBMITS THAT INDIAN PEOPLE, THROUGH THEIR LEGITIMATE ORGANIZATIONS, SHOULD BE GIVEN THE OPPORTUNITY TO CONSULT MEANINGFULLY WITH INDIANS ACROSS CANADA AND TO DEVELOP THEIR OWN INDIAN ACT FOR YOUR CONSIDERATION RATHER THAN VICE VERSA.

TO DO THIS WILL REQUIRE TIME, ORGANIZATION AND FINANCES. THE NATIONAL INDIAN BROTHERHOOD FEELS THAT THE COMMITMENT OF ALL THREE ARE ESSENTIAL TO THE DEVELOPMENT OF REALISTIC LEGISLATION, AND MORE IMPORTANT, A BASIS FOR MUTUAL TRUST AND UNDERSTANDING.

WE WOULD PROPOSE THEREFORE THAT THE GOVERNMENT OF CANADA, RECOGNIZE THE IMPORTANCE OF THE FOREGOING AND THAT THEY COMMIT TO THE PROCESS. SUFFICIENT FUNDS TO ACCOMPLISH THE OBJECTIVE AS OUTLINED ABOVE.

IT IS FURTHER PROPOSED THAT THE NATIONAL INDIAN BROTHERHOOD ESTABLISH A SPECIAL COMMITTEE FOR THE PURPOSE OF CONSULTING WITH INDIAN ORGANIZATIONS ACROSS THE COUNTRY AND PREPARE A DRAFT INDIAN ACT FOR THE CONSIDERATION OF BOTH GOVERNMENT AND INDIANS.

TO FURTHER ASSIST IN THE PROJECT, THE PROVINCIAL ORGANIZATIONS WOULD ESTABLISH COMMITTEES TO CONSULT WITH AND ASSIST THE NATIONAL COMMITTEE.

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THE NATIONAL ORGANIZATION SHALL EMPLOY SUCH ADVISORS AND CONSULTANTS AS REQUIRED TO ACCOMPLISH THEIR PURPOSE. THE PROVINCIAL ORGANIZATIONS WILL, WITHIN REASONABLE LIMITS, EMPLOY SUCH ADVISORS AND CONSULTANTS AS REQUIRED TO ADVISE THE NATIONAL COMMITTEE.

THE COST OF CARRYING OUT THE PROGRAM SHOULD BE BORNE BY THE GOVERNMENT OF CANADA. THESE ARE ANTICIPATED TO BE;

(A) NATIONAL COMMITTEE

COMMITTEE TRAVEL AND CONSULTATIONS	40,000.00
PROVISION FOR HONORARIUMS	20,000.00
FULL-TIME SECRETARY	12,000.00
CONSULTANTS AND LEGAL ADVISORS (INCLUDING TRAVEL)	100,000.00
	<hr/>
TOTAL	\$172,000.00

(B) PROVINCIAL COMMITTEE

COMMITTEE TRAVEL CONSULTATION	15,000.00
CONSULTANTS AND LEGAL ADVISORS (FEES AND EXPENSES)	20,000.00
PROVISION FOR HONORARIUM	10,000.00
	<hr/>
TOTAL	\$45,000.00

TOTAL COST ANTICIPATED

NATIONAL COMMITTEE	172,000.00
PROVINCIAL COMMITTEES*	360,000.00
8 x \$45,000.00	<hr/>
	\$532,000.00

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*NOVA SCOTIA, PRINCE EDWARD ISLAND AND NEW BRUNSWICK COMBINED - ONE COMMITTEE IN B.C., ALTA., SASK., MAN., ONT., QUEBEC AND NORTHWEST TERRITORIES.

THE AMOUNTS INDICATED ARE APPROXIMATIONS BASED ON PRELIMINARY PROJECTIONS ONLY. MORE DETAILED PROJECTIONS WOULD REQUIRE DETAILED EXAMINATION.

FOR THE BENEFIT OF THOSE WHO ARE ALARMED AT SUCH PROJECTIONS WE WOULD POINT OUT, THAT, THIS KIND OF AN INVESTMENT AT THIS TIME SHOULD PRODUCE LONG TERM BENEFITS AND HOPEFULLY ENSURE THAT THE PROCESS WILL NOT HAVE TO BE REPEATED FREQUENTLY DURING THE NEXT CENTURY.

THE AMOUNTS, THOUGH SIGNIFICANT, ARE IN TURN INSIGNIFICANT WHEN MEASURED AGAINST INCREASING DESPAIR AND FRUSTRATION. NO DOLLAR VALUE CAN BE ADEQUATELY ESTABLISHED TO RELATE TO HUMAN POVERTY AND SUFFERING.

TO THE MORE PRAGMATIC WE WOULD POINT OUT, THAT THIS PROPOSAL IN TERMS OF DOLLARS AND CENTS IS TRULY INSIGNIFICANT, WHEN MEASURED AGAINST RECENT OVER-EXPENDITURES ON THE AIRCRAFT CARRIER BONAVENTURE. WE WOULD ALSO SUBMIT THAT TO INDIAN PEOPLE, DISCUSSIONS OF TREATIES, LEGISLATION, EQUAL OPPORTUNITY AND AMENDMENTS TO THE INDIAN ACT ARE EQUAL IN IMPORTANCE TO THE B. AND B. COMMISSION.

WE TRUST THAT THE GOVERNMENT OF CANADA WILL CONSIDER SERIOUSLY THIS SUBMISSION AND THAT IT WILL ACT RESPONSIBLY IN RESPONDING TO OUR PROPOSAL.

MR. CONN: Thank you very much Mr. Chairman. I would like to start with a note of apology, rather explanation, for my absence this morning as this is not usual with me. (Car trouble - paying ticket - no shaver).

This meeting has this in common with every one I have attended across Canada over the last three or four years. It is preoccupied with the question of Indian rights. This is the main preoccupation. There has been talk about aboriginal rights, treaty rights, acquired rights. Residual rights has not been used but this is a part of it.

I think that, perhaps, the most important aspect of the question is the matter of aboriginal rights but not in the narrow sense that the term is used so often today. To me these would be called residual rights, as rights to hunt and fish after treaty. But aboriginal rights in the true sense means the rights of Indians before Columbus got lost on the voyage of discovery and thought he was in India or before Jacques Cartier after sailing miles up the St. Lawrence River thought he was in China.

I am talking about before the white man got lost. At that time the Indians were equal, they all had equal rights. These rights may have varied in terms of land usage, but basically and fundamentally the Indians owned this continent lock, stock and barrel.

The problem that faces the Government representing you and me is "How and by what means did you acquire title to these lands"?

I am going to give a very quick resume from coast to coast in order of discovery. The people will tell you that there are no treaties in the Maritime Provinces but this is just not so. As a matter of fact in the

final analysis, the Treaties in the Maritime Provinces are the closest to real treaties that we have. The same form as was used in the Maritimes with the Indians as was used by the British Crown in dealing with other powers. For example, Indian treaties were Articles of Peace and Friendship while the Jay Treaty (Britain) (U.S.) was title Articles of amity, commerce and negotiation. Moving now to the Province of Quebec, a small, I mean very small area, approximately 1/4 or less of the land mass in Quebec was specifically exempted after the conquest by the Royal Proclamation of 1763 on the theory that France, with 200 years of occupation, must have extinguished the Indian title. If this was the case, the British could acquire title from the other power, it was sufficient for them that the French were in occupation of this part of Quebec, and Britain did not presume that it was necessary to deal with the aboriginal population. One must I think accept this as being perhaps a technical, but never the less valid, legal thinking at the time.

This does not explain how without any negotiation whatever, the boundaries of the Province of Quebec were extended in 1898 to James Bay with no provision however for you the Indian. In 1916 in the last Quebec Boundary Extension Act, Quebec was extended to the area which we now know with positive legislation. The Statute required prescribed when lands were required for settlement to deal with the Indians as in other areas of the country. The point in Quebec, then, is that this legislation, how come it has never been applied. At the same time on the opposite side of Hudson Bay the Province of Ontario was likewise extended and Ontario immediately lived up to this part of the commitment. This is one of the mysteries in Indian -Canadian legislation.

Moving over to Ontario, although Quebec lands had been set aside and exempted, Ontario did not have such exemption, so immediately after the American revolution there was a wave of immigration into that part of Canada which lies just north of the St. Lawrence River. This, according to the Royal Proclamation of 1763, which reserved for Indians all of the lands outside the specified exemption in the Royal Proclamation as their hunting lands and set up machinery, which is observed to this day, for the extinguishment of this title. This wave of immigration into Ontario necessitated that the Crown should purchase lands from them. This was a requirement of British Law. This proclamation is perhaps without a doubt the most important single enactment in the history of the Indian people. Some legal people will say that the Royal Proclamation of 1763 created the Indian title but this is just not so. The Indian title had existed from time immemorial. What the proclamation did was to recognize the Indian title, confirmed it and incorporated it in British Law.

We are not dealing with any one right. We are dealing with rights which were of concern to all Indians. Consequently, from this point on it behooves the Government of Canada, and we as white people, to show how that title was extinguished.

The southern part of Ontario, that the basic principle set out in the proclamations was that as lands were required for settlement. There was no question of having to go out - they were to be purchased. This led in the period of 1792 to 1840 to what I have, for want of a better term, called "the piecemeal surrender of Southern Ontario" and our close examination of these will show some very important discrepancies in the

title.

The treaties in New Brunswick and in the Maritimes were treaties of Peace and Friendship.

The treaties in Southern Ontario - this phase of the operations were purely and simply land purchases. These were headed 'THIS INDENTURE made' (a certain date) just the same as if you get a deed from a certain municipality. This is the way it starts.

The next period then started in 1850. Minerals had been discovered on the north side of Lake Superior and Huron. The Red River Settlement was where Winnipeg is now and already Confederation between Upper Canada and the west was visualized in 1850. William Henry Robinson was given the chore of dealing with the Indians inhabiting the north shore of Lake Huron and Superior. This was the first treaty in the sense we know them now. You see these treaties bound and distributed by the Department. (In answer to Mr. Williams' question, there are some 240 land surrenders that I have been able to find as a matter of record.) The Robinson treaties were the first which dealt with, not with an individual Band or group, but with whole tribes of Indians.

CHAIRMAN: Are these 240 treaties the recognized treaties?

MR. CONN: The Robinson Treaty contained for the first time specific mention of residual rights, the rights which the Indians would retain to themselves. This was not confined to the Reserves but throughout the whole surrender and, of course, the principal one of these was the right to hunt, fish and trap.

The changes made by the Government negotiators in these treaties started from this point are significant. The clause in the Robinson Treaties guaranteed Indians the full and free privilege of hunting, in essence, on all Crown lands.

The next step was the Stone Fort Treaties which covered the old Selkirk Settlement and part of southern Manitoba and here perhaps, it is significant that although in the negotiations leading up to the treaty there was a great deal of mention made of hunting and fishing rights. There is no provision for hunting, fishing and trapping in Treaties 1 or 2.

Treaty No. 3, Northwest Angle. This was the one that led to the famous headland to headland description.

Treaties Nos. 4, 5, 6 and 7, cover roughly the southern part of the Prairies and all of this privilege was approved for them subject to such regulations as might be made by the Government of the Dominion of Canada. This in turn was followed by treaties 8 to 11, which provide the same rights but subject to regulations made by the Government of the country. In other words, free privileges of hunting, fishing and trapping, whittled down to regulations by the Government.

Finally now we come to British Columbia and Yukon, the area west of the Great Divide. A great deal has been made of the fact that there were no Canadian Settlements in the area at the time of the proclamation. This has been found by some jurists as being 'terra incognita' but this is by no means true. Drake was there 200 years before and claimed it as British territory; and before the conquest there was Captain Cooke's exploration.

He, just about the time of the proclamation, was given the specific task of exploring the river now called the Columbia to determine if the Northwest Passage actually did exist and if it went through the Rocky Mountains. This was by no means unknown territory. In this I share the opinion of the very eminent jurist Mr. Justice Norris, that there was ample proof that the British knew of the British Columbia coast, of the river, of the people there, and intended that their title should also be confirmed under the Royal Proclamation.

This is a thumbnail sketch of Indians starting out, in the first early word of the Bible 'in the beginning'.

If we take a look, and this point was talked on yesterday, but in my opinion under emphasized, if we take a look at all of these differences, it is the white man who creates all these differences. Is anyone going to tell me that the treaties in the western Provinces and Northwest Territories were on the basis of negotiations when you only have to look at the penmanship of the original to know that they were written by skilled draftmen here in the City of Ottawa. Negotiate, promise them anything you like but get their signatures.

This brings us up to the present time, to the revision of the Indian Act.

The aboriginal rights in terms of land title in British Columbia are in my opinion intact. They have never been touched. In the rest of the areas where treaties prevail, in many respects these treaties have been honoured more in the breach than in the observance. In Northern Quebec the Indian title is intact and in the Northern portion the Indian title

is confirmed by concurrent legislation by the Dominion of Canada and the Province of Quebec. In the Maritime Provinces, again the aboriginal title is intact. These were articles of Friendship entered into in times of stress. The rest of the treaties were entered into during the time of the revolution or War of Independence; then everything is quiet; then comes the War of 1812 - and another treaty. In other words, everytime we were in danger we brown-nosed the Indian and as soon as the danger had passed, forgot about him.

At the present time there has been a great deal of discussion here. The object of the whole meeting is to consider what should go into the new Indian Act. The process of consultation is a result of a promise made by the Honourable Walter Harris when the present Act was inaugurated in 1951 - actually the process was in 1949. The Indians objected strenuously to many of the powers conveyed on the Minister. They said to Mr. Harris, "As long as you are here Mr. Harris, we are not afraid; we trust you; but what is going to happen when you get a different portfolio or get out of politics?" Mr. Harris replied: "I will make a promise in all confidence on behalf of myself and the Government that if you go along with this Act as it is now, in ten years we will come back, meet with you and re-examine the whole thing." Now this is precisely what happened and within the ten years another joint committee of Parliament met and heard briefs from Indian groups and officials on the Indian treaties indicating that all was not well in this sector. This process is still going on.

In all of this, now here is my message, my suggestion to this group. In all of this, right from the outset, it was made abundantly clear to both

the administration and the executive of the Government of Canada that the Indians were uniformly preoccupied with their rights, aboriginal rights, treaty rights, residual rights. This has been abundantly clear; not for six months, not for a year, but for ten years. It has been abundantly clear to the Government of Canada that Indians are uniformly preoccupied with this and are not going to be put off with any vague assurances. The Courts of Canada have stated in a number of instances that the treaties with the Indians have been legislated out of existence. If so the question is, is the Government prepared now to legislate these treaties and the attendant rights back into existence or are they not? It seems to me that with this in mind the Indians are preoccupied; I might say almost to the point of obsession, with this one subject which is so well known to the Government. It seems to me that the Government should during these sessions be prepared to come forward with concrete legislation on this subject which they propose to put before Parliament and let you fellows have a look at it. Now, if it is not possible to speak to the legislators then I suggest that this meeting through the medium of their legal advisors be prepared to put before the Government of Canada a concrete proposal and say "This is what we want by way of legislation to confirm our treaties."

GENTLEMEN, THIS IS MY MESSAGE.

Ottawa, Ontario

April 29, 1969

We, the representatives of British Columbia Indian organizations and delegates of consultation meetings held in various parts of British Columbia, bring to the attention of the delegates here assembled from across Canada, our position with respect to this assembled conference.

We recognize the problems of our brothers in areas of the country where Treaties exist and have not been honoured. We strongly support the position that our brothers from the Treaty areas should insist that Governments at all levels must honour existing Treaties, and where necessary, should re-negotiate Treaties.

Our people forming non-Treaty areas, however, have been sent here by their representatives to review the proposals made at the consultation meetings and to confirm those that are considered useful to our people. We are instructed further to place on record in each field of our activities the principles and policies which our people believe should be incorporated in a revised Indian Act. We believe that this conference should review the principles, policies and objectives that have been brought forth from consultation meetings across Canada, weight them, analyze them and give to those that have merit the weight and prestige which this conference carries.

We believe, and our instructions are, that the Government should be asked, when we adjourn, to incorporate these principles, policies and objectives in the draft of a revised Indian Act, and this draft should then be sent back to us for further consideration on a local level. After considering this draft our people will then ask for any changes and additions they feel are required.

Our representatives and delegates from the consultation meetings are further instructed to state to the Federal Government that our people require a new and firm commitment by Government that they will, without

further delay, give us a public affirmation of their recognition of our aboriginal rights in all fields including, among other things, aboriginal land rights, foreshore and riparian rights, forest and timber rights, hunting and fishing rights, mineral and petroleum rights and all other rights that are ours by hereditary, historical, moral and legal obligation.

We expect that our brothers from Treaty areas will make similar demands with respect to their Treaty rights. We support them fully in their quest for justice.

We recognize that our problems are different from those of our brothers from Treaty areas. We suggest that the delegates here from Treaty areas should meet separately from the delegates of non-Treaty areas, and that each of the two groups should then bring their policy statements to this entire body for ratification. We suggest much time can be saved by having these separate meetings held after regular conference hours. The entire conference can then be asked to support both policy statements, - One for Treaty areas and one for non-Treaty areas. We believe much time will be lost here if the entire conference attempts to discuss as a whole body questions and problems affecting the two basic areas of treaty and non-Treaty.

In this way this conference can immediately resume consideration of the revised Indian Act, which was postponed until now on the adjournment of our area consultation meetings.

We firmly believe, as do the people we represent, that it is absolutely essential at this time and at this meeting, that the Government be advised of the principles we want incorporated in the revised Indian Act. The future progress of our people requires that the Act be revised and updated to meet the challenge of a new age. The Minister, the Government through the Prime Minister and many members of Parliament, and through them the people of Canada, have said to us, "Tell us what you require in a new Indian Act to lead your people into a rich new life in partnership with all other Canadians". Our people have spoken at the several consultation meetings

and have said to us, their representatives and delegates, "Give them our answer loud and clear - here are the rights we require". We, their delegates and representatives, consider we are bound in duty to convey this message to the Government with the full support of this historic assemblage.

Let it not be said of us, "They were given the opportunity to chart their future and they failed to grasp it".

We ask this assemblage to review the recommendations of the area consultation meetings and to confirm those principles, policies and objectives that are considered essential for a new Indian Act.

We ask this assemblage to request each of the two groups from Treaty areas and non-Treaty areas to meet separately after regular conference hours and to formulate and recommend to this full assemblage their separate statements of policy, principles and objectives with respect to Treaty rights, breaches thereof, revision of Treaties, aboriginal rights and claims and any other matters considered essential by each of the two groups.

We present this proposal and ask for the support of all delegates, earnestly believing it is in the best interest of all our people from coast to coast.

This statement of position is submitted by and on behalf of the following representatives of British Columbia organizations and delegates from consultation meetings held in British Columbia.

Kelowna Consultation Meeting,
Gus Gottfriedson.

Nanaimo Consultation Meeting,
Philip Paul.

Terrace Consultation Meeting,
James Gosnell.

Chilliwack Consultation Meeting,
Joe Mathias
Nicholas Prince

Prince George Consultation Meeting
Bernard Charles

Whitehorse Yukon Consultation Meeting
Edward Smith

Native Brotherhood of British Columbia
Guy Williams

North American Indian Brotherhood
Don Moses
Victor Adolph

British Columbia United Interior Tribes
Forrest Walkum

Yukon Native Brotherhood
Edward Smith

Southern Vancouver Island Tribal Federation
Philip Paul.

On behalf of the United Interior Tribes of B.C.

There is no doubt in our minds that the present Indian Act as it is, is definitely not the answer to the problems of the Indians of today.

If any Country in the world were to be taken over by the non-Indians and were to be put into a depressed state Canada should be given the leading role and would probably get a medal by using the present Indian Act as a guideline.

The Indians of Canada were a proud race of people, they were able to fend for themselves in summer and winter. They were able to live off of their land and enjoy all the many good things that Nature provided.

But times have changed and the White Man's greed has put so many restrictions before them. To try and deprive them of their rights, that they should instead be trying to help them protect and keep. This would be a step in the right direction and would create a harmony among the Indian and non-Indian instead of creating a dishonest attitude toward the non-Indian and the incompetent Indian attitude by the non-Indian.

After reading many of the consultation reports it is quite evident that the Indians' main concern is his rights to his lands, his fishing, hunting, medical, education and minerals. The Indians feel it is an awful small price for such great Land.

The Indians are rightfully owners of this land and no unjust deal of any kind should be made. The treaty Indians would like their treaties recognized and the B.C. Indians would like their land claims recognized. The Indian Act in its present state is only a tool used by the white man to keep the Indians in a dormant state. When important issues come up regarding Taxation, Land Claims, aboriginal rights, etc. the Indian Act fails.

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The Native Peoples would like to have the rights to the same privileges as do the big Companies, for an example the Hudson's Bay Company. It literally controlled our whole northland at one time. Another example is the C.P.R. It owns and I mean it owns more land in British Columbia than all the Indians and this was given to them. Its privileges include minimal taxes on big tracts of land, including timber and mineral resources. Its subsidiaries control rivers, valleys, airspace etc. And if it gets into trouble the Government subsidizes them. The C.P.R. has certain expropriation privileges right across their beautiful land of ours. And to think the majority of their stockholders were foreigners. This is only one example of how the foreign investors get the red carpet treatment. Another example is the natural resources of B.C. It will soon be controlled by a select number of Co. which will probably be controlled by Foreign Investors and they will get big concessions. Yet the Native Indian when he attempts to borrow money to develop his own land, the Governments discourage them and will not give them the same concessions as the Foreigners.

Once again the Indian Act fails.

We Indian people having to take our grievances before the Supreme Courts of the Provinces then told to take them to the Supreme Courts of Canada to be judged by patriotic people of this land of ours, is unjust to both peoples. Our taxation problems for example. The land claims by our fellow brethren in B.C., the Nishgas, our fishing rights, hunting rights, mineral rights and tested by the same Courts. The Treaty rights which are like sacred writings to our Prairie friends and Ontario. Let us bring them up to date with the present day and age and interpret them in a fair and just manner. Not ignore them in a childish and fearful way has been done in the past. If the powers to be are in the Federal Government

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hands let us sit down and throw away all fears of who is going to get the better deal and get to the point and solve these problems. If need be, let us take it before a world Court. Comprised of unbiased people who could give us both a fair judgement so that we could live side by side as free people without prejudice as Canadians.

And an Indian Act is not the answer.

The majority of the Treaties were signed by the Indians and the Federal Government on behalf of the Queen. Yet one of the most important treaties, namely the Jay Treaty, was signed between Britain (the home of the Queen) and U.S.A. and recognized by U.S.A. yet ignored by the Government. Is there to be no justice at all?

Another glaring example which was mentioned by the Manitoba consultation is the fact that the Government of Canada when dealing with the Indians on Treaties, we are dealing with people who could neither read nor write. It stated that the officials committed a legal fraud in a very sophisticated manner upon unsophisticated, unsuspecting, illiterate uninformed Natives.

In the Edmonton consultations, there was mentioned of Treaty payments of \$12.00 for headman and \$5.00 for each individual every year. Why I would charge my best friend a lot more for a lot less. It seems quite strange that all treaty payments are made in white man's tender rather than in Indians tender. If the White man had to pay using Buffalo robes as tender he would lose the country. The Indians tender has increased in value, while the white man's tender has decreased.

(The Indian Act gave no protection here.)

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Another sore spot that shows the sincerity of the white man is the Migratory Birds, which the Natives have lived off of year round for many years before the white man came. The claims that the Indians are decimating the stock is false. When one simple factor for instance is the amount of one certain species of waterfowl that are dying yearly from lead poisoning. They pick up lead pellets for grit from the bottom of lakes and ponds. There are enough birds dying through lead poisoning to allow every Indian across Canada three birds and the equivalent of total taken by all the hunters in Ontario not including Indians. Yet who do they go after first, the "Indian". It has never been known that the Indian has ever hunted a species of wildlife into extinction.

The Indian Act does nothing to protect us from such greed and injustice.

The fishing rights of the Indians in B.C. are in jeopardy. Whenever there is a noticeable decrease in the salmon catch of the Commercial Fishermen, the first people they blame is the Indian. And yet the greatest destroyer of the fishing industry is the commercial fisherman himself. The American fisherman has three hundred fathom long nets and their gill nets are three times the size of the Canadian's.

The annual take of the Canadian fisherman is approximately \$37 million. Yet they begrudge the Indian a few dollars worth. The problem is not the Indians. It is quite obvious it is the greed of the Commercial fishermen that is going to destroy the stock of fish.

Once again the Indian Act fails to protect the innocent Natives.

The powers to tax should be left in the Indians' hands and if there is to be tax sharing, it could be easily discussed and agreements made. The Indians are willing to pay for the services that they receive from cities and municipalities and any surplus they would like to put back into the betterment of their reserve not to be spent elsewhere.

Regarding economic development and taxation, there are a few outstanding cases in B.C. The Squamish Band for example leases out their land for \$170,000 and the land is taxed for the sum of \$385,000 which goes to show that the Indians themselves could be making a lot of money off of their own land.

Imagine paying \$555,000 plus your power and water and heating, etc. and still make a profit. And I am sure there is no one that would invest their money unless they were getting no less than 10% on their money.

Where are our lending institutes for the Indians to help develop their own land rather than to lease them away.

My own complex is another good example. Before building the Sportsman Motel and the Sportsman Shell Service, I carefully read the Indian Act. Then I tried to borrow money to develop this reservation land. There was no lending institute that would loan me money. While being kicked from pillar to post we were able to finish building it. And it was months later before financing was arranged thanks to the speed and efficiency of Indian Affairs.

I would say that I had ten times the hardship that any free Enterpriser ever had and yet I wind up with a lot less. The reason is that the Provincial Government, I am told by the Department of Indian Affairs has every right to tax me. And yet, I do not have the right to sell if I don't like the tax structure. Who in their right mind would want a ball and chain like that.

"The Indian Act fails again".

The Musqueam Band is another example how the non-Indian pressured the band into allowing Musqueam Development Co. to make a huge 2 million profit without any problems. Yet that same band in trying to do their own development are being stopped by the City of Vancouver because they, the City, feel they are not making a profit. It was quite alright for the City to run their sewage line through the Reservation to get to the treatment plant, but it was wrong for the Indians to hook up to it. Where is our so called protector, the Indian Act, what are they doing to correct this wrong.

The Kamloops Band is another in carrying out a subdivision development putting in their own roads and services were taxed for more money than they were getting and yet the B.C. Government were never made to put any of it back into the Reservation. They were finally forced to join the City of Kamloops.

Again the Indian Act meant nothing.

Our mineral resources in B.C. were given away without consultation. My band in attemptation to show the white society that we are competent decided to form our own mining company on our own Reservation. It is now almost three years and we're still not on the market. And before starting we read the Indian Act and followed it to a "T". Yet when a big mining concern wanted to stop us, the Department of Indian Affairs did nothing. The provincial Government being patriotic people would not have passed a judgement that would have gone against themselves. Here again the Indian Act was just a useless piece of paper.

These are only a few of the problems we Indians have living under the present Indian Act.

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What good is an Indian Act if only one party recognizes it. What good is a treaty between two Nations when only one Nation lives by it.

Let us right this wrong and not leave it to endless rounds of consultation to create a bitterness that may never heal.

SASKATCHEWAN DELEGATION

Be it resolved that:

The national committee be composed of one representative
from the following suggested regions:

- 1) The prairie provinces
- 2) British Columbia and Yukon
- 3) Quebec
- 4) Ontario
- 5) Maritimes
- 6) North West Territories

with the chairman to be selected by the committee.

Resolution: To enable the Indian people of Canada to establish its own destiny and priorities.

1. Be it resolved that a National Committee, composed of the representatives of province or region at this meeting be established to effect the following purposes:
 - a) investigate the rights, including treaty, aboriginal, acquired, residual, and human rights of the Indian people of Canada;
 - b) formulate a draft an Indian Act for presentation to this delegation, reassembled as a whole, at a date to be specified; and
 - c) research, the rights of Indian people generally with special reference to treaty rights, hunting rights, fishing rights and rights to medical, educational and local government services, foreshore and riparian rights, forest and timber rights, land, mineral and petroleum rights.
2. Be it further resolved that regional or provincial committees be established and authorized to research and investigate the above subject matter as it pertains to and affects their particular areas and submit proposals to the National Committee for its consideration.
3. And be it further resolved, that the financial resources for the said investigations be supplied by the Government of Canada according to the draft budget prepared by this meeting.
4. Be it further resolved that the Federal Government provide to the several committees any research material they may have at their disposal in order to facilitate research projects.

Moved by Dave Ahenakew

Seconded by Peter Dubois

SASKATCHEWAN DELEGATION

Be it resolved that:

- a) The proposed national committee be established as an independent, autonomous, ad hoc committee of the National Indian Brotherhood. The national committee would be authorized to use the facilities of the National Indian Brotherhood, but would be in no way subordinate to the National Indian Brotherhood.
- b) The proposed provincial committees be established in the provinces by the provincial organizations.

Allen Lueck
Solicitor for Saskatchewan Group.

HONOURABLE MINISTER - The Saskatchewan Delegation wish to express their recognition of the sometimes forgotten fact that you personally have held your present office for only one year and that in that year, 18 consultation conferences have been held including this present Nation wide meeting. Without your support it would be much more difficult for the Indian people to express their views as they are now doing.

However, realizing the very short time you have had to digest the complex problems which exist and which have either been in existence or have developed over the past 100 and more years, we could not allow your unequivocal statement that "We fully intend to honour your Treaties. It is merely their interpretation which is a problem" to pass unchallenged.

I will cite to you one example to show that the Government of Canada through their Indian Affairs Branch are not concerned about true interpretation but are in fact attempting to use the inarticulate words of a Treaty to end an obligation which has existed since 1876 and which was honoured to its fullest in the beginning and for 80 or more years thereafter without question and only recently has someone in the Government, obviously trying to cut down on Indian Affairs spending, come up with the idea this obligation might not be easy to prove in a Court of law by the Indians because today all of the actual signatories to the 1876 Treaty are dead.

I refer to Treaty #6 and the clause which reads and I quote -

"That a medicine chest should be kept at the house of each Indian Agent for the use and benefit of the Indians at the direction of such agent."

In the beginning, in 1876, and until the mid-1950's complete medical, hospital and drug bills were paid by the Government pursuant to this clause.

Recently - by verbal agreement with the Provincial Government (a verbal agreement) the terms of which the Indian Affairs personnel in charge of Indian Health in Saskatchewan stated under Oath in Court they had neither been reduced to writing or heard by word of mouth.

This agreement however appeared to be that the Federal Government would not pay any further medical or hospital bills for Indians who had left a Reserve and stayed away for 12 months and it gave the provincial legislature "the green light" to pass provincial legislation making it a criminal offence for an Indian off the reserve for 12 months or more not to buy a Saskatchewan Hospital and Medical Care Card at a cost of \$72.00 per family.

The Federal Government is presently in the process of checking the residence for the past 12 months of all Saskatchewan Indians and deleting their names from the lists which are used to make out the yearly Medical and Hospital Cards and are systematically sending out notices to these people that they are now responsible for paying for their own hospital and medical care and the Provincial Government is just as diligently bringing criminal charges against these people as the premiums fall due.

Lest the Minister be misinformed or uninformed about the complete lack of justice in the above actions, let me assure you that I, as legal counsel on this matter, have researched exhaustively the fact and there is no doubt the meaning of the words "medicine chest" were never interpreted either by the Queen's representatives discussing the Treaty in question or the Indian Chiefs who put their names to it as being merely a box full of medicines. But even if that interpretation were placed on those words the position of Indian Affairs cannot be justified because they are denying the obligation to even pay for medicines for Indians off the Reserve for 12 months. And let me assure all present that there is no clause requiring an Indian to reside on the reserve in order to take advantage of his rights.

However, there is no basis at all to restrict the meaning of the words "medicine chest". The Indians who live today and have had the history of their rights passed down to them by their parents and grandparents as is their custom are absolutely clear on the interpretation placed on these words at the time the Treaty was made.

It is that the Queen's representatives required they give up using their tribal medicine man with his bag of medicines - a man who took care of all - and I emphasize ALL - the medical needs of the people and a man who remained constantly with his patient poulticing, making medicines and ministering to the patients needs until he was cured or died.

This man who was to be the Indian, doctor, nurse and druggist. This man they gave up because they were assured he would be replaced by a far superior medicine man with much stronger medicines and potents - and in fact, this occurred. Resident Doctors were provided on the Reserves. Indian Hospitals were built and drugs were supplied.

BUT - there never was supplied to the separate Reserves - "A box containing medicines" except for what we would today call a "First Aid Kit" supplied to the Agent of each Reserve. (Surely the Hon. Min will not suggest these are the medicine chests?)

Can the Hon. Minister say this is an "Interpretation problem"? Obviously not - it is a political move to deprive the Indian of a treaty right. A move made at a very opportune time as all witnesses to the Treaty are dead and very few records are available which are admissible in a court of law to prove the true intent and meaning of the words "Medicine Chest".

The Hon. Minister is well aware of the restrictive nature of Courts of Law and that many times justice is not done because their rules do not allow them to accept as evidence such information as hearsay by the Indians who are alive today. It is for reasons such as this that we do not trust the extended hand of the Government. We do not question the integrity of the Hon. Minister but we wish to make it clear that there are many cases across Canada such as this one. The bureaucracy in Indian Affairs are well aware of this case as they have made a point of telephoning to Regina

on the average of once per week to know how it is progressing. I feel the Indians of Canada are fortunate to have as Minister of Indian Affairs a French Canadian as he will be well aware of the attempt by the English Canadians to assimilate the French Canadian and thereby deprive him of his culture and language. The Indian - White problem is exactly the same. The White race is trying to make the Indian into a White man by depriving him of his culture, language and aboriginal rights. The French Canadian did not succumb to this pressure and neither will the Indian.

This example is hoped will clearly show to the Hon. Minister what the Saskatchewan delegation and those who support it in its resolution mean, when they say there must be research into the Rights of all Indians across the country - research done by Indians and the Council - so that when rights have been ignored or eroded away they can be restored.

You, as the Minister-in-charge will have the onerous task of presenting and defending the revised Indian Act when it is drafted. The Indian people wish to assist you in this matter by compiling in a proper form - for the first time in Canadian History - the aboriginal and Treaty Rights of Canadian Indians, backed up by proper research and documentation.

With the type of information at your disposal you will stand a fighting chance of convincing Parliament that the revised Act should be passed.

Without that assistance you haven't got a hope of promulgating a meaningful statute which will meet the requirements of the Indian people.

TELECOMMUNICATIONS
CANADIAN NATIONAL CANADIAN PACIFIQUE

QJE781

QJE782(011257)

CN GS729 335 CPT REGINA SASK 1 905AMC

NATIONAL CONFERENCE INDIAN ACT

HOLIDAY INN OTTAWA ONT

I WAS ALMOST PREPARED TO THROW THIS INDIAN PROBLEM OF OURS OUT AND JUST LOOK AFTER MY FAMILY I KNOW I NEGLECTED THEM FOR THE CAUSE, BUT FOR THE UNTIMELY DEATH OF MY BABY GIRL STARIA, SHE WAS VERY DARK SKINNED AND FIERCELY PROUD OF BEING AN INDIAN, AND EXTREMELY INTERESTED IN WHAT I WAS TRYING TO DO. SHE TRIED TO GIVE ME A MESSAGE FOR SHE HAD WHAT WE ALL WANT FOR OUR CHILDREN, THE RIGHT TO LIVE AND HONOUR OUR ANCESTRY IN AN URBAN SITUATION. ALTHOUGH I AM NOT ABLE TO SIT WITH YOU IN THIS GREAT ARENA OF DECISION MAKING, I WOULD LIKE TO ASK YOU PEOPLE TODAY NOT TO MAKE ANY REAL DECISIONS BUT TO ASK FOR MORE TIME TO MEET, UNTIL WE HAVE ALL LEARNED THE GREAT TRADITIONS OF THE GREAT SPIRIT AND ABLE TO SHARE

IN TRULY HUMBLE KINSMEN SHIP OF THE FRIENDSHIP OF NATIONAL INDIANS.

ICANNOT GET A PLANE, EVEN A PRIVATE PLANE, BUT I AM WITH YOU. I WISH THE CHAIRMAN WOULD READ TO CONSTITUTION OF THE NATIONAL INDIAN BROTHERHOOD, AND MAY EVERYONE UNDERSTAND THE MEANING OT. I HOPE IN YOUR DISCUSSIONS IF YOU'RE ANGRY AND DISGUSTED THAT YOU ARE NOT THAT ANGRY THAT YOU WILL NOT COME BACK. AND IF WE ARE THAT WAY THEN WE MUST ASK OURSELVES ARE WE REALLY BEHIND THE CAUSE OF FREEDOM AND EQUAL RIGHTS OF OUR INDIANS, OR AM I IN THIS FOR PERSONAL GAIN. I HAVE MANY THINGS TO DISCUSS WITH YOU. I WILL STRIVE WITH ALL THE GOD GIVEN STRENGTH TO MAKE MORE MEETINGS. SO WE MAY TALK WITH RESPECT AND HONOUR FOR EACH MAN IN HIS POSITION AS A LEADER. I WOULD LIKE TO SAY TO YOU HONOURABLE BROTHERS, LET US BE ABLE TO LISTEN TO ALL PEOPLE THE YOUNG AND THE OLD, AND GATHER THE SUGGESTIONS, GUIDED BY OUR PRIDE OF RACE AND CULTURAL HERITAGE. LET NO MAN BE BETTER THAN ONE, AND BY THE SAME TOKEN NO MAN BE LESSER THAN HIS BROTHER.

PRESENTATION TO THE NATIONAL CONFERENCE ON THE INDIAN ACT BY
THE BRITISH COLUMBIA and YUKON DELEGATION

May 2, 1969

Mr. Chairman, Delegates to this National Conference:

The British Columbia delegation and the Yukon delegation to this Conference now place before you a number of proposals for inclusion in the Indian Act, as we proposed to do in our position statement considered by this assemblage yesterday, May 1, 1969.

These proposals are among the more urgent ones asked for by the consultation meetings held in British Columbia and the Yukon. They are in no way proposals for an entire new Indian Act. The delegations of British Columbia and the Yukon support the resolution of our friends from Saskatchewan, presented yesterday, which includes provisions for a comprehensive review of Indian Rights and Legislative requirements by national and provincial or regional committees of this representative gathering.

These proposals may be considered as interim requirements to permit the orderly development of our affairs while the process of study and change is taking place.

As our position paper said, we are in accord with our friends in treaty areas whose basic rights have been denied frequently by Governments and by the Courts. For our part, we have no treaties. We do have grievances, however, based on the fact our aboriginal rights have not been recognized by Governments and there has been a steady encroachment on our lands and rights for over 100 years.

As a result we consider it essential that the Canadian Nation, through the Indian Act, now declare its inherent duty to affirm the right of our Treaty friends to live within the spirit of the treaties, as related to present times.

Similarly, in the non-treaty areas, the Indian Act should affirm that the Indians stand possessed of their aboriginal rights until such time as they are determined by agreements freely entered into. For both treaty and non-treaty Indians the Indian Act should provide for genuine and material assistance by the Federal Government in all fields including legal, sociological and anthropological research. There should be a declaration of trust of the lands held by the Federal Government for the Indian people and an examination into breaches thereof on a broad scale. A review of Indian lands in British Columbia taken from the Indian people as a result of the McKenna-McBride Commission and the British Columbia Indian Lands Settlement Act, keeping in mind that the terms of reference of the Commission dated September 24, 1912, provided that land would not be reduced in size except with the consent of the Indians. Where surrenders were not obtained prior to reductions, the lands so removed should be repurchased from the Province by the Federal Government and returned to the Bands concerned.

The Indian Act should in our opinion include also the following provisions:

1. Rapid delegation of authority to Band Councils in all relevant fields.
2. Transfer by long term lease to Band Councils of Reserve land as requested by Band Councils.
3. An economic development fund on a scale sufficient to raise the level of Reserve life to the national average, by a Program of Grants.
4. Where requested by Band Councils, guarantees for specific projects by Bands, to be given to assist long term financing.
5. Control of Capital and Revenue Funds by Band Councils on the request of Bands.
6. Bands and Band Councils to be legal entities.
7. Powers to form Band Municipal Corporations similar to Corporations under

municipal acts, but under Federal jurisdiction, together with a system of Grants similar to Provincial Grant Programs.

8. Powers to force Band municipal corporation similar to corporations under municipal acts, but under federal jurisdiction, together with a system of grants similar to provincial grant programs.
9. Indian and Band-owned corporations of all types to be relieved of all taxation as to assets and income of Reserve land.
10. Return of control of natural resources on and under Indian land to the Indian people, by negotiation with Provinces, where necessary.
11. Creation of a realistic municipal services development grants system for the installation of services on Reserves.
12. Medical Services Branch to assume responsibility for providing medical and health services including dental and optical services for Indian people.
13. Surrender of Indian land to be terminated and all surrendered land to be unsurrendered and returned to Reserve status.
14. Band Councils to have taxing power on Reserve land whether leased or not and whether surrendered or not and no other body to have such power.
15. To pay the costs of education for Indians while they pursue it successfully.
16. Grants To Bands to assist the development of administrative capacity on a broad scale.
17. No expropriation of Reserve land to be permitted. Lease provisions introduced.
18. Creation of a Land Registry System and guarantee fund for Indian lands.
19. Enfranchisement to be dropped from the Act.
20. Power to obtain further lands for Indians of British Columbia as provided for in Act of Union.

- Thank you.

[illegible]