

Madame Léopold Tremblay
250 rue Harvey
Alma
Lac St-Jean

POINTE-BLEUE, le 15 AVRIL 1975.

Madame,

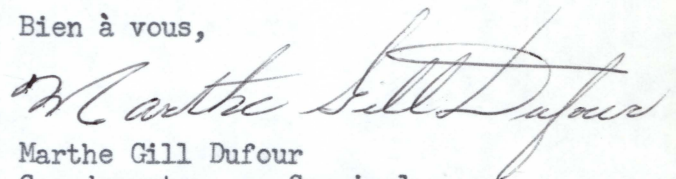
Je fais suite à votre lettre datée du 25 mars 1975, en rapport avec un relevé des filles indiennes statuées, qui en contractant le mariage avec un blanc aurait perdu son statut. J'ai fait un bref relevé de ces noms mais, croyez-moi il y en aurait encore plus car plusieurs noms ne figurent pas au registre, une copie du contrat de mariage ne nous est pas parvenue. Toutes ces filles n'ont aucun droit de possession sur leur réserve. Ne peuvent pas non plus hériter de leurs parents.

Leur identité leur a été arrachée sans qu'elle est un mot à dire c'est de l'injustice pure et claire. Aucun peuple au monde est soumis à une telle dévalorisation de la sorte de l'être humain.

Madame, je vous remercie de votre action et j'espère que Mme Casgrain pourra faire quelques choses pour que nous aussi filles indiennes qui avons subi des injustices d'une loi, puissions aussi un jour avoir notre place au soleil.

Je vous remercie.

Bien à vous,



Marthe Gill Dufour
Coordonnateur en Curriculum
Ministère des Affaires Indiennes
Pointe-Bleue

MGD/dl

B.S: Je suis une indienne qui a perdu son statut.

Chère amie,

Je vous espère en bonne santé. -

J'ai fait parvenir des copie du
votre concernant les indiennes aux
ministres: Trudeau - Otto Lang - Buchanan -
et aux députés - représentant nos régions.
soit M. Marcel Lessard - C. A. Gauthier et Langlois -
devrai-je en acheminer aussi au chef-indien?

Avez-vous reçu les documents que
je vous ai adressé en mai dernier. - soit les
noms des indiennes ayant perdu leur statut. -
et copie de certains lois des indiens - (Pointe Bleue -)

Nu vous gênez pas si je peux aider
à cette cause qui me tient à coeur. -

Recevez mon meilleur souvenir. -

+ Bonne santé.

Votre dévouée

M me Léopold Lacroix (Marguerite)

250 Harvey -

Alma co Bas St-Jean
68B 117

Alma le 13-6-75

General Delivery,
Moncton, N.B.

July 9, 1975

Senator Therese Casgrain,
The Senate,
Ottawa, Ontario.

Dear Madame Casgrain:

Your appearance on Canada AM this morning with Mary Two Axe Early brought to my attention very clearly and forcefully the problem that this woman faces. I thank you sincerely for doing this.

I fully agree that this kind of treatment for her, and the other lady mentioned should be changed. I offer my support to her and to you in any way I can to make changes to help her. I am writing to my M.P., Mr. Len Jones, in support of your stand.

Wishing you every success in this International Women's Year, I remain,

Yours sincerely,

Bernice M. Torrance
Mrs. Bernice M. Torrance.

July 10th. 1975
Coughnawaga

Dear Mrs. Casgrain.

Just a note to say thank you, and to tell you how much I appreciate your very valuable support in our Cause, I watched you twice on television, and listened to you on the radio, all on the same day. I realize how difficult and tiresome this must have been for you, but as usual you carried it off beautifully.

So again let me say thank you Mrs. Casgrain, and hopefully you will not get discouraged in this very difficult situation.

Gratefully Yours
Josephine Cowan

AHERN, DE BRABANT, NUSS & DRYMER

ADVOCATES

BATONNIER JOHN G. AHERN, Q.C.

JEAN DE BRABANT

JOSEPH R. NUSS

EARL H. DRYMER

JOEL AVERY SILCOFF, M.B.A.

CHRISTIAN SALBAING

(ALSO OF THE CALIFORNIA BAR)

TELEPHONE: (514) 866-9757

CABLE ADDRESS-LEGALITY

TELEX: 01-26532

P. O. BOX 7

4111 STOCK EXCHANGE TOWER

PLACE VICTORIA

MONTREAL, CANADA

H4Z 1A2

July 11, 1975.

Chief Ronald Kirby,
Mohawk Council of Kanawake,
P.O. Box 720,
Caughnawaga, Quebec
JOL 1D0

Copy for: The Honourable Senator
Thérèse Casgrain

REGISTERED MAIL

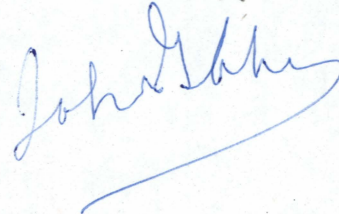
Ref: Our File C-12826-A

Sir,

I have been consulted by representatives of persons whom you are, as Chief of the Council, excluding from residence in Caughnawaga. To justify your action you have invoked By-law N. 1-1 of the Council of Caughnawaga Indian Band. - In my opinion, this By-law was ultra vires of the powers of the Council and the said By-law is illegal.

Unless within the next few days you announce that you have abandoned the plan to exclude from Caughnawaga the Indian women which you have announced would be excluded, formal proceedings will be taken to annul the said By-law and to annul the Notices which you have given.

Yours truly,



JGA/gp.

PEACE

UNITY

STRENGTH

Mohawk Council of Kanawake

CAUGHNAWAGA, QUEBEC J0L 1B0

P. O. BOX 720

(OFFICE OF THE COUNCIL OF CHIEFS)



Tel. (514) 632-7500

June 25, 1975

DELIVERED BY HAND

WITHOUT PREJUDICE

Mrs. Mary (Sister) Early
Caughnawaga
Quebec

Dear Mrs. Early:

As you are aware, the Caughnawaga Band Council, under date of September 11, 1973, enacted a by-law which in effect prohibits non-members of the Iroquois of Caughnawaga Band to reside on the Caughnawaga Indian Reserve No. 14, Province of Quebec, Canada.

This by-law received Ministerial approval on October 24, 1973 and therefore becomes LAW.

Accordingly, we ask you, as a non-member of this band, to seek domicile outside the confines of the said Caughnawaga Indian Reserve on or before September 1st, 1975.

Should you not adhere to our by-law on or before the stipulated date of September 1st, 1975, we will have no other alternative than to resort to legal procedure.

MOHAWK COUNCIL OF KANAWAKE


Chief Ron Kirby

CRK/cl

From FRANK TAIOTEKANE HORN
Box 772, Caughnawaga Indian Reserve,
Caughnawaga, PQ. July 17 1975

Senator Casgrain,
The Senate,
Ottawa, Canada.

Dear Senator Casgrain:

When I look upon your patrician countenance in the newspapers I see nothing but virtue, sincerity and goodwill in your face.

That is why I do not feel happy to be your adversary in this matter.

I do know that you know little or nothing about the origins and the reasons for the Indian Act, which is a very worthy law, developed over a long period of time by persons who know that aboriginal people are very different from such noble persons as Senator Casgrain, for example.

For instance---there is no possible way that you can think, feel, have the same cultural pattern and thinking process as an aboriginal.

Your intervention in your attempts to degrade and destroy the Indian Act, the only protection of Indians, and your attempt to promote the influx of white men to be able to come on to Indian reserves is truly either publicity seeking, or mislead or something really worse.

For that reason I would welcome the opportunity to face you on the subject of Mrs Early and the other 700,000 persons that she refers to in that CTV show who seek the same privileges of Mrs Early.

Now would you feel this is an "Indian widow who never left the reserve" as the Globe and Mail called Mrs Early in an editorial recently:

An energetic white woman becomes a nurse and comes to Montreal to work in a hospital. She is attractive, full of pep and meets a certain man named Two Axe who is about to marry an Indian woman. However to Two Axe the white nurse is much more appealing and so he marries her. So Mary Two Axe, a half white girl is born of a father who had some white blood in him, of a white mother. The white woman nurse gets her Indian status by the Indian Act. Two Axe /s deserted by the white woman he married. The daughter Mary Two Axe marries a man in Brooklyn and she becomes Mary Early.

Now do you propose that Mr Early, a Brooklyn business man should have become an Indian? That is what you people are trying to say. Anyway Mary Early lives in Brooklyn, votes in municipal, state and federal elections and is as enfranchised as an American as any living person can be. This is the "poor Indian matriarch that the Globe and Mail says has never left the reserve. She is there 30 or more years. Her healthy, american, white son becomes a good US businessman. Her daughter, a white girl, American educated, American citizen gets sudden Indian status by marrying Joe Two Rivers.

When Mary Early's husband dies--she has benefits from the US--she decides to move back to Caughnawaga where you save some \$3,000 a year living (even if it is illegal) and she lives there for years until this white, enfranchised American woman commences to work for those who want to destroy the Indian Act.

At least 400 registered Indians, members of the Caughnawaga Indian band cannot live on the reserve as the houses we would live in would be and are occupied by people who have no right to live on the reserve, like Mary Early who is not an Indian and in the first place was only a small part Indian blood but got her status through her mother who was a white woman who got it through the Indian Act.

So when you promote these busy white American women to work against the Indian Act you are working to destroy Indians in a very cruel manner. I am surprised at you. What Chairman of the Council Ronnie Kir by is going to invoke against this woman because of her constant attacks on Indian society is the British North America Act and the Indian act, not some band bylaw which is of very little real importance.

(2)

Would you care to arrange a meeting between myself and your worthy lawyer, Mr Ahearn, so that we can discuss the matter should I be obliged to test the law by going to the Federal Court of Canada.

The suffering Indians who cannot find homes because they are occupied by non-Indians, and protected by persons like Mrs Early who are in turn protected by persons like you, are being damaged very seriously.

Most of all the carefully developed law, modified 60 times since it was created 101 years ago, is referred to as being 101 years old a deliberate falsification if the fact that it has been modified is left out.

Furthermore if you would care to study the definite advantages given to women with Indian status over men with Indian status concerning illegitimate children you would recognize that there is an excellent sense of balance between the various factors of the law.

The fact that thousands of dollars was spent by the Canadian government to take this busy, charming, white enfranchised, wealthy American woman, widow of an American husband with whom she lived in Brooklyn for 30 to 40 years, daughter of a white Montreal nurse who gained her status by the very clause in the Indian Act this woman attacks--for this woman to be paid or at least have her expenses paid to go to many places to attack Indians, the Indian Act, the Chairman of the Council and other aspects is tragic.

Can you arrange a meeting between myself and your lawyer Mr Ahearn so that the legal issues can be discussed.

The constant attacks on Chairman of the Council Ronnie Kirby are typical of the cruel and unfair methods of propaganda used to destroy those who act in good faith, act according to the law, and do what is best for Indians.

The 700,000 persons in Canada who would expect to benefit to the extent of some \$3,000 each per year if Mrs Mary Early can impose herself upon Indians means some \$2,000,000,000.00 extra in taxes to the Canadian taxpayer according to the figures provided by a TV program in which Mrs Early appeared (promoted of course by the hot shot propagandists out to destroy the Indian Act)

Why do you not make clear that to include everyone, like Mrs Early, who wants to be an Indian is to pay another two billion a year.

Fortunately Mrs Early is a very good example for us to oppose as far as I am concerned she is not what the Globe and Mail said. I believe that she is:-

Her mother was a white woman.
Her mother gained Indian status by marrying a man, partly white, with
Mary married a white man. Indian status.
Mary married this white man, gave up her membership in the
Caughnawaga Indian band, lived with him
30 or 40 years in Brooklyn, became an
enfranchised American.

Mary's son is a big businessman in the US.
Mary's daughter was a white, American citizen, lived in the US

Mary's daughter got Indian status by marriage by the Indian Act.
Mary, her husband in Brooklyn now dead, knowing that living in
Caughnawaga is cheaper, knowing she can be
a star in the propaganda campaign against
BNA Act, Indian Act, against Indians lives
there.

Mary's friend, Senator Casgrain goes out to hurt Indians by her seeming
threats against the Chairman of the Council who
is not guilty of any misdeeds.

So why not let me meet Lawyer Ahearn, or particularly you on television to express the side of the Indians in Canada who need to protect their rights and their land from this government financed attack on the Indian Act. Yours truly

Taiotekane Hou



PLEASE FORWARD THIS LETTER

SENATOR CASGRAIN

THE SENATE

OTTAWA CANADA



10 CANADA

Montreal, July 17th, 1975

Mrs Josephine Cowan
Caughnawaga

Dear Mrs Cowan:

Thank you so much for the nice note
that you sent me on July 10th.

I think one must keep on working hard
to give to the Indian women the same rights as all
other Canadians.

The Star of July 18th had a very fine
editorial concerning your cause.

Let's keep on working.

Sincerely yours,

Thérèse F. Casgrain,
Senator.

TFC/mcd

Il est nécessaire de s'attaquer immédiatement à l'élaboration d'une politique de l'alimentation.

De quelle façon agir pour que la compétition règne encore dans le monde de l'alimentation au Canada dans 10 ans. Les compagnies multinationales auront-elles intégré verticalement l'ensemble de cette industrie, de telle sorte qu'on les retrouvera propriétaires des champs d'avoine, des meuneries, des boulangeries, des compagnies de transport, etc... Ce n'est là qu'un exemple, mais on pourrait mettre en cause tous les domaines de l'alimentation.

Evidemment, je sais que tout cela ne peut se faire en un jour. Il faut planifier et travailler fort, beaucoup de dévouement et une forte centralisation des directives. Toutefois, je vous assure qu'à l'avenir, comme par le passé, le ministère fédéral de la Consommation et des Corporations est prêt à collaborer avec vous pour la protection des consommateurs canadiens.

Et je suis sûr que l'Association des consommateurs du Canada pourra jouer un rôle important dans l'élaboration d'une déclaration de principe précise et positive, qui définira la marche du mouvement pour les prochaines années.

Je vous souhaite tout le succès possible pour votre conférence et ne doute pas des progrès que vous réaliserez dans les jours à venir.

Montréal,
le 18 juillet 1975

Honorable Marc Lalonde
Ministre de la Santé et
du Bien-être social
Hôtel du Gouvernement
Ottawa, Ontario

Mon cher Ministre,

J'ai vainement essayé plusieurs fois
de vous parler au téléphone. Vous vous doutez bien pour-
quoi je vous adresse ce petit mot.

Ne serait-il pas possible de faire passer
un ordre-en-conseil pour amender les articles 11 et 12 de
la loi des Indiens? Il est inconcevable que le gouvernement
ne puisse rien faire à ce sujet. A quoi bon parler de l'An-
née de la Femme - comme catalyseur - si on permet au Canada
que les femmes indiennes soient traitées comme des citoyen-
nes de deuxième classe. J'avoue ne rien comprendre à ce
sujet surtout si un ordre-en-conseil vient d'être passé per-
mettant aux Esquimaudes de chasser et de pêcher! Et pendant
ce temps, on laisse expulser de Caughnawaga environ 60 Indien-
nes, 51 familles et 240 enfants.

De toute façon, j'ai trouvé un avocat qui,
d'ici quelques jours, aura le courage de prendre des mesures
légales pour essayer d'arrêter pareille infamie.

Sans rancune, monsieur le Ministre, et
soyez assuré que je serai toujours heureuse de vous rencon-
trer.

Amicalement à vous,

Thérèse F. Casgrain,
sénateur et membre
de l'Age d'Or.

TFC/mcd

Report of the MONTREAL CHILDREN'S LIBRARY - Miss Mary Hilliam

The Montreal Children's Library has been in operation since 1929, and with a present budget of \$70,000, which has risen considerably due to increased cost of salaries, books, supplies, maintenance, etc, serves some 30,000 children of all nationalities and many diverse languages, by the circulation of books, story telling, book talks, visits to schools, reference and research work. Branches are located at Devonshire School, Elizabeth Ballantyne School, Park Extension, Point St. Charles and McDonald House. Book deposit stations at Tyndale House and St. Lambert Elementary School attract many readers. Registration is free and there are seven paid staff workers with the assistance of volunteer workers.

Mrs. R.E. Parsons, this year's campaign chairman is most hopeful that the budget will be realized with the special grants from the City of Montreal and the Province of Quebec, together with the special effort of the members of the Board and friends who manage to maintain the list of loyal subscribers as well as many new donors.

Additional space is urgently required, particularly in the north end of the city and Little Burgundy area, and it is hoped that with the success of the campaign the library will be in a position to thus expand.

I must mention the work of the volunteer repair department, under the guidance of Mrs. E.C. Hague, which saves the library in the neighbourhood of \$2,000. each year. Personally, given the time, I would like to participate in this phase of the work after seeing the very attractive and professional job of bookbinding they accomplish.

Story telling and the showing of film strips continue to be most popular, developing the child's imagination and stimulating an interest in reading.

Quoting from the annual report of Mrs. Kathleen Jensen, Head Librarian -

"There are many reasons why children need to read widely; they need to be capable of understanding the technical books that will advance them in their chosen careers, they need to be able to take their places in society and, perhaps, change it, but most of all to have their imaginations stretched to glimpse at horizons beyond the everyday world and to have the knowledge from which they can judge the beauty from the tawdry, the wise from the merely know-all and the truth from the false."

In closing may I say how much I have enjoyed the few meetings which I was able to attend. I would also like to pay tribute to the capable women on the Board, who, despite the many problems that occasionally confront them, have achieved such success in the operation of the library, and I fully endorse our support of this worthwhile service.

Respectfully submitted,

Mary Hilliam (Signed)
Representative to the
Montreal Children's Library.

.... cont'd Page 4

Montréal, le 18 juillet 1975

Madame Léopold Tremblay
250, rue Harvey
Alma, Lac St-Jean
68B 1N7

Chère amie,

Votre bonne lettre m'a fait grand plaisir et vous avez très bien fait d'adresser des copies du voeu concernant les Indiennes aux ministres et aux députés. Vous pourriez peut-être également en envoyer une copie aux chefs indiens Kirby, Delisle, et à ceux que vous jugerez à propos.

J'espère aller dans vos parages en août prochain et, à ce moment, je ne manquerai pas de vous faire signe.

Je ne me souviens pas d'avoir reçu les documents que vous m'avez envoyés en mai dernier ainsi que la liste des Indiennes ayant perdu leur statut. De toute façon, lors de mon passage chez vous, vous seriez gentille de m'en remettre une copie.

Amicalement vôtre,

Thérèse F. Casgrain,
sénateur.

TFC/mcd

ANNUAL REPORTS OF AD HOC COMMITTEES

1974 - 1975

Report of SURVEY and RESEARCH Chairman - Miss Eileen McCallum

I submitted a report to the Provincial Chairman, Survey and Research Committee, Quebec Provincial Organization, C.F.B.P.W.C. Women in Public Life members of the House of Commons - 3.

Respectfully submitted,

Eileen McCallum, (Signed)
Chairman
Survey and Research

Report of MONTREAL COUNCIL OF WOMEN Committee - Miss Isabel Menzies
and Mrs. Thirza Maltby

All monthly meetings of Council were held in Royal Victoria College, and were attended by one or both of your representatives, and a report sent to your Board. One meeting was held in the evening and was attended by several of our members.

Interesting speakers at the meetings dealt with such subjects as:

(October) The Role of Montreal Urban Community - (Mrs. Pat Rustad)

(November) Films on Olympics - (Mr. G.D. Edge, Director of Marketing & Planning)

(December) Conservation in Urban Development - (Denise Faille, President of Green Spaces)

(January) Canada Going Metric - (Lee Hutton, P.S.B.G.M.)

(February) Panel Discussion re International Women's Year.

(March) Report on the Family (Part I) - (Ethel Groffier Atala of the Civil Code Revision Office and McGill Faculty of Law)

(April) Discussion of Resolutions to be brought to the Annual Meeting of National Council of Women.

Study and discussion were also given to:

Social Welfare Report on Amalgamation of all Montreal Social Services.

Resolution re Strikes in Essential Services - presented to Provincial Government.

Manpower and Immigration Brief - Mrs. Siocos represented Council.

Bill 22 - Amendments suggested by Council to this Bill.

Names of women to represent National Council of Women at International Conferences and names suggested for Government appointments.

Questionnaire from Consumers Association of Canada re Credit Cards.

Report of the Conjoint Committee - Jewish, French and English Councils - whose objective is to remedy the unmet social needs of juveniles -

A Volunteer Training Course has been set up and is proving to be well attended and worthwhile.

Presentation of Brief from National Council of Women took place in Ottawa on 18th November 1974, and included resolutions on the Status of Indian Women's Rights, Strikes in the Public Service, Prohibition

From Frank Taiotekane Horn, Box 772, Caughnwaga, PQ
~~Augustum~~ July 22nd 1975

Senator Therese Casgrain,
the Senate,
Ottawa, Canada.

and

Miss Linda Cahill,
Editorial Dept,
the Star, St. James West
Montreal

Dear Senator and Reporter Cahill:

Do you really think that the white daughter of a white mother, and perhaps apartly white father, who was raised and lived virtually all her life in Brooklyn, who married a white man and produced two white children--deserves your incredible support on the grounds that she is an Iroquois widow.

Senator Casgrain it looks as if you are looking for cheap publicity.

Miss Linda Cahill it looks as if you do not investigate, check and verify before you publish ~~the~~ biased information told you for a purpose.

That makes a sad combination of two people.

The Chairman of the Indian Act Council in Caughnwaga is not responsible for the eviction of the illegal squatters. The British North America Act reserves this land for those who legally qualify as Indians. Mrs Early does not qualify as an Indian.

Mrs Early's mother was a charming white woman, a nurse; her husband was a charming white man, a contractor. Her son is a charming white American businessman. Her daughter was white, met an Indian, married him--and moved to Caughnwaga.

That does not make Mrs Early an Indian despite what you say Senator Castgrain.

Now Mrs Early who certainly is not what the Globe and Mail said "a poor Indian widow who never left the re-serve"--but after all the propagandists who are running these campaigns know no limits when they find suckers to believe them do they?

So when Mrs Early came to squat in Caughnwaga illegally, with her lovely white daughter, married to a handsome Indian, she knew she was there unlawfully and that the right, title and all the benefits to Indians is in jeopardy under the British North America Act if she is allowed to stay there.

No one attacked her (as could be done in the Federal Court of Canada) but because she insisted in degrading, insulting, criticizing and being an instrument to attempt to destroy the Indian Act, to degrade the Daughnwagians and would make trips of thousands of miles to insult Indians it was felt that this illegal American woman from Brooklyn would be happier back in Brooklyn. Do not forget her mother got to be an Indian because of the Indian act, Mrs Early married and left voluntarily and took her share of the band funds, and her daughter got to be an Indian because of the Indian Act.

When you enter into something like this Senator Casgrain try to find out what you are doing because when a show down come it may look badly for you. For Indians to survive they cannot have all kinds of Americans--there are some 700,000 others according to Mrs Early who would like to live on reserves--and others moving in unlawfully on reserves. Mrs Early should be moved because of her constant attack on the Indian Act to destroy this protective law which should not be changed, and will not be changed. Yours truly

T Horn

TAIOTEKANE HORN.

H. S. MORTON
HALLMORTON FARM
MONK POINT, HECKMANS ISLAND
R.R. 1
LUNENBERG, NOVA SCOTIA

22nd July - 75

Dear Madam:-

What a peculiar world we live in.
People shaking hands in space and murdering
right and left on Earth!

First of all the Indian Ladies.
Chief Joseph Grant was responsible for changing
the Indians from Matrarchial to Patriarchial
sometime before 1793. Thus it has been in
operation for nearly two hundred years.

It is not a good thing because before that
all a warrior owned was his weapons, clothes
while the squaw owned house and looked after
the family. Now no one knows who is what
really, they are all half breeds!

Some Senator Cargrain said on T.V. that the
simplest and of course cheapest solution is an
Order in Council. So all you have to do is
to persuade the minister so to do.

Pan Canada has much to do now
 Trudeau has announced via C.P. Ottawa that
 the Federal Govt. will not ask the Supreme Court of
 Canada to rule on Quebec French Official Language Bill.

The letter was written to Douglas "Skidrie"
 President Q.A.P.S.B. So the long fight is
 on and will cost a lot. So I think that
 we have much to do in this line of country.

Robey will in no way enter a political strife
 as I have had a heart to heart talk with
 them re the Indian Ladies. It is considered
 wrong to turn out the widows and all wrong
 what Brant did. Only a Matriarchal Society
 will let the Indians know who is really who!

Looking forward to seeing you next month

Yours sincerely,

Henry

THE PAN-CANADA FOUNDATION
LA FONDATION PAN-CANADA

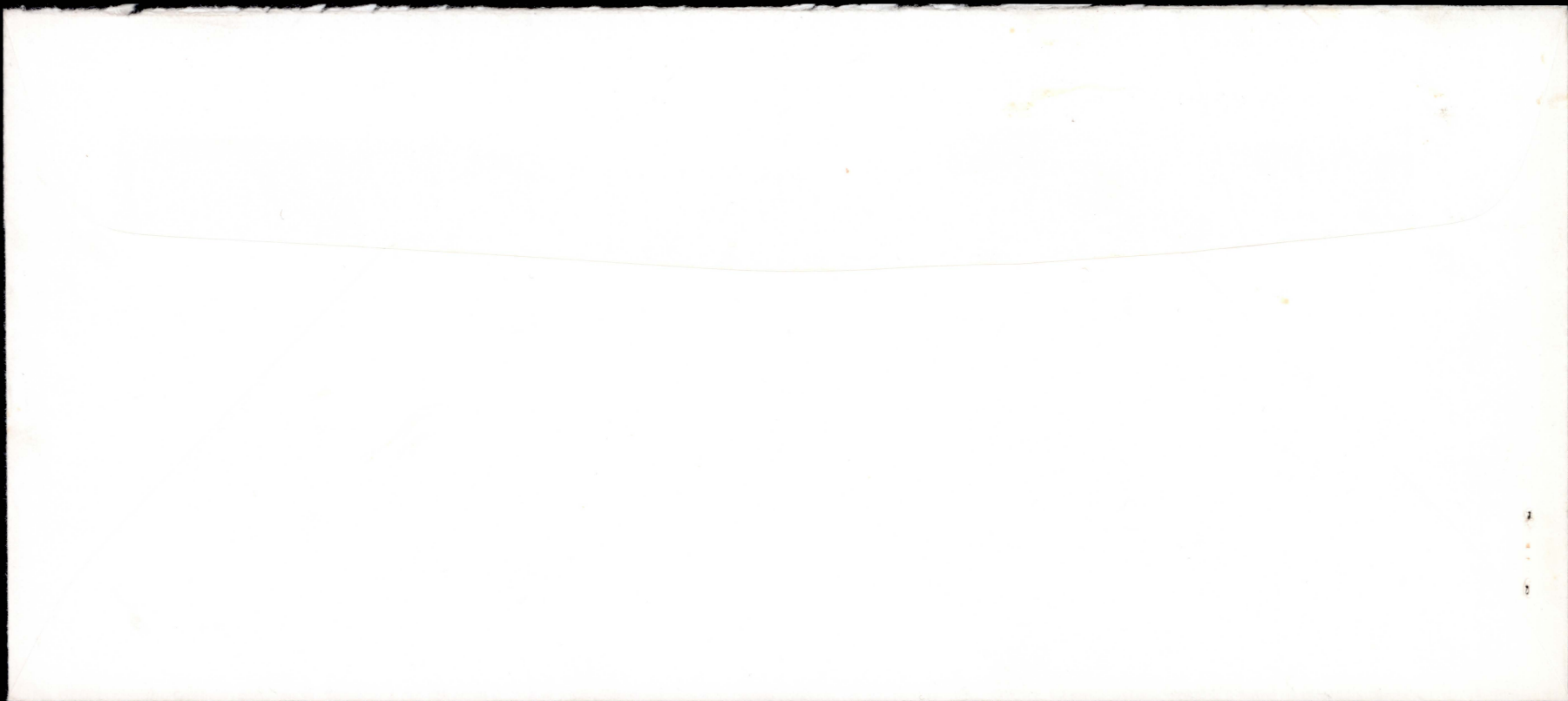
Senator The Honourable Thérèse Casgrain

250 Clarke Avenue

Westmount

Que.

816



TELEGRAM SENT Aug. 8th

to ^{The Hon.} J. BUCHANAN
^{The Hon.} copy to M. LAKE.

On the BASIS of human rights
SAVE THE CANADAWAGA women from
eviction STOP DO NOT ALLOW
SUCH INJUSTICE TO PREVAIL IN
OUR CANADIAN democratic NATION
WITH ITS JUST SOCIETY.

MRS. EDWARD BRONEFMAN
67 FORDEN Crescent
Westmount
Que.

Beverly Brontman

Aug. 8/75-

Dear Mme. Casgrain:

Thank you so very much for the inspiring luncheon in your home Wednesday.

Enclosed is a copy of the telegram I sent to The Hon. J. Buchanan with a copy to The Hon. M. LeBlond. I do hope that in my own small way, this will contribute to the help of those wonderful women who are being treated so unjustly.

Yours sincerely,
Beverly.

By hand

Mme. Thérèse Casgrain
250 Clarke Avenue
Apt. # 816

Westmount

67 Jorden Crescent
Montreal, Quebec
H3Y 2Y5



CANADA

OFFICE OF
THE MINISTER OF NATIONAL HEALTH AND WELFARE
AND
MINISTER RESPONSIBLE FOR THE STATUS OF WOMEN

CABINET DU MINISTRE DE LA
SANTÉ NATIONALE ET DU BIEN-ÊTRE SOCIAL
ET
MINISTRE CHARGÉ DE LA SITUATION DE LA FEMME

Ottawa, K1A 0K9

AUG 18 1975

L'honorable Thérèse F. Casgrain
Le Sénat
Ottawa (Ontario)
K1A 0A4

Madame,

L'honorable Marc Lalonde, ministre de la Santé nationale et du Bien-être social, m'a demandé d'accuser réception de votre lettre du 18 juillet 1975 concernant les articles 11 et 12 de la Loi des Indiens.

J'ai demandé à des fonctionnaires du ministère de nous communiquer des renseignements à ce sujet et, aussitôt qu'ils seront parvenus, monsieur Lalonde entrera en contact avec vous.

Veuillez agréer, Madame, l'expression de mes meilleurs sentiments.

Ann C. Jamieson
Chef de cabinet

Le 29 août 1975.

L'Honorable Marc Lalonde,
Ministre de la Santé Nationale
& du Bien-Etre Social,
Chambre des Communes,
Ottawa, Ontario K1A 0A4

Mon cher Marc,

C'est avec surprise que j'ai reçu un mot de votre Chef de Cabinet, Mme Jamieson, en réponse à la lettre que je vous adressais le 18 juillet dernier.

J'avais déjà communiqué avec le Département des Affaires Indiennes et c'est simplement à titre de Ministre qui s'occupe de l'Année de la Femme que je vous ai écrit.

Je n'ai aucun commentaire à faire sur votre façon d'agir sauf pour vous dire qu'elle m'a étonnée et profondément peinée.

Amicalement à vous,

Sén. Thérèse F. Casgrain

271-9733

Association des Métis & Indiens Hors Réserves du Québec Inc.

2023, Boulevard de l'Anse

Roberval, P. Q.

G8H 2N1

Paul Paradis, prés.

M. C. V., v.-prés.

R. Gagnon

L. Bélanger

R. Ouellet

Roberval 8/9/75

Mme Thérèse Casgrain Sénateur,

Par la présente, je viens vous remercier de votre visite à St-Félicien le 17 août 75 et à ma demeure à Roberval.

Nos membres sont très satisfaits des informations que vous leurs avez apporté, Cela nous a permis de faire connaissance d'une dame qui fait beaucoup pour le bien et la justice des citoyens au pays. Notre groupe, vous a grandement apprécié et souhaite qu'une chose, c'est de vous revoir.

Je vous envoie le numéro de notre projet PIL sur l'artisanat qui est : B H I253-5 et j'aimerais bien que vous le recommandiez aux autorités concernées.

Donc avec l'espoir de vous lire prochainement, je demeure

Amicalement vôtre,

.....*Paul Paradis*.....

paul Paradis Prés. Prov.

3.30 -

1500 Benson

Ave

E. B. Co



CANADA

MINISTER OF NATIONAL HEALTH AND WELFARE
AND
MINISTER RESPONSIBLE FOR THE STATUS OF WOMEN

MINISTRE DE LA
SANTÉ NATIONALE ET DU BIEN-ÊTRE SOCIAL
ET
MINISTRE CHARGÉ DE LA SITUATION DE LA FEMME

Ottawa, K1A 0K9

OCT 14 1975

L'honorable Thérèse F. Casgrain
250, avenue Clarke, App. 816
Westmount (Québec)

Madame,

Je vous remercie de votre lettre du 18 juillet 1975, et je regrette que mes nombreux déplacements ne vous aient pas permis de me rejoindre au téléphone. Le retard apporté à vous répondre personnellement est dû à un malencontreux concours de circonstances.

L'expulsion des Indiennes de Caughnawaga, comme je l'ai exprimé à la Chambre des communes, est une action regrettable, surtout pendant que des discussions sont en cours avec les représentants des Indiennes en vue de modifications à apporter à la Loi sur les Indiens. Toutefois, j'ai examiné la question avec mon collègue le ministre des Affaires indiennes et du nord et malheureusement il ne m'est pas possible d'intervenir.

Comme vous le savez, un Comité conjoint du Cabinet et de la Fraternité des Indiens a été récemment formé pour étudier la politique du gouvernement à l'égard des autochtones.

Quant aux permis de chasse et de pêche affectant les Esquimaudes, je dois dire qu'il ne s'agissait là que de règlements qui pouvaient être modifiés par un arrêté ministériel. D'ailleurs les Esquimaux ne sont pas régis par la même Loi que les Indiens, dont divers droits sont fonction de leur inscription sur la liste de Bandes et la législation qui la gouverne.

Veuillez agréer, Madame, l'expression de mes meilleurs sentiments.

Marc Lalonde

Indian women

The Gazette 27.10.75

Unjust law angers Casgrain

By DONNA GABELINE
of The Gazette

Sen Therese Casgrain is distressed by the irony of Canada's Indian women living as second class citizens at the same time the country is observing International Women's Year

"I would like to see Indian women become full fledged citizens by the end of 1975," she said last week in a speech at Marianopolis College

What is keeping the Indian women from having the same rights as other Canadians is the section of the Indian Act which states that Indian women who marry non-Indian men lose their status.

Federal matter

When that happens, they can be evicted from the reserve and denied permission for themselves and their children to be buried there.

When three women were served eviction notices recently at the Caughnawaga Reserve, Casgrain intervened on their behalf. Lawyers for the Indian women went before Quebec Superior Court but were told it was a matter for the federal courts.

Because the Supreme Court of Canada has already ruled against Jeanette Lavell, another Indian woman, Casgrain says she has doubts about being able to change the discriminatory section of Indian Act in existence since 1886.

"It would be so easy to change the Act, but we keep being told it's impossible."

"The Indians have a culture to keep," she said. The Indian Act applies to "the way they used to do things. But times change and it's time for women to have full rights."

Casgrain believes it is grossly unfair that women lose their rights if they marry a non-Indian man but that a non-Indian woman who marries an Indian man gains Indian status.

"They still have Indian blood whether or not their husbands do. I have seen blonde, blue eyed children who claim Indian status because their fathers are Indian but the children of women married to non Indian men can't even go to school in Caughnawaga."

No sisterhood

If the Indian men of Caughnawaga are so concerned about non-Indian men marrying their women, Casgrain wonders why they don't do something about the white men living on the reserve who are selling liquor there in defiance of another section of the Indian Act.

Casgrain, a longtime campaigner for the cause of



Therese Casgrain — campaigning for Indian women's rights

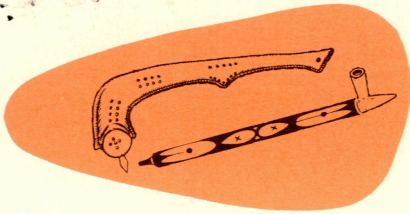
women's rights, also wonders why there is an Indian Brotherhood and not an Indian Sisterhood.

"When the Secretary of State held an International Women's Year seminar on native women, it was presided over by a man. And when I went to Ottawa with several Indian women a few years ago to see Jean Chretien, minister of Indian affairs, the women were beaten by their husbands when they returned."

Casgrain said there is no consensus of opinion among the Indians about how the Act should be changed, so it's imperative that Canadians pressure the government into deleting discriminatory sections.

Indian women are getting around the law by not marrying but by living commonlaw, said Casgrain, which poses a whole new set of legal problems.

"You can bury dogs on Caughnawaga but not the children of Indian women with non-Indian husbands. It really is annoying that we tolerate such discrimination in International Women's Year."



NATIONAL INDIAN BROTHERHOOD

SUITE 1610, VARETTE BUILDING 130 ALBERT ST., OTTAWA, K1P 5G4 (613)236-0673

30 October 1975

Senator Therese Casgrain
Apartment 816
250 Clark Avenue
MONTREAL, P.Q.

Dear Senator Casgrain:

I was reading an article, a copy of which I have enclosed, of statements reportedly made by you in Montreal. There were two statements in particular attributed to you which caused me some concern.

The first statement was "*When the Secretary of State held an International Women's Year Seminar on native women, it was presided over by a man.*" I am not sure whether this seminar you are referring to is the Native Women's Conference held in Ottawa on August 22 - 23, 1975 at which I served as facilitator at the request of the women themselves. Prior to the conference, I had expressed my reservations about me, a male, conducting this seminar. However, the Executive wished to proceed on basis. At the beginning of the conference I again expressed my reservations and asked the delegation if they wished me (and my three colleagues who were female and Indian) to continue with the workshop in the fashion we had discussed. They all expressed the desire to continue. During the workshop the matter arose again and a vote was taken. In fact 90-some women voted in favour of the way we were conducting the workshop and only four voted against. In view of these votes of confidence from the native women delegates, I think it is totally unfair that you would imply in your speech that this man was forced upon the helpless native women. I served these women only at their invitation to do so. For your information I am enclosing a copy of the evaluation sheet done by the women delegates at the conference. However, this matter is not really my primary concern.

The second statement was "*And when I went to Ottawa with several Indian women a few years ago to see Jean Chretien, Minister of Indian Affairs and Northern Development, the women were beaten by their husbands when they returned.*" I think this statement is not true and I challenge you to name the dates, times and places involved. If you cannot or will not put forth your facts this can only be considered a most irresponsible statement on the part of a person who occupies such an honored position as a Senator of this country.

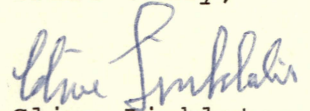
.....

30 October 1975

Your whole statement as reported seems to indicate that Indian men have been active in trying to suppress Indian women in this country. Such is not the case now and never has been. The matter of which you are so upset about, Section 12 (1)(b) of the Indian Act, was not imposed by Indian men but by white men of the Indian Affairs Department years ago because they needed an administrative regulation in order for them to determine who was or was not an Indian by their bureaucratic code. Compared to the suffering that Indian women face in this country even at the hands of white women in the areas of jobs, housing and other social activities, the suffering caused to women by that section of the Indian Act is not all that great. I don't hear much complaining from those Indian women who chose to marry Indian men. However, I am not saying that we should tolerate suffering under any circumstances. In fact, this Brotherhood has made recommendations to deal on an equal basis with those women and men to chose to marry non-Indians. The suggestion that you proposed in eliminating Section 12 (1)(b) or even eliminating the Indian Act itself will not solve the problems you think it will, but in fact, will create many more problems that will cause even more suffering to Indian women and children.

I wish you and other people who make similar statements as yours would stop to consider the serious implications of what you are saying. However, I hope that someday I can meet with you to discuss these matters more fully so that you will understand the intolerable situation in which not only Indian women, but Indian men, are placed in this country.

Yours truly,


Clive Linklater,
Vice-President.



FROM
DU

MTL GAZETTE

DATE

OCT 27/75

Indian women

Unjust law angers Casgrain

By DONNA GABELINE
of The Gazette

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EVALUATION SUMMARY OF NATIVE WOMEN'S WORKSHOP

OTTAWA, CANADA

AUGUST 22 - 23, 1975.

PREPARED BY CLIVE LINKLATER

EVALUATION SUMMARY OF NATIVE WOMEN'S WORKSHOP

This is a summary of the responses to the Evaluation Sheet done at the Native Women's Conference held in Ottawa, Canada from August 22 - 23, 1975.

There were approximately 55 - 65 participants in attendance. However, there were only 53 Evaluation Sheets handed in. The questions asked and the responses are tabulated below:

- 1) The participants were asked to rate the whole workshop on the following scale: (1) Very Poor (2) Poor (3) So-So (4) Good (5) Very Good.

The results were:	Very Good	26	49.1%
	Good	23	43.4%
	So-So	4	7.5%
		<u>53</u>	

Therefore, the Workshop had a positive ranking of 92.5%
and a neutral ranking of 7.5%
and a negative ranking of - 0 -

- 2) The participants were asked to describe the Workshop with one word. (The words have been ranked from Positive to Neutral with no Negatives).

Wonderful	Thought-provoking
Exciting	Organized
Exhilarating	Informal
Stimulating (2)	Worthwhile
Tremendous - Excellent	Effective
Excellent	Knowledgeable
Great	So-So (3)
Educational (6)	Time-consuming
Informative (4)	Tiring
Interesting (4)	Communication
Encouraging	Workshops (2)
Very Good (2)	Women's Centers
Good (4)	Problems
Fun	No Comments (3)
Important	Nil (3)
Helpful	

- 3) The participants were asked to rate the different sessions according to the order they liked them best. The rating was as follows:

1st	Session on Women's Centers (Fantasy Exercise)
2nd	Session on Alcohol Prevention (Triads Exercise)
3rd	Introductions - 1 HELLO (Bingo)
4th	Session on unemployment-employment (Force Field Analysis Exercise)
5th	Opening Sessions (Flag Ceremonies - Speakers - Water-Pipe Ceremony)

- 4) The participants were asked what type of sessions they would prefer for future meetings:

a. formal type	5
b. informal type	41
c. bit of both	4
d. no response	<u>3</u>
	53

Therefore, 77% of participants preferred the informal type.
9% of participants preferred the formal type.
9% of participants preferred a bit of both.
5% of participants did not respond.

- 5) The participants were asked to make any comments they cared to. Thirteen (13) participants did not make any comments. The remaining comments made are listed in positive to neutral order to specific recommendations.

"I'm tired but happy!"

"I enjoyed the group sessions immensely. We were able to exchange ideas."

"This is an excellent way of people of voices of many nations to get to know each other."

"Have been to many conventions, but feel that this has been the best so far."

"I certainly enjoyed being part of this workshop."

"Found it more interesting than usual (I have not been to many though). Usually there is mostly conflict of opinion which results to be childish. Every session so far seemed to be (in my opinion) constructive."

"With informal sessions you have accomplished more in a short time and involvement of everyone."

"Workshop is very good because us mothers have a chance to help one another in raising our children, and be of help with one another's ideas."

"A very good sessions because it gets the shyness from women that are too shy to say something."

"I think the workshop was very well conducted and everyone had an involvement in it."

"Enjoyed the workshop and found it to be beneficial from the feed-back received from other participants in the group."

"Enjoyed the workshop, a good experience."

"Everybody had a chance to participate."

5) continued.....

"Congratulations!"

"Very exhausting."

"I have really enjoyed this conference. I know for myself I have accomplished something out of this workshop."

"Very well handled by resource persons, but never enough time. For a business session and workshop session combined, should have an extra 1/2 to 1 day."

"Water-Pipe Ceremony is not usually done with women for reasons I learned when I was young."

"Workshop is essential to any group from each province."

"I think in working this way we learn more and get more information and understand others better."

"Feeling of unity, trust and friendliness among women who were complete strangers at the onset of conference. Greater awakening to different problems of native women across Canada and brighter outlook on how to formulate programmes and to combat same."

"Very useful to have this experience and take home to our organization. It will help greatly to stimulate our meetings. Many thanks."

"Thanks for the patience in waiting for us women who have been using Indian time."

"Again, I say, Education is what we need. Our Centre is not true. Favouritism, nepotism must go."

"Informal sessions can voice their opinions openly. Although formal sessions are necessary."

"One session was not covered due to delegates lack of time and the importance of being prompt."

"Time should be punctual. Kick the habit of Indian time."

"Priorities - business should be done first."

"Worthwhile. Cold soup. Tea not served according to native custom."

"To a Native Women's Conference it should be conducted by a woman."

"This has been a good session but we do need more time to work in a formal way of a meeting for continuity."

"All summaries and resolutions should be available during the conference - instead of later."

"It was very difficult to organize a large group of women into groups, exercises and it was a learning and teaching experience for all of us. We only hope that the information collected will be facilitated to the women and what are the recommendations or resolutions to come out of this? A job well done!"

5) continued....

"Proposed Agenda for Next Meeting - Introductions, Reports, Workshops, Constitutions & By-Laws, Direction, Elections."

"I feel each day should start with business so that we do not get behind schedule and become so tired and irritated. Election of officers at the end becomes very upsetting and we don't need to be tired when we do it."

* * *

To Senator Coograin
for your information

How about an answer?

From Frank Taiotekane Horn
Box #772, Caughnawaga, PQ.
January 30 1976

TO HON MINISTER OF INDIANS

AND

TO HON SECRETARY OF STATE

Re: a typical procedure in relation
to status seeking as an Indian.

Honoured Sir:

With all due respect for the intentions and of course the ignorance of the subject shown by Hon Mr Pelletier when he announced the creation of a second, parallel and soon-to-be Indians group numbering some 850,000 persons in Canada labelling them as "non status Indians", I wish to point out typical procedure.

Those of the 275,000 Indians in Canada who have Indian status like my sister Margaret Horn had before her marriage to a non-Indian wish to retain that status. They generally know what the status of being a registered Indian means and despite the falsehoods published in the press the Indians do not want to leave their reserves (except those lured away by promises of perpetual parties in the Secretary of State promoted Friendship Centres) and most of all they do not want to relinquish their status.

My sister Margaret, a registered Indian, married and lost her status. This is as it should be. It is obviously impossible to start bringing husbands of Indian women to live on reserves and the law is approved by Indians. So Margaret lived with her non-Indian husband being assimilated in white society. When they divorced she wished to have her status back so she moved into Caughnawaga. At this point another member of my family commenced testing the law as to my sister Margaret, a Canadian citizen and not an Indian, moving back onto the Caughnawaga reserve to live permanently.

(2)

Mr Pelletier had long previously recognized that out in Western Canada where the majority of the 250,000 to 300,000 voters who had aboriginal hopes or feelings lived that promises of giving them the \$3,000 per year an Indian "costs", the government would surely influence votes so the 850,000 were being lured with promises of being Indians in the future.

Of course my sister Margaret, previously an Indian, wanting to be an Indian again sought as would any other reasonable person entry as an Indian by becoming active with the "Non Status Indian Association". Meeting were held, all the rights of the deprived ex-Indian women were talked over time and again, and the Indian Act, the Indians who approve of the present laws and the band etc were all ripped apart.

Now no one bothers to mention that to recognize the people being lead along this path, to increase the number of Indians from 275,000 to 1,125,000 means an increased burden on the taxpayers from some \$600,000 to close to \$3.5 billion a year. Of course the taxpayers does not dream of such insanity, the increasing of the number of Employees of Dept of Indian Affairs from some 5,000 to some 22,000, for example!

The "non status Indians" fought for the rights of Margaret Horn to be an Indian. Then she took the right course. She did what Mrs Edward Early, the widow of a Brooklyn businessman where she lived for 45 years, should take. Margaret married a Caughnawgians with an Indian number and now Margaret Horn is secure. She has her Indian status once again. As far as those poor "non status Indians"---seems the slogan is "forget them".

However rather than let things drift on and on and on do you not think the reality of the situation should be faced and they should be told whether they are to be given the \$2 billion a year they would need if they cease being Canadian citizens and be come Indians (some of whom have no Indian blood whatever in them, but does that really matter ?)

Yours

T. HORN

teletakane horn

From Frank Taiotekane Horn,
Box # 772, Caughnawaga Reserve,
Caughnawaga, PQ. Feb 3 1976

Senator Casgrain,
The Senate,
Ottawa, Canada.

Re: Your attack on Indians and the Indian Act
ignoring the advantages granted to Indian
women over Indian men in the Act, and stressing
the status of wives of non-Indians.

Dear Senator Casgrain:

Now that you have had time to reflect on your previous press
statements perhaps I can write to you, ask you a question, and receive
the courtesy of a proper reply.

The contract between the Canadian government and the registered
Indians, costing the Canadian taxpayer some \$600 million a year is clearly
defined specifying the male heirs of the original registered Indians, plus
the offspring of unmarried Indian women (not the offspring of unmarried
Indian men for example).

This has helped keep out of the Indian communities enterprising
promoters, all sorts of males of different races, and has still permitted
and even encouraged the woman with Indian status to meet and marry a non-
Indian and take up a life in the "world outside".

The law was and is fair, proper, clearly thought out and it works.

That is why it is utterly shocking to find a person with a really
fine reputation like you attacking it so viciously, or being promoted to
do so.

In the case of Mrs Edward Early on whose behalf you attacked Indians
she was part Indian from birth, had Indian status, married an American
businessman and lived there in Brooklyn, Manhattan etc for nearly 50 years.

The Indian Act made her an American citizen, her two children by
her husband this American man became Americans. However your notion is
that instead she should have turned him into an Indian, and those two
American children (who would have 1/8 to 1/16th Indian blood) would
have also become Indians.

After nearly 50 years in Brooklyn her American husband died and
this woman fell into the hands of highly paid Canadian government press
agents who were organized to try to destroy the status of Indians by
turning ridicule and hatred upon their only protection the Indian Act.

That is why I would like you to answer me simply enough. Am I
correct in the concept that you feel that the Indian Act should have contained
sections to make her American husband and the children into registered
Indians in Canada (or do you suggest a division of the family?). Won't you
please tell me if you know what you were talking about? Yours truly

T. HORN

T. Horn

LE COMITE DE LA FETE ABENAKISE,
ODANAK, PQ, CTE YAMASKA, JOG IHO,
Le 14 mai, 1976.

Sénateur Thérèse Casgrain,
Edifice du Sénat,
Edifices du Parlement,
Ottawa, Ontario.

Chère Sénateur Casgrain,

Suite à votre visite "Chez Nous" à Odanak
l'hiver dernier, qui occasionna un plaisir mutuel,
le COMITE DE LA FETE ABENAKISE, désire vous inviter
lors de notre Fête annuelle tenue les 2-3-4 juillet,
1976. Cette Fête comprend de nombreuses activités
indiennes, dont la journée principale sera le dimanche
4 juillet, 1976. Si votre horaire le permet, votre
présence serait grandement appréciée.

Sincèrement,

Louise Bouchard.

Louise Bouchard, Secrétaire,
COMITE DE LA FETE ABENAKISE.



The Catholic Women's League of Canada

Ottawa.
May 24, 1976.

Madame Thérèse Casgrain,
250 Clarke Ave.,
Westmount, P.Q.

Dear Madame Casgrain,

Please be advised, this correspondence is on behalf of
Mrs. Mary Two-Axe Earley, and her counterparts at Caughnawaga.

Last month I personally met Mrs. Earley at a U.C.W. (United Church Women's) convention in Ottawa. She was a guest panelist and I was a representative of the Ottawa Archdiocesan membership of the Catholic Women's League. At this time Mrs. Earley shared her problem with us and later asked me personally to prepare correspondence and encourage our (CWL) membership to write on her behalf, i.e. in support of natives peoples (widows) to remain on the Reserves.

Mrs. Earley asked that we direct our support correspondence "to permit three widows to remain on Caughnawaga". We understand this case is presently before the Courts.

Archdiocesan

We have been speaking to Father Whelan (Ottawa/Director of Natives Peoples,) Mr. Morris Lewis, Director of Native Peoples Assoc., Mr. Bob Fox, Canadian Assoc. in Support of Natives Peoples. As well, Joan Hoople, who suggested that I seek your advice as to the feasibility of our members (CWL) writing on behalf of those three Widows on Caughnawaga.

The Ottawa Archdiocesan Council of C.W.L. is meeting its convention Sunday May 30. Could you please advise your opinion on this matter. The other persons mentioned above indicated support correspondence from our membership (on personal stationery) would benefit the cause of those Widows.

We await your reply,

Sincerely,

Phyllis McIntomny
(Mrs.) Phyllis McIntomny
Community Life Convenor of C.W.L.
Ottawa Archdiocesan Council.

328 Cunningham Ave.,
K1H 6B4 733-7193

B.S. - The short time is regretted. Much time was spent locating people.

FOCUS

WHY SOME INDIAN WOMEN ARE MORE EQUAL THAN OTHERS

BY THERESA NAHANEE

While attending the International Women's Year conference held in Mexico City last summer, Mrs. Mary Two-Axe Early, a spirited grandmother, was served in absentia with an eviction notice. The eviction from her home on the Caughnawaga reserve near Montreal was inevitable because Mrs. Early, a widow for 10 years, had been married to a white man, and she was able to explain first hand to the 3,000 delegates how Canadian law discriminates against Indian women.

In the last few years, Indian women made many unsuccessful attempts to gain equality with Indian men before the law. In 1971 attention was focused on Jeannette Corbiere-Lavell, the first Indian woman ever to contest sections of the Indian Act that discriminate against women, and to demand equality according to the Canadian Bill of Rights. (The Indian Act, which first became law in 1874, grants certain rights and privileges to Indians and their lands.)

Mrs. Lavell lost her case in the Supreme Court of Canada, where it was argued that Indian status is not guaranteed by the Bill of Rights, and that the law had been uncontested for a century.

The issue involves all Indian women alive now and yet to be born. Under the Indian Act, if a man marries a non-Indian his wife automatically becomes a registered Indian, regardless of racial origin, but if a woman marries a non-Indian, she ceases to be an Indian herself.

When the Canadian Government speaks of Indian people it refers only to those 262,000 natives who are registered with the Department of Indian and Northern Affairs, and not to the non-status Indians, who number between 500,000 and 750,000. All rights, protection and services administered by this department are available only to the registered Indians.

In the face of this discrimination, why do Indian women choose to marry non-Indians or nonstatus Indians? The answer is simply that even in our liberated society it is still left to the male to propose marriage. There is also the "love factor" to consider. Indian women, like other women, marry for love, and this does not always come in a neat racial package. Lastly, in the restricted society of the reserves, it is often difficult for



Facing eviction: Mary Two-Axe Early.

women to find eligible men who are not relatives, and this forces them to look outside for a husband.

To women like Mary Two-Axe Early and Jeannette Corbiere-Lavell, loss of Indian status and the arbitrary denial of their race is very serious. As international jurist R. Sampat-Mehta, points out in his book, *Minority Rights And Obligations*, "Loss of status means they can no longer live on the reserve where they were born. Under the law they can be treated as trespassers even when visiting their blood relatives, and all rights inherent in Indian status are stripped from them. They can no longer vote in band elections or share in band funds or monies from resources. They cannot own land on a reserve, nor can they keep land even if left to them in a will by their own father or other relative."

In Mary's case, the house she lives in on the reserve was left to her by her grandfather but, because she had been married to a white man and was therefore a nonstatus Indian, she could not inherit the property. She therefore gave it to her daughter, who is married to a registered Indian member of the band, and moved in with her. Now the band is trying to evict Mrs. Early, and the ensuing legal battle will be a test case.

Under the Indian Act as it stands, 10,000 Indian women who married non-status Indians have been systematically deprived of their birthright, of property and other ownership rights on Canada's 560 reserves. Whether or not these women have the support of registered Indian males is questionable and varies from province to province. In some areas Indian society readily accepts women of all races who marry registered Indians as

"registered Indians" themselves, while continuing to deny rights to Indian women who have married non-Indians.

However, even if the men do agree that Indian women should be treated equally under the law, this is meaningless without changes in the Indian Act. It is the law that discriminates and it is the law that must be changed.

Various claims have been advanced as to why the government since 1874 has forced Indian women to give up their status when they marry a non-Indian.

If women marry non-Indians their standard of living would be better than it would be on the reserves. A close study of non-status Indians reveals that, in fact, they are worse off than registered Indians.

It was designed to protect women from non-Indian males who might marry them for their reserve property, resource revenues or share of band funds. To presume in 1976 that Indian women cannot protect themselves and their interests is outdated and colonial.

Indian women have remained silent on the issue since 1874. Their silence ended in 1971.

The "white" husbands will migrate to the reserves and eventually take control. This is the most basic fear of the Indian men, encouraged by successive governments to gain support in suppressing Indian women. The women understand these fears and are prepared to compromise on this issue in open discussions, but would like to see "enfranchisement" not tied to land in future Indian Acts.

The women are left with only one recourse — to gain public support. They seek a fair and impartial hearing on future amendments to the Act, but fear they will not be heard.

Indian status for children is also an issue, since many Indian women choose to live common-law rather than lose their Indian status. The Indian Act empowers band councils to deprive such children of their status if it can be proved that the father is a non-Indian.

Indian women gained the support of the 3,000 delegates in Mexico City, following which they sent a telegram to Prime Minister Trudeau. If you would like to help them in their bid for equality send letters or cables of support to the Committee on Indian Rights for Indian Women, 310 The Boardwalk, 10310 — 102nd Avenue, Edmonton, and your local Member of Parliament.

Theresa Nahanee is an information officer with the federal government and a registered Indian. ■

1e 25 mai 1976

Madame Louise Bouchard
Secrétaire
Comité de la Fête Abenakise
Odanak
Comté Yamaska
Québec JOG 1H0

Chère Madame,

Il m'aurait fait grand plaisir d'accepter votre aimable invitation d'assister à la fête annuelle les 2, 3 et 4 juillet prochain.

Malheureusement des engagements antérieurs m'empêchent d'être des vôtres à ce moment-là.

Je vous remercie d'avoir pensé à moi et vous souhaite beaucoup de succès.

(Sénateur Thérèse F. Casgrain)

Alma le 22 sept/1976.

Madame Thérèse Casgrain Sénateur
Montréal -

Chère amie,

Je suis toujours heureuse de vous apercevoir à la télévision, rayonnante de sérénité. Il vous plaît cet article sur une amie Indienne de Pointe Bleue?

C'est presque devenu une tradition, j'ai de nouveau présenté un vœu sur le statut des Indiennes à l'occasion du Congrès régional des Cercles de Fermières.

J'ai écrit à votre intention la réponse que j'ai reçu du Capitaine de M. Buchanan. Suite à cette lettre j'ai écrit pour demander si je pouvais recevoir les résolutions de la Fraternité N. des Indiens, et s'il y avait des représentantes Indiennes au Conseil qui étudie la refonte des Lois. Pas de réponse. Il est très important que les Indiennes soient présentes autrement ce sera encore des Lois fait par les hommes pour les hommes. Pour vous il sera plus facile de savoir et d'intervenir - et la présence de notre Monique Bégin promu ministre - Bravo pour qui a reconnu sa compétence.

Vous avez appris probablement qu'il existe une association de femmes Indiennes - appelée : Québec Native Women Ancestors du Québec.

140 Stanley #610 Montréal la présidente est Mme Gail Moore-Stacey -

Je me demande si la présence aux Communes,
de Monsieur Léonard Marchand, indien de C.-B.
nommé Ministre peut aider la cause des Indiennes.

Ma jeune amie Indienne m'écrivait
que présentement le problème qui existe est;
la distance et la non-connaissance des
gens qui seraient en mesure de pousser
les autorités gouvernementales à établir
des priorités à l'étude de ces lois.

Chère madame Casgrain, je souhaite
ne pas avoir pris trop de votre temps avec
mon verbiage. - La cause des femmes
Indiennes me tient à coeur. -

et puis s'occuper des autres est un bon palliatif
à la dépression -

Inactive depuis le début de l'année à cause
d'un malencontreux accident qui m'a
valué une fracture à un genou. -
La rééducation a été longue. - Ça va
maintenant je marche et la vie est belle. -

Respectueuses salutations et
affectueuses pensées!
de de

Madame Léopold Grémblay -

1e 19 octobre 1976

Madame Léopold Tremblay
250, rue Harvey
Alma
Québec

Chère Madame Tremblay,

En réponse à votre lettre du 22 septembre, je tiens à vous dire que je m'occupe toujours des Indiennes.

Me ~~Nouveau~~ ~~Ministre~~ ~~des~~ Affaires indiennes est M. Warren Allman avec qui je communiquerai dès mon prochain voyage à Ottawa. Monique Bégin, qui est maintenant membre du ~~Sénat~~ ~~net~~, est très intéressée par les Indiennes et je suis sûre qu'elle nous aidera beaucoup afin que nous puissions obtenir justice pour ces pauvres femmes.

Vous pouvez être assurée que je m'occupe activement de votre cause car vous savez comme moi combien elle me tient à cœur. Continuez à vous bien porter et ne vous gênez jamais pour m'envoyer un mot quand ça fait votre affaire.

Je vous remercie de m'avoir fait parvenir les résolutions du congrès des Cercles des Fermières ainsi que les articles de journaux sur Marthe Gill-Dufour.

Sincèrement,

(Sénateur Thérèse F. Casgrain)



THE SENATE
CANADA

Ottawa K1A 0A4
July 13, 1977

Honourable Thérèse Casgrain
250 Clarke Avenue
Montreal, Quebec
H3Z 2E5

Dear Senator Casgrain:

It was very good of you to come and see me last Thursday morning so that we could discuss some of our mutual concerns. I must say, however, that the day ended on a far more frustrating note for me because, after going out to a luncheon engagement, I returned to the Senate Chamber fifteen minutes late to find that Bill C-25 had passed third reading without comment of any kind. I had registered my dissent at the report stage because of the section excluding the Indian Act and had fully intended to do so again on third reading. I did not believe that C-25 was going to be considered that day - and I still feel chagrin at realizing that I missed my opportunity to register my dissent!

Enclosed is a copy of proceedings of the first hearing of the Senate Standing Committee on Legal and Constitutional Affairs on Bill C-25. I believe it contains the rather tacit admission of Mr. Strayer that, although Section 12(1)(b) of the Indian Act is the root of the problem, the immediate cause of the inequities perpetrated on the Caughnawaga Indian women is the fact that the Department of Indian and Northern Affairs in effect rubber-stamped the decisions of the Band Council which are probably highly questionable from an administrative point of view and are most certainly inequitable. That is the aspect which I should like to have clarified with the Department as soon as possible. I am sending Mr. Allmand a copy of the latest eviction notice which Mary Earley sent to me and I intend to keep pressing the matter until we get an undertaking that this practice is going to stop.

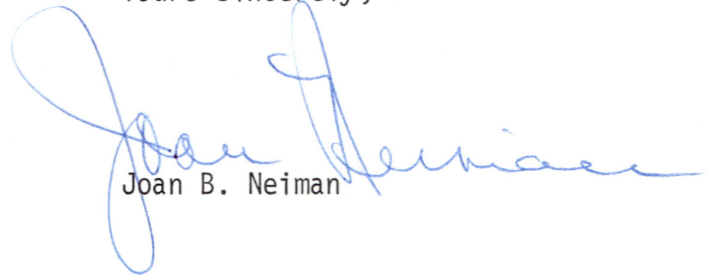
...2

The larger question of what should be done about the Indian Act is, of course, far more complex. There is a rather weak admission of the Minister of Justice at the second hearing of the Senate Committee (which I shall send you as soon as it is printed) that the Government did not intend to allow the provisions of Section 12(1)(b) to go on indefinitely and that the National Indian Brotherhood is going to have to come up with some recommendations fairly soon. You and I would agree, however, that nothing will happen very quickly in that regard unless people outside the National Indian Brotherhood and the Department of Indian and Northern Affairs make it happen.

At the moment I am trying to get together some material and ammunition. I want to start examining the administration of the Indian Act in detail and I would dearly love to get in touch with some young lawyer or other person who has worked within the Department and who knows all its intricacies very well.

If you have any suggestions, please get in touch with me. I shall keep you informed of what progress, if any, I make.

Yours sincerely,



Joan B. Neiman

Encl.

September 28, 1977

Honourable Joan B. Neiman
Senator
Parliament Buildings
Ottawa, Canada

My dear Senator:

Many complicated things came up for me since Bill C-25 has passed 3rd reading. In Caughnawaga, they wanted to expel a woman with six children and I have been trying to prevent this for quite a while.

As far as I understand it, Mr. Fairweather who has been named president for the Commission of Human Rights said he would do nothing about the Indians since they do not come under the jurisdiction of the Commission. For me, I have the impression that the Minister of Justice, Mr. Basford, should pass an amendment at the next session so that the Indians will be protected by the Human Rights Commission. Mr. Allmand has been removed as Minister of the Indians. I understand that a new Minister is now in charge in this sphere.

I would be awfully grateful if you could do something about this. For me, the Indians are citizens of our country and I cannot understand this attitude of not protecting them by the Human Rights Commission. Useless to say that it is the Indian women who are passed around by the Indian Brotherhood.

I will be going to Toronto - registering at the Toronto Hotel, 145 Richmond St. W. - on the 13th of October and I would dearly love to have a chance to speak to you on this very important matter. I will also be going to Ottawa when the session begins.

With all my best regards,

TFC/mcd

Thérèse F. Casgrain.



Québec Native Women Association
Association des Femmes Autochtones du Québec

Mercredi, 16 novembre 1977.

Sénateur Thérèse Casgrain,
250 avenue Clark,
Montréal, Québec.

Chère Madame Casgrain,

C'est un honneur pour moi de confirmer par écrit l'invitation que je vous ai faite à plusieurs reprises de venir vous adresser à l'assemblée des Femmes Autochtones du Québec.

Notre convention aura pour thème cette année: "Participation pour l'unité" et sera tenue les 26 et 27 novembre à l'Institut Coopératif Desjardins, 50 des Commandeurs, Lévis.

Ce sera un plaisir de se revoir et votre présence sera très estimée par l'assistance des Femmes Autochtones du Québec.

Ensemble pour l'unité.

Monik Sioui,
A.N.W.

Association des Métis & Indiens Hors Réserves du Québec Inc.

2023, Boulevard de l'Anse

Roberval, P. Q.

G8H 2M1

2 décembre 1977

Thérèse F. Casgrain
250 Avenue Clarke
Westmount, Québec

Madame,

Faisant partie d'un projet "Canada au travail" soutenu par l'association des Métis et Indiens Hors-Réserve du Québec, nous aimerions beaucoup obtenir quelques renseignements.

Premièrement il nous serait très utile de savoir ce qui est devenu de la fameuse cause concernant l'expulsion des femmes de Caughnawaga en l'occurrence Mmes Mary Lwo Axe Carly, Deboy Brisebois et une troisième dont nous ignorons le nom. Aussi, si vous possédez des informations se rapportant à ces trois personnes nous vous en serions très reconnaissant, de plus vous nous aideriez beaucoup en nous fournissant, si vous en avez en votre possession, des documents de toute sorte ayant trait à la femme métisse et indienne hors-réserves.

Nous aimerions aussi vous rencontrer personnellement si c'était possible, soit à Québec ou Montréal selon votre bon plaisir. Le mois de janvier nous paraîtrait très favorable. En espérant votre collaboration veuillez agréer, Madame, l'expression de notre amitié sincère.

Solange Launière pro.

Solange Launière
Promoteur

SL:dl

Le 16 décembre 1977

Madame Solange Launière
Promoteur
Association des Métis et Indiens
Hors Réserves du Québec Inc.
2023, boulevard de l'Anse
Roberval, P.Q.
G8H 2M1

Chère madame Launière,

En réponse à votre lettre du 2 décembre courant, il vous sera intéressant de savoir que l'injonction pour prévenir l'expulsion de Caughnawaga de madame Mary Two Ax Early, madame Debbie Brisebois et madame Mary ... est encore en vigueur. Il semble que l'avocat de Kirby, maire de Caughnawaga, a laissé tomber la cause et les femmes sont toujours à Caughnawaga où tout semble être calme pour le moment.

Il me fera toujours plaisir de vous rencontrer. Il se peut que je me rende à Québec en janvier et nous pourrions peut-être alors avoir l'occasion de causer. Vous pouvez en aucun temps compter sur mon entière collaboration.

En attendant le plaisir de vous rencontrer, agréez mes meilleurs vœux pour Noël et la Nouvelle Année.

Sincèrement vôtre,

TFC/mcd

Thérèse F. Casgrain,
sénateur.

Le 16 décembre 1977

Madame Monik Sioui
A.N.W.
Association des Femmes
Autochtones du Québec

Chère madame Sioui,

A mon grand regret, la mauvaise température m'a empêchée d'assister au Congrès des femmes autochtones du Québec à Lévis, les 26 et 27 novembre dernier.

Mon intérêt pour les femmes indiennes n'est pas diminué pour autant et je continue à travailler pour elles au meilleur de ma connaissance.

Acceptez mes meilleurs vœux à l'occasion de Noël et du Nouvel An.

Sincèrement vôtre,

TFC/mcd

Thérèse F. Casgrain,
sénateur.

From Frank Taiotekane Horn,
Student, Faculty of Law, McGill
Member Caughnwaga Indian Band
Caughnwaga, PQ. March 6 1978

Madame Therese Casgrain,
The Senate, Ottawa, Canada.

Dear Madame Casgrain:

Two years ago, as a result of monies provided by the Canadian Government Secretary of State, and the Canadian Government Dept of Labour (Status of Women) a group of non-Indians were financed to go to New Orleans and to launch an attack upon the character, principles, and the laws government the people of the Caughnwaga Indian Band.

This attack on our conduct and characters appeared widely in the press. It concerned the fact that the 5,000 registered Indians in Caughnwaga who wualify as Indians do not intend to give up their rights, give up their welfare, medical care, housing, education and other benefits to certain non-Indian intruders who are not registered Indians but want what we receive from the government under the Indian Act.

The method is for the Dept of Labour and Secretary of State to try to destroy the rights of registered Indians by financing attacks on the Indian Act. We Indians are satisfied with the Indian Act. Those who want to acquire \$3,000 per year each in benefits for themselves and each of the members of their families, and other benefits including "in status" want to come from outside and attack the Indian Act---our only protection.

It is supmrising that you should be so inconsiderate and you should be so hostile to registered Indians by being party to these at tack on the Indian Act. Women who have registered Indian status who have illegitimate children are entitled to have these children classified legally as registered Indians. Men who have registered Indian status who have illegitimate children are not entitled to have t heir children classified as Incians.

(2.)

There are examples for the protection of Indians.

An Indian man who married a non-Indian woman is allowed to give her Indian status. Not too many manage to get non-Indian women but this is the law. This law is carefully thought out and the Indians approve it. Now along come French-Canadians like you and you want to change it so that a French Canadian man can marry an Indian woman and move right onto an Indian reserve as an Indian, and all the French-Canadian children be brought up as Indians. The Indian Act does not allow it. So you want to destroy the Indian Act.

It would be better if you did not interfere and try to destroy the Indian Act and to destroy Indians.

Among those who most bitterly criticized the Caughnawagians was a lovely lady who long ago left Caughnawaga to marry an American white man, lived in New York with her husband for some 30 years as a white American and then decided that with his charm, vigour and energy she could come back and become an Indian and then, if she wants, marry an American and make him an Indian too---with all of them living on tax free Indian reserve.

Land on an Indian reserve is the property of the Queen. It is held in trust. The registered Indians who can use it must be registered Indians. Once it can be handed around to anyone then the land is gone forever. The only protection we Indians have is in the Indian Act, not changed by non-Indians who would be receiving some \$2 billion a year if the full 600,000 you represent could become qualified as Indians in addition to the present 360,000. Certainly the Indian Act is designed to stop non-Indians from stealing our reserves as they will once they could get hold of them. Yours


Frank Horn.

From G.A.Griffiths, Anthropologist
#711 2055 St. Matthew, Montreal.
Wednesday March 15 1978

To the Chairman of the Meeting of
Association of Women of Law,
% Moot Court Room,
Faculty of Law, of McGill,
3644 Peel Street, Montreal.

Dear Chairman:

The false suggestion that the barring of non-Indians from Indian reserves is, as stated in the press releases of your organization, a "quirk in the law" is totally false. The Indian Act carefully weighs the various factors, bars illegitimate children of Indian males from Indian status, grants illegitimate children of Indian females status, and allows an Indian man to keep his legal status while the Indian woman assumes the status of her male, married husband.

The points of the law were worked out carefully to protect Indians, not to protect and benefit some 600,000 Canadians who would like to gain through law changes the \$4,000 per year average that an Indian receives from the Canadian taxpayer. The idea that "would be" Indians (such as those who marry non-Indian males) are entitled to maintain the legal status granted to them and bring in their children, husbands, relatives would mean that the Canadian taxpayer would have to increase the present monies provided for upkeep of Indians from the present billion dollars per year to some three billion dollars per year.

Cecile Charlie could have married an Indian man, maintained her Indian status. She knew that. She did not find an Indian man good enough and so she married a non-Indian knowing she would lose her Indian status. Now with six children who do not have Indian status, and ^{a non-}an Indian husband who does not have Indian status she would like to move them all in onto the reserve, depriving other Indians of the same, and then of course any Indian girl who marries her children would lose their status.

Indians are a legal category. They are not a racial group. The cost of supporting Indians (running to a billion a year) cannot

(2)

Only a few years ago a very clever Indian woman married a very intelligent, educated young non-Indian and so she decided she would fight right up to the Supreme Court to try to get Indian status for herself and for her non-Indian husband. Only by vigorous effort was it possible to defeat this woman's effort to make her red bearded Jewish-French husband into a legal Indian.

The fact that the Indian in Canada is a registered, legal category (not a race) and there are 360,000 registered Indians in Canada. Like other lineage the legal status is transmitted through the male line. However the female line is accorded a big advantage in granting their illegitimate children status as male Indians able to transmit Indian status even if the mother is not married to an Indian (provided she is not married to a non-Indian).

The Caughnawaga Indian Band, if they have respect for the law, have respect for Indians will make sure that they oppose the demands of non-Indian women trying to live on the Indian reserve. It means that these people with "big stories" will be the first, and then after a while there will be every kind of a non-Indian living on the reserve, driving them off. They will have to incur all sorts of expenses, their children will lose status by marrying non-Indian males and a complex situation will be further damaged.

Senat or Therese Casgrain and the Status of Women have been doing serious harm, in my opinion, to Indians with their campaign to bring in some 600,000 others as Indians. After all when this woman and her six non-Indian children are allowed to live on the reserve, to be considered as Indians there is no stopping the hundreds of thousands of others who know that Indian status brings an average of \$5,000 each per year in benefits in education, medical care, welfare, housing and other government tax expenses.

People who are trying to destroy the exclusive status of the present 360,000 registered Indians in this legal category can destroy Indians best of all by trying to include the "would be Indians" with the sad stories, and then when the first ones like Cecile Charlie and her six children are living as Indians on Indian reserves, the other thousands who want to be Indians too and have all of their benefits will have to get the same. The Indian Act, as it stands, protects Indians. The change to let anyone be an Indian will destroy Indians. Yours truly

G. Griffiths.

From Frank Taiotekane Horn,
Box # 772, Caughnawaga Indian Reserve,
Caughnawaga, PQ. March 24 1978

SENATOR THERESE CASGRAIN
% the Senate of Canada (please forward)
Ottawa, Canada.

Dear Senator Casgrain:

It is my understanding that you stated that I "called you a liar" and you stated that you resented this greatly.

Permit me to very respectfully state that your name was linked with some cruel and hostile falsehoods directed sometime ago against the good people of Caughnawaga. Perhaps you did not say the words but your name was closely identified with these falsehoods, and your name perhaps was "used".

But let us move on to the more recent examples of falsehood

Before me is a story designed to promote opposition or to influence the case of a certain Cecile Charlie to move seven or eight non-Indians onto the Caughnawaga Indians reserve permanently and deprive Indians of what is their property usage and rights.

Your name, your picture is identified with this story.

It starts out with a total falsehood saying that Mrs Cecile Charlie is an Indian. This is a lie. This lie was released by the propaganda agency that brought you to Montreal for this meeting. The lie continues that she could be thrown out. I regret to inform you that the police in Caughnawaga are quite capable and will protect Cecile Charlie, her non-Indian male mate, and the six non-Indian offspring when, as and if the law does take its effect. She will not be thrown anywhere also the propaganda story that went out with your picture makes this falsehood.

This release furtheron falsified the contents of the Indian Act. It reads in part "The Act says non-status Indians like Charlie may not inherit or possess land on the reserve". The Act was studied by myself time and time again in an attempt to find anything like that and I wish to tell you that the Act does not say "...non status Indians may not inherit or possess land on the reserve". To say the Act says this is a lie by someone. Can you inform me who released that lie? Did the newspaper make it up? Did the Department of Labour propaganda bureau release that lie?

In fact as far as I can make out the Indian Act never mentions that fabricated group of non-existent persons called "non status Indians" but the release reports it refers to them in the act. Either someone is lying or I am very much mistaken, or perhaps lies are not lies anymore.

As you obviously know little or nothing about Indians and it was demonstrated at the Faculty of Law Moot Court on March 16 1978 why not leave us alone from now on?

Sincerely
Frank Horn

→ RSVP

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Canadian Human Rights
Commission

Commission canadienne
des droits de la personne

Indians

March 29, 1978

The Honourable Thérèse F. Casgrain,
The Senate,
Ottawa, Ontario.
K1A OA6

Dear Thérèse Casgrain:

Your letter of 16 February arrived here yesterday which must be something of a record. Meanwhile you and I have talked on the telephone.

I enclose an extract from our first annual report about the anomaly of the exclusion of the Indian Act from the Canadian Human Rights Act and I also enclose a copy of the statement of the Minister of Justice, Mr. Basford, when the legislation was before the Standing Committee on Justice and Legal Affairs.

Everywhere Rita Cadieux or I go in Canada, invariably the issue is raised. This Commission is doing everything possible to end discrimination against status Indian women and I am grateful for your wise and steadfast support and goodwill.

Yours sincerely,

R.G.L.
R.G.L. Fairweather.

Rights for Indian Women

It was perhaps inevitable that the first complaint lodged with the Commission early in September, 1977 had to do with status Indian women from the Tobique Reserve in New Brunswick. Several of these women alleged that as a result of family separation or breakdown of their marriage, they had been denied the right to occupy their homes by decision of the Band Council. This Commission with help and encouragement from the New Brunswick Human Rights Commission, used its good offices in an attempt to mediate the dispute by representations to the Minister of Indian and Northern Affairs.

Rights for Indian women remain a persistent issue and one constantly alluded to wherever the Commissioners travel in Canada. Although to repeal Section 12(1)(b) of the Indian Act, which treats Indian women differently from men regarding loss of status upon marriage outside the Band, may be insufficient in itself, there can be no doubt that some comprehensive formula must be found whereby such discrimination is ended.

The Canadian Human Rights Commission will continue to address itself to this inherent inequity of the Indian Act.

[Text]

Mr. Fairweather: Yes. I think the Minister is entitled to a great deal of credit for a progressive piece of legislation, marred seriously by the fact that it in Clause 63(2) continues the unequal status which exists for Indian people in this country, and most particularly Indian women.

We have been told about this by witnesses in many written presentations. I think almost all parliamentarians were patient, expecting a new Indian Act would be developed with the help of the Indian people, but as some of the witnesses said, most of the development is taking place in this field by groups who are themselves not representative.

I know that I am not going to get support but I say that it is a serious flaw to think of this bill continuing a very serious inequality of human rights, where we are carrying on a very serious inequality for Indian women, and I had hoped that we could meet it. We have given Indian people seven or eight years to come to terms with this inequality and I hope to test the Committee, and that is all I have to say.

And if anybody wants credit for moving this—Mrs. Holt or Mr. Stanbury or any of my other Liberal friends, I am glad to have my name struck. It is the objective that I am after; not the kudos.

The Chairman: Mrs. Holt.

Mrs. Holt: May I speak on this?

Mr. Fairweather: Only if you support me.

Mrs. Holt: No, I am not moving it, because when the Indian women were here, what they wanted was the whole act scrubbed because the act itself was discriminatory.

Mr. Fairweather: Both.

Mrs. Holt: That is right. Mary Two-Axe, the elderly lady...

Mr. Fairweather: Mary Two-Axe Early.

Mrs. Holt: Two-Axe Early, yes. She said that the whole act was discouraging. Even if they settle the land question it is going to discriminate. It is to the benefit of a few men, not even to all the men; everything is blood testing under the Indian Act. I do not know what we can do about it, but I am not sure that this part makes any difference as long as the Indian Act exists. And I think that the Indian Act is the most discriminatory and cruel piece of legislation—the fact that it discriminates and gives selectivity and special status to one small group of people in one race. I think they are racist. Anyhow I do not see how this is going to change anything, unless we write it positively; if we write this part in positively and not negatively.

Mr. Fairweather: That is exactly, Mr. Chairman, what the Committee would be doing. It would say that this act supersedes the Indian Act and it is the most positive statement this Committee could make. It applies every test of inequality contained in this act to all Canadians, Indian or anybody else. So I would have thought it was very positive in its application. What we do by not passing this is continue the very inequality

[Translation]

M. Fairweather: Oui. Je crois qu'on doit féliciter le ministre d'avoir présenté cette loi progressiste qui, malheureusement, est défigurée par le fait que le paragraphe (2) de l'article 63 continue à confirmer le statut inégal qui existe pour les Indiens, au Canada, et particulièrement, pour les Indiennes.

Cette situation nous a été présentée, dans des mémoires écrits, bien souvent par des témoins. Tous les parlementaires se sont montrés très patients, attendant qu'avec l'aide des Indiens, on établisse une nouvelle loi sur les Indiens, mais comme certains témoins l'ont indiqué, presque tout ce qui est fait dans ce domaine l'est par des groupes qui ne sont pas représentatifs.

Je sais qu'on ne m'appuiera pas mais je prétends que c'est une lacune très grave dans ce bill, car nous continuons à reconnaître ici une inégalité des droits de la personne. Les Indiennes sont très gravement lésées; nous avons indiqué aux Indiens un délai de sept à huit années pour que ces inégalités disparaissent et je voulais sonder le Comité, c'est tout ce que j'ai à dire.

Si quelqu'un veut proposer cet amendement, que ce soit M^{me} Holt ou M. Stanbury ou tout autre ami libéral qui voudra le faire, alors je suis prêt à rayer mon nom. Ce que je veux atteindre, c'est l'objectif fixé et je ne cherche pas la gloire.

Le président: Madame Holt.

Mme Holt: Puis-je apporter des remarques à ce sujet?

M. Fairweather: A condition que vous m'appuyiez.

Mme Holt: Non, je ne propose pas cet amendement parce que lorsque les Indiennes sont venues témoigner au Comité, elles voulaient qu'on fasse disparaître toute la loi qui est discriminatoire.

M. Fairweather: Les deux.

Mme Holt: C'est exact. Mary Two-Axe, la dame âgée...

M. Fairweather: Mary Two-Axe Early.

Mme Holt: Oui. Elle a indiqué que toute la loi était discriminatoire. Même si l'on trouvait une solution aux questions de revendications territoriales, la discrimination reste là. D'ailleurs, cette discrimination n'est même pas en faveur de tous les hommes mais d'une petite poignée; dans la Loi sur les Indiens, c'est partout une question de sang. Je ne sais pas comment on peut résoudre cette situation, mais je ne crois pas que changer quelque chose dans le bill, ici, changera cette situation tant que cette loi sur les Indiens existera. Pour moi, cette loi sur les Indiens est la loi la plus discriminatoire, la plus cruelle, qu'on puisse trouver, puisqu'elle donne un statut spécial à un petit groupe de gens d'une race. Je ne vois aucun changement possible, à moins que nous rédigeons quelque chose de positif et non pas de négatif.

M. Fairweather: C'est exactement ce que le Comité ferait. Il indiquerait que cette loi remplace la Loi sur les Indiens et c'est la déclaration la plus positive que le Comité puisse faire. C'est justement en n'adoptant pas cet amendement que nous continuons à perpétuer cette situation dont parle mon amie. De toute façon, je suis heureux d'avoir une explication et de sonder...

[Texte]

that my friend speaks of. However, I am glad to have an explanation and test my ...

The Chairman: Mr. Minister.

Mr. Basford: I appreciate Mr. Fairweather's raising the point, as many witnesses did, although I think Mr. Fairweather knows that he is getting me in a sensitive position, and in many ways I would like to agree with what he has said, or in what Mrs. Holt has said. I think it is impossible to argue that there are not discriminatory features of the Indian Act and I would hope that Committee members in speeches on this bill and subsequently would indicate that they think they should be corrected. But I have had to live with the dilemma, which I think is a real dilemma, and I think the Committee has to live with that dilemma.

• 1735

You will recall that quite some years ago the government issued a white paper on Indian policy which, to say the least, was not perceived with overwhelming praise by many Indian spokesmen, and in fact led to the publication by them of the red paper, and led for quite some time to a very considerable breakdown of discussion and negotiation between Indian leaders and the government on the Indian Act and Indian policy.

However, that period is over. We have now, acting in good faith on both sides, put into place a very elaborate structure of consultation between the Native Indian Brotherhood and the government towards, among other things, revision of the Indian Act, dealing with claims and other matters.

That arrangement has been entered into in good faith. The government has undertaken, in good faith, not to amend the Indian Act except as a result of that process of consultation. I think I am bound, as is the government bound, to observe that undertaking. If we failed to observe the arrangements we now have, the Indian spokesmen could again say that the relationship of consultation which has been established would again be destroyed and we would start over again. Therefore I have to press that we be allowed to maintain our arrangement with the National Indian Brotherhood, working towards a revision of not only the Indian Act but Indian policy.

In that consultation I know some of your witnesses complained that the consultation process was simply with the National Indian Brotherhood, and some complained that it was a male-dominated group and that they were unconcerned with this issue. I do not think that is true, but even if it were true, the government is obviously cognizant of other views and other considerations in those consultations, and is consulting with those views.

I just think it would be, as I say, very wrong at this particular time to upset what is a working relationship in good faith towards the revision of Indian policy. I think that is the effect of this amendment.

I want to make it clear because some of the people making representations to the Committee did not seem to understand that this act applies, except for the Indian Act, in all other

[Traduction]

Le président: Monsieur le ministre.

M. Basford: Je comprends que M. Fairweather soulève ce problème, comme beaucoup de témoins l'ont fait, bien que je crois que M. Fairweather se rend compte que je me trouve sur un terrain délicat et que, par bien des côtés, je suis d'accord avec ce qu'il dit et ce qu'a dit M^{me} Holt. Je crois qu'on ne peut pas nier qu'il y a des sujets de discrimination dans la Loi sur les Indiens et j'espère que les membres du Comité, au cours de leurs discours au sujet de ce bill et par la suite, indiqueront qu'il faut les corriger. Mais j'ai dû accepter ce dilemme qui, je le crois, est réel et je crois que le Comité doit accepter cette situation.

Vous vous souviendrez qu'il y a quelques années, le gouvernement a publié un Livre blanc sur la politique des Indiens qui, et c'est le moins qu'on puisse dire, n'a pas été tellement bien reçu par beaucoup de porte-parole indiens et, en fait, par la suite, il y a eu un Livre rouge publié par les Indiens et les discussions entre les chefs indiens et le gouvernement sur la Loi sur les Indiens et la politique concernant les Indiens a subi alors un rude choc.

Toutefois, ces temps sont passés et, maintenant, des deux côtés, on discute de bonne foi et l'on a établi une structure très élaborée de consultation entre la Fraternité des Indiens du Canada et le gouvernement pour, entre autres, réviser la Loi sur les Indiens dans le cas des revendications et autres questions.

Ces accords ont été passés de bonne foi et le gouvernement s'est engagé à ne modifier la Loi sur les Indiens qu'à la suite du processus de consultation établi. Je crois être lié, comme le gouvernement, à respecter cet engagement. Si nous ne respectons pas notre engagement, les porte-parole des Indiens pourraient à nouveau briser ce lien et il faudrait tout recommencer. Donc, je dois dire que nous devons continuer à respecter nos accords avec la Fraternité des Indiens du Canada en vue de réviser non seulement la Loi sur les Indiens mais la politique concernant les Indiens.

Je sais que certains témoins se sont plaints que le processus de consultation n'impliquait que la Fraternité des Indiens du Canada, qu'il s'agissait là d'un groupe dirigé par des hommes et que, par conséquent, cela ne les concernait pas. Je ne pense pas que cela soit vrai et, même si c'était vrai, le gouvernement, de toute évidence, tient compte d'autres opinions dans ces consultations.

Je crois qu'on aurait tort de vouloir maintenant arrêter ces consultations faites de bonne foi en vue de réviser la politique sur les Indiens. Or, c'est là, je crois, le résultat qu'aurait cet amendement.

Je voudrais préciser, parce que certaines personnes qui ont présenté des instances auprès du Comité ne semblaient pas comprendre que cette loi s'applique, sauf dans le cas de la Loi

[Text]

respects to Indians. I know Mr. Fairweather knows that, but I think a good number making representations did not understand that. If native persons apply for employment in the Public Service Commission, they are covered and protected by this act. Or if they apply for accommodation in a federal facility, or federally regulated facility, they are protected by this act. I think that was not understood by some making representations.

As I say, I think we have now what is working, a relationship towards the revision of the Indian Act. I do not think we should jeopardize that machinery and that relationship. I indicate that members of the Committee in making speeches—I think and I know that the Minister of Indian Affairs would welcome comments on this section, that it is an area that does need correcting. But I think it should be corrected in the context of the consultations going on.

The Chairman: Mrs. Holt and then Mr. McCleave.

• 1740

Mrs. Holt: Mr. Minister, I really object to the fact that you talk of consultation and the responsibility of the government to have good faith and maintain this good relationship because, as far as I am concerned, it is an immorality to have consultation. And I say this seriously, because you may think I am joking in that I sort of needled members about womanhood and manhood. But to deal with the Brotherhood in good faith and to maintain a relationship with the Brotherhood is discriminatory in itself. I know what your rationale is on this, because I have asked you about it personally. But when you bring in this exception, it opens the door to even housing. I think it allows any kind of discrimination. As far as I am concerned, if there are going to be revisions of the Indian Act with the Brotherhood, all you will be doing is perpetuating discrimination against women. I just feel it is a terrible mistake to let this important bill go through and still have the Indian women and Indian men discriminated against because of their blood count and ridiculous things like that. And, if the Indian Brotherhood is working on it, all you are doing here is guaranteeing a continuation of the discrimination and the Indian Act is not going to improve one iota the situation for the people that are now being discriminated against, or for. They are discriminated against positively, too, for a small select group of people in this nation. So I am very, very concerned about this section, too.

Mr. Basford: I do want to emphasize my remarks, that while we have machinery for consulting on the Indian Act with the National Indian Brotherhood I just point out, and I want to emphasize it, that our consultations are not confined to the National Indian Brotherhood.

The Chairman: Mr. McCleave is next.

Mr. McCleave: I simply wanted to ask what number of Indian women and perhaps what number of people interested in their cause were taking part in these ongoing discussions?

Mr. Basford: A very large number but I cannot give you the precise number. We consult through a national consultative

[Translation]

sur les Indiens, pour toutes les autres questions se rapportant aux Indiens. Je sais que M. Fairweather en a conscience, mais beaucoup de ceux qui ont présenté des instances ne comprennent pas ce point de vue. Si un autochtone demande à être employé par la Commission de la fonction publique, cette loi le protégera. Si les autochtones font des demandes pour obtenir des logements dans une installation fédérale ou réglementée par le gouvernement fédéral, cette loi les protégera.

Je crois que nous avons, à l'heure actuelle, des pourparlers en cours en vue de la révision de la Loi sur les Indiens. Je ne crois pas que nous devrions nuire à ce processus. J'ai indiqué que les membres du Comité, lorsqu'ils feront leurs discours... Je sais que le ministre des Affaires indiennes sera tout prêt à recevoir les remarques faites au sujet de cet article et qu'il comprend que c'est un domaine où il faudra apporter des modifications. Mais je crois que les modifications doivent être faites dans le cadre des consultations qui ont cours.

Le président: Madame Holt, vous avez la parole, puis ce sera M. McCleave.

Mme Holt: Monsieur le ministre, je m'objecte à ce que vous parliez de consultations et de la responsabilité du gouvernement d'agir de bonne foi et de maintenir de bonnes relations, car, à mon sens, il est immoral de continuer ces consultations. Je le dis sérieusement, vous pensez peut-être que je blague, car j'ai taquiné les membres du Comité au sujet de la condition de la femme et de l'homme. Mais le fait même de négocier avec la Fraternité de bonne foi, et d'y maintenir des relations avec elle est déjà discriminatoire. Je connais très bien votre raisonnement à cet égard, car nous en avons déjà discuté. Mais en incluant cette exception, on permet une distinction même quant au logement. D'après moi, s'il doit y avoir une révision de la Loi sur les Indiens, à la suite de discussions avec la Fraternité, vous ne faites qu'encourager les distinctions contre les femmes. Je crois que c'est une erreur monumentale que d'adopter un bill si important quand on fait toujours des distinctions illicites contre les femmes et les hommes indiens à cause de la qualité de leur sang et d'autres choses aussi ridicules. Si vous collaborez avec la Fraternité des Indiens, vous ne faites que garantir le prolongement de cette discrimination et la Loi sur les Indiens n'améliorera aucunement la situation de ceux contre qui on pratique une discrimination, que ce soit pour ou contre. Car il y a une discrimination positive qui se fait aussi pour un petit groupe choisi de cette nation. Je suis donc très, très troublé par cet article.

M. Basford: Je souligne que même s'il existe un mécanisme de consultations sur la Loi sur les Indiens, par l'entremise de la Fraternité nationale des Indiens, je dois quand même vous faire remarquer particulièrement que nos consultations ne se limitent pas à la Fraternité nationale des Indiens.

Le président: M. McCleave a la parole.

M. McCleave: Je voulais simplement savoir combien de femmes indiennes ou combien de personnes intéressées à leur cause participent à ces discussions continues.

M. Basford: Quoi que je ne puisse être précis, c'est un nombre très important. Nous consultons un comité national

[Texte]

committee which then takes the result of those discussions back to all of their constituent members and discusses them and then they report back to the consultative group. Then they meet with a Cabinet committee. This is one of the things that they insisted on, that the consultative machinery be between them and a group of ministers. So the National Indian Brotherhood, in that formal arrangement, involves all of its constituent members in the consultative process. That is partly why it is a slow time-consuming process.

The Chairman: Mr. Marceau.

M. Marceau: Merci monsieur le président. J'avais pris un engagement auprès d'une personne qui a la réputation d'être l'une des plus qualifiées dans le domaine de la protection et de la défense des droits des individus, il s'agit du sénateur Thérèse Casgrain, qui avait demandé lors de son passage à Ottawa, la semaine dernière, de faire valoir au ministre la difficulté dans laquelle elle se trouvait d'approuver cet article 63(2) qui excluait la Loi sur les Indiens de l'application de la loi.

Je dois dire que les explications que vous venez de nous fournir sont une indication que vous considérez, comme tous les gens d'un côté ou de l'autre de la salle ici, la situation des Indiens, d'après cet acte, comme étant vraiment discriminatoire, et que vous êtes conscient du problème. Évidemment nous sommes obligés de vous croire lorsque vous dites que la motion de mon collègue, M. Fairweather, étant acceptée, ceci pourrait compromettre les négociations. Je pense que nous devons l'accepter et reconnaître que votre point de vue est valable tout en reconnaissant que la situation est vraiment grave et que vous allez essayer d'apporter une solution. D'ailleurs vous avez ajouté une précision très importante à savoir que le texte actuel s'applique aux Indiens sauf dans le cas de la Loi sur les Indiens. C'est quand même une restriction importante, mais je voudrais vous demander d'insister auprès de vos collègues pour que la discussion ou la consultation s'accélère afin que vous puissiez trouver une solution vraiment valable aux problèmes soulevés par Mme Holt et M. Fairweather en particulier. Je pense que je voudrais insister, moi aussi, pour qu'on trouve une solution pratique, rapide. C'est la raison pour laquelle, évidemment, je ne vais pas appuyer la motion de mon collègue, M. Fairweather; mais je voudrais être bien sûr que vous êtes conscient de la situation et que vous êtes prêt à travailler pour trouver une solution rapide au problème des Indiens.

[Traduction]

consultatif qui fait rapport de nos discussions à tous ses membres et qui discute avec eux, avant d'en rapporter les résultats au groupe consultatif. Ensuite, ce groupe rencontre un comité du cabinet. Les membres du comité ont insisté afin que les consultations se fassent entre eux et un groupe de ministres. Selon cet arrangement officiel, la Fraternité nationale des Indiens assure la participation aux consultations de tous ses commettants. Ce qui entraîne en partie la lenteur du processus.

Le président: Monsieur Marceau.

Mr. Marceau: Thank you, Mr. Chairman. I had a commitment towards a person reputed to be one of the most qualified in the area of the protection and the defence of human rights, namely Senator Thérèse Casgrain, who, while in Ottawa, last week, had asked me to impress upon the Minister the difficulty she had in approving Section 63(2) which exempted the Indian Act from this bill.

The explanations you have just given show that you feel, just as do the people on both sides of this room, that the Indian situation, under this Act, is truly discriminatory, and that you are most aware of this. Obviously, we have no choice but to believe you when you say that my colleague's, Mr. Fairweather's motion, if accepted, would compromise the negotiations. We must accept your point of view as valid, while underlining that the situation is truly serious and that you will try to find some solution. You have also added a most important fact, that the existing text applies to all Indians except as provided in the Indian Act. It is an important restriction nevertheless, but I would ask that you insist with your colleagues that the consultations be more rapid, so that a really useful solution be found to those problems raised by Mrs. Holt and Mr. Fairweather specifically. I would also insist that you find a practical solution and very soon. It is for that reason obviously that I shall support my colleague's, Mr. Fairweather's, motion; but I want to be assured that you are very aware and that you shall endeavour to find a rapid solution to the Indian problem.

• 1745

Mr. Basford: Well, I would like to see a quick solution, but the process is, as you know, a long one. How long has government generally in this country been working at revising the Indian Act. The process I speak of has now been in place for two years and I think, hopefully, will produce some results. The National Indian Brotherhood presumably watches these proceedings and reads them. For any subsequent amendment to this legislation, be it, say, next year in connection with the legislation of freedom of information, or whatever may be the amendments required, they might be on notice that Parliament is not going to look very favourably on continuing this exemption forever or very long and that, I take it from the proceed-

M. Basford: Je voudrais bien trouver une solution rapide, mais le processus est très long. Combien y a-t-il d'années que le gouvernement de ce pays en général a révisé la Loi sur les Indiens. Le processus dont je parle dure depuis deux ans et produira certains résultats, j'espère. La Fraternité nationale des Indiens doit sûrement suivre ces délibérations, et lire les procès-verbaux. À la suite de tout amendement de cette loi, l'année prochaine, par exemple, par rapport à la Loi sur la liberté de l'information ou de quel qu'autre amendement, ils savent que le Parlement n'endurera pas que soit maintenue cette exemption pour très longtemps, et que selon les délibérations de votre comité, et mes propres observations, que le

[Text]

ings of this Committee and from my own observation, Parliament, on a nonpartisan basis, would like to see these features of the Indian Act changed and corrected. Therefore, as I say, some subsequent amendment to this proposed act will have, I would think, a very hard go in Parliament unless that situation is corrected by that time.

The Chairman: Mr. Fairweather, did you want to make a final comment?

Mr. Fairweather: Well, no. The comment was really in the form of a question but the Minister has answered it. The discussions are ongoing; I guess it is perhaps 15 years. But ongoing is an elastic word here.

Of course an amendment to help the Indian women in particular could be made to Section 12 of the Indian Act, and I appreciate the government's dilemma. But I think probably it is best if the Chairman does not mind putting my motion and test the Committee. I am very grateful for the Minister's notice—I do not want to put a stronger word, I was thinking of the word "undertaking"—and I hope that the Indian people who are getting an act together will read his words.

The Chairman: Thank you, Mr. Fairweather. Mr. Stanbury.

Mr. Stanbury: Perhaps Mr. Fairweather wants to accomplish complete abolition of discrimination among Indians as well as against Indians, but if I understand correctly, what the amendment would do would be to unilaterally abolish certain rights that some Canadians have under the Indian Act. It is true that they are rights that are special to people of certain blood and therefore might not be consistent with this bill. If I am correct, I think that justifies this Committee not accepting that suggestion, as well intentioned as it is. Surely, Parliament would not, without the kind of negotiations which Mr. Basford has mentioned, including a wide spectrum of the native community, want to remove the rights that some Canadians now enjoy. That is why I would feel reluctant to accept this motion even though I know the good intentions behind it.

• 1750

Mrs. Holt: They also imply nonrights too.

Mr. Stanbury: It is like the death sentence.

Mr. Basford: Mr. Stanbury is very correct. The Committee and those making representations have focused on the position of Indian women and undoubtedly the amendment would provide that Indian women would not be treated differently from Indian men. But it would also throw into jeopardy any provision which says that Indians shall be treated differently from others and, therefore, throw into some question their exclusive right to reserves and access to reserves and ownership of reserves and that sort of...

Mrs. Holt: That is good.

Mr. Basford: Well, you say that is good; I think it would not be good to do it in a catastrophic way without consultation.

[Translation]

Parlement voudrait d'une façon non partisane, modifier et corriger ces dispositions de la Loi sur les Indiens. Il me semble donc que tout amendement subséquent à la loi proposée serait débattu vigoureusement par le Parlement, à moins que la situation ne soit redressée.

Le président: Monsieur Fairweather, avez-vous d'autres remarques à faire?

M. Fairweather: Non. J'aurais posé une question, mais le ministre y a déjà répondu. Les discussions durent depuis environ quinze ans. Mais le mot «continues» était plutôt élastique.

Évidemment, on pourrait proposer un amendement à l'article 12 de la Loi sur les Indiens afin d'aider les femmes indiennes, surtout, et je comprends très bien le dilemme du gouvernement. Mais je crois quand même que le président devrait mettre ma motion aux voix, pour éprouver le Comité. Je suis reconnaissant de l'avis du ministre, et je n'emploierai pas de mot plus fort, quoique je pensais au mot «engagement»—et j'espère que le peuple indien qui rédige une loi, se rendra compte de ce qu'il a dit.

Le président: Merci, monsieur Fairweather. Monsieur Stanbury.

M. Stanbury: Sans doute, M. Fairweather cherche à abolir complètement la discrimination parmi les Indiens, aussi bien que contre les Indiens, mais si j'ai bien compris, l'amendement abolirait unilatéralement certains droits qu'ont certains Canadiens en vertu de la Loi sur les Indiens. Il est vrai que ces droits favorisent particulièrement les gens d'une certaine qualité de sang, et qu'ils vont à l'encontre de ce bill. Et si c'est le cas, je crois que le Comité aurait raison de ne pas accepter cette suggestion, quelles que soient les bonnes raisons qui la motivent. Il est impensable que le Parlement songe à retirer des droits dont certains Canadiens, y compris un grand nombre de communautés autochtones, jouissent actuellement sans, au préalable, procéder aux négociations dont M. Basford a parlé. Voilà pourquoi j'hésiterais à accepter cette motion même si je sais que ce sont de bonnes intentions qui l'ont suscitée.

Mme Holt: Cela est valable également pour les non-droits.

M. Stanbury: C'est comme la peine de mort.

M. Basford: M. Stanbury a raison. Le Comité et ceux qui ont fait des démarches à ce sujet ont bien fait ressortir la position des Indiens et nul doute que l'amendement permettrait aux Indiennes de ne pas être traitées différemment des Indiens. Mais cela mettrait en danger toutes les dispositions qui font que les Indiens sont traités différemment des autres et, donc, cela remettrait en question leurs droits exclusifs aux terres situées dans les réserves...

Mme Holt: Ce serait très bien.

M. Basford: Vous dites que ce serait très bien mais il serait catastrophique de le faire sans les consulter auparavant.

Text

Mrs. Holt: But they are doing it in a catastrophic way. They are already doing it in a catastrophic way. They are already doing it in a catastrophic way because it is almost a discretionary decision they can make to bar people.

Mr. Stanbury: Well, let us change it in a orderly way.

Mrs. Holt: I think it is orderly to make this bill the strongest bill in our Code.

The Chairman: All those in favour of Mr. Fairweather's amendment?

Mr. McCleave: Despite Mr. Stanbury's exquisite use of the English language, I intend to support Mr. Fairweather's.

Amendment negated.

On clause 63—*Binding on Crown*

The Chairman: The last amendment to the clauses of the bill is that by Mr. Leggatt, which has very much the same effect as Mr. Fairweather's. It amends Clause 63(2). Mr. McCleave wants to move that for Mr. Leggatt.

Mr. McCleave: I move that Clause 63(2) be amended to read:

No person or organization doing business with the Government of Canada shall practise discrimination as defined in this act.

The Chairman: In keeping with his former hospitality and co-operation perhaps we can have the test of that amendment as well.

Mr. McCleave: It is getting close to six o'clock. We can soon be out of here.

Amendment negated.

Clause 63 agreed to on division.

Clauses 64 to 69 inclusive agreed to.

The Chairman: There is an amendment to the Schedule which I...

Mr. McCleave: May I ask the Minister a question on Clause 69? I guess this is a perennial question that always comes up. What is the intent approximately of the date of putting it into effect or what factors would have to be first dealt with before it could be brought into effect?

Mr. Basford: I would hope to have it into effect as quickly as possible. On the human-rights side, however, there is the work of putting the Commission together. I think it would be idle to proclaim the act without having a Chairman and a Commission. I have been doing some work on that in searching out names and considering names, in making applications to Treasury Board for budget and that sort of thing. But all that should be put in place before it is proclaimed.

Mr. McCleave: Is it going to go into effect before the next election?

Mr. Basford: Part IV, I would hope, could be proclaimed fairly quickly also although, again, you notice the office of the Commissioner and I have to have that person appointed.

[Traduction]

Mme Holt: Mais la situation est déjà catastrophique: cette part de décision tout à fait arbitraire que l'on refuse l'accès à la réserve à certaines gens.

M. Stanbury: Il vaudrait mieux corriger la situation alors.

Mme Holt: Je crois qu'il convient que ce projet soit le plus fort de toute notre législation.

Le président: Quels sont ceux qui sont en faveur de l'amendement de M. Fairweather?

M. McCleave: En dépit de l'excellente utilisation dont M. Stanbury a fait de l'anglais, j'appuie la motion de M. Fairweather.

La motion est rejetée.

Sur l'article 63—*Obligations de Sa Majesté*

Le président: Le dernier amendement est un amendement de M. Leggatt qui aurait à peu près le même effet que celui de M. Fairweather. Il amende l'article 63(2). C'est M. McCleave qui le présente au nom de M. Leggatt.

M. McCleave: Je propose que le paragraphe 63(2) du bill soit modifié comme suit:

Les personnes ou organisations faisant affaire avec le gouvernement du Canada ne doivent pas commettre d'acte discriminatoire au sens de la présente loi.

Le président: Toujours dans le même esprit de coopération, peut-être pourrions-nous mettre cet amendement aux voix?

M. McCleave: Il est près de 6 heures. Nous pourrions très vite terminer.

L'amendement est rejeté.

L'article 63 est adopté sur division.

Les articles 64 à 69 sont adoptés.

Le président: Il y a une proposition de modification à l'annexe...

M. McCleave: J'aimerais poser une question au sujet de l'article 69. Je pense que c'est une question qui revient tout le temps. A quelle date a-t-on l'intention de mettre cette loi en vigueur? Quelles sont les exigences qu'on doit respecter avant de la mettre en vigueur?

M. Basford: Nous espérons que nous pourrions le faire le plus tôt possible. Il faudra cependant former la Commission des droits de l'homme. Je pense qu'il serait ridicule de proclamer la loi avant d'avoir nommé un président et d'avoir formé la commission. J'ai déjà commencé à m'occuper de cela, en dressant une liste de noms et en demandant au Conseil du trésor le budget nécessaire. Tous ces détails devront être réglés avant la proclamation.

M. McCleave: Est-ce que la loi sera mise en vigueur avant les prochaines élections?

M. Basford: La Partie IV, je l'espère, pourra être proclamée très bientôt mais là, également, il faudra d'abord nommer un commissaire.

copie
Alma le 14 juin 1978

Madame le sénateur Thérèse Casgrain

Montréal

Thérèsemadame et amie,

Je vous espère en pleine forme comme toujours et vous envoie copie des voeux que j'ai fait parvenir au département des Affaires indiennes du Québec.

J'ai fait ce choix parmi les voeux de l'assemblée annuelle 1977 de l'association des femmes autochtones du Québec.

Je vous transmet les regrets sincères des dames qui étaient venues à la fête du 25 avril dernier pour inaugurer la rue de Chicoutimi à votre nom. Thérèse Casgrain, hommage à la femme merveilleuse que vous êtes pour nous toutes. Mme Rachel Ouellet était du nombre nous aurons l'occasion dans l'avenir, sûrement, pour la joie de vos admiratrices du Saguenay-Lac St-Jean. *de vous revoir.* —

Pour moi j'ai retrouvé mes énergies en travaillant avec les femmes du Tiers Monde, en tant que membre active de Centre Match international. cela me donne l'occasion de refaire connaissance avec tous mes amis pour leur demander leur participation.

déjà j'ai à mon actif avec la collaboration de tous amassé \$600. pour un puits en Tanzanie qui sera mis en oeuvre par les femmes indigènes. et je continue cette fois ce sera un centre de formation et d'éducation pour les femmes du Rwanda. mieux que les technocrates du développement international les femmes indigènes savent ce qu'il leur faut

pour régler les problèmes de base (eau pure, nutrition etc)
en soumettant des projets et en les mettant à exécution avec la
coopération financière des femmes d'ici elles s'impliquent c'est ce
qui me plaît dans Match : une correspondance directe s'établissant
entre nous canadiennes et les femmes du Tiers monde assure que nos
argents vont bien au bon endroit et c'est une source d'enrichissement
de part et d'autres,

ce qui ne m'empêche pas d'être inquiète sur l'unité canadienne car
nos chefs au gouvernements dans leurs conflits de personnalité
n'aide pas la bonne entente. entre nos deux peuples .
enfin c'est le jeu de la politique.

avec mes meilleurs souvenirs un affectueux et respectueux
bonjour.

Vôtre fidèlement

Mme Léopold Tremblay

250 Harvey

Alma

Lac-St-Jean

G8B IN7 (Québec)

copie.

VOEUX

sujet Statut des femmes INDIENNES

Comment est-il possible de décider de l'identité d'un être humain la fille indienne en faisant disparaître un simple numéro de BANDE dans un registre? et comment en 1978 ceux qui ont le pouvoir de ne font rien pour corriger cette anomalie.

Aussi longtemps que le garçon indien pourra librement prendre pour épouse une femme de toute race et donner à celle-ci les droits de sa propre race et que par contre la fille indienne pour ce libre choix devra sacrifier les droits de sa race, son identité et celle de sa descendance, il y aura une injustice à dénoncer.

en conséquence nous demandons

QUE le département des affaires indiennes du Québec gèle toutes transactions à l'affranchissement des femmes indiennes jusqu'à complète revision de la LOI des indiens.

QUE le gouvernement du Québec subventionne l'association des femmes autochtones du Québec puisse s'établir un CENTRE de rencontre pour les femmes autochtones du Québec.

Un lieu de rencontre serait bénéfique à l'association des femmes autochtones pour travailler à l'amélioration de leur condition de vie.

Le Cercle de Fermières St-Joseph d'Alma.

par Marguerite Bergeron - Tremblay
(Léopold)

250 Harvey
Alma

G 8 B 1 N 7 (quatrième) -

Mrs . Beryl Smedley ,
7795 - 117 th Street ,
Delta , British Columbia .

Senator Therese Casgrain ,
The Senate ,
Ottawa , Ontario .

Dear Madame Casgrain ,

Permit me to introduce my self to you . My name is Beryl Smedley .

I am currently researching the present Indian Act , and its effects to Treaty Indians and Non - Status persons .

I am also gathering data on real life drama of the Native people and the issues confronting the Native community in the real world .

One of the issues I am currently researching concerns Native womens' rights , and this is the basis of my letter to you .

Iona Campagnolo , M.P. sent me a published report on the issue of the Status of Indian Women , entitled " Is It Sexual Genocide or Preservation of a Race , " and your name and involvement on behalf of non - status Indian women is referenced to , in this text .

I have read that the views held by Native women across the land are divided on the status issue , and , these views are based on inherited policies identifiable to those areas in which the individual Native women are born .

I have also read ; quote : " the real fear experienced by many Native people over the issue of status rights of Indian women , is in reality , an ongoing fight for survival within a culture struggling defensively against changing attitudes and shadows of discrimination in a sometimes hostile environment . "

I have heard that any change to the present Indian Act favourable to non - status Indian women would not be supportive to the preservation of the Indian race .

I have also heard there is a growing belief among many Native people , that to give status rights to non - status Indian women now , would be an open invitation to the sexual genocide of the Indian woman .

There are references to the status issue in Iona Campagnolo's report , " Is It Sexual Genocide or Preservation of a Race , " which emphasizes the differences of thought and purpose towards non - status women ; quote : " Indian men are already subject to untold assaults on their Indianess and their manhood and don't need the added burden of women's status to further undermine their confidence and effectiveness . "

Also ; quote : " the Act of law can change her perception of herself , for the act of enfranchisement , can , with loss of legal status , diminish an individuals' sense of identity with the ethnic group of her birth . "

I am attempting to learn something more of the meaning behind these written words .

Because of the differences ascribed to in my letter regarding the " status issue , " I find my comprehension of the subject matter perplexing and difficult to understand .

Iona Campagnolo acknowledges in her report your ongoing struggle on behalf of injustice to non - status women .

For these reasons , Madame Casgrain , I write this letter and send it to you .

I am endeavouring to learn the views , opinions and feelings of married , divorced , seperated and widowed Indian women regarding " status rights , " and the effects this sensitive issue has had on their lives .

It is difficult to perceive , how thoughtful Indian men and women could move to extinguish or eliminate an individuals' identification to her birth , heritage , culture and the language of her home and family etc .

I am taking the liberty to ask if you could forward to me , the names and addresses of married , seperated , divorced and widowed Indian women known to you , whom you feel might assist me in my research project with emphasis to those women whos lives have been affected by the present Indian Act with its policy of glaring inequality because of those sections that deal with marriage , inheritance , family and legitimacy etc .

Thankyou , Madame Casgrain , for allowing me the liberty of asking for your help and support regarding my request .

I look forward in hearing from you .

Yours in friendship ,

Beryl Smedley

June 17, 1978

Mrs. Beryl Smedley
7795 - 117th Street
Delta, B.C.
Canada

Dear Mrs. Smedley:

In reply to your letter, I would suggest that you get in touch with the Department of Indian Affairs in Ottawa.

The Secretary of State has published lately a book entitled A NOUS LA PAROLE with a sub-title LES FEMMES AUTOCHTONES DU CANADA. This book would certainly interest you.

Hoping this information will help you, please accept my best wishes for the success of your work.

Sincerely yours,

Thérèse F. Casgrain,
Senator.

TFC/mcd

Treatment Budget for the said average population for the fiscal year April 1st, 1975, to March 31st, 1976, with the single correction being that the total of the line item entitled "OTHER" being changed to read \$57,500 instead of \$56,300

AND THAT

Within the physical limitations, the Program persevere in its "open door" policy by making all reasonable efforts to secure additional funds to meet the cost of treatment of any eligible applicant in excess of the said average.

On motion duly made, seconded and unanimously resolved, the Financial Report submitted to the meeting was accepted and ordered to be inserted in the corporate records of the corporation, after having been initialled for identification by the Secretary.

REPORT OF THE EXECUTIVE DIRECTOR

Lengthy discussions took place on several of the topics dealt with. In particular, the cases of the graduates facing prison sentences was reviewed. The meeting was informed that in negotiations with Justice representatives, a decision had been reached to act in such a way as to avoid having the Crown Prosecutors appeal a Judge's decision.

On motion duly made, seconded and unanimously resolved, the Report of the Executive Director, submitted to the meeting, was accepted and ordered to be inserted in the corporate records of the corporation, after having been initialled for identification by the Secretary.

REPORT OF EXTERNAL AFFAIRS

In the absence of Mrs. Norma Cummings, Miss Patricia Jackson reported on the activities of the Committee.

The plan for distribution of the posters was discussed in some detail; the composition of the Committee was reviewed; and the name of Mrs. Andrée Duquette was mentioned as a possible additional member. Mrs. Thérèse Demers stated that she was aware of other possible candidates to help on this Committee and she was invited to submit in writing the names of persons who might be invited to join this committee.

Le 8 septembre 1978

Madame Marguerite Bergeron-Tremblay
250, rue Harvey
Alma, Québec
C8R 1N7

Ma chère amie,

Acceptez, je vous prie, tous mes remerciements pour la copie des voeux que vous avez envoyés au Department des Affaires Indiennes du Québec au sujet du statut des femmes indiennes.

Depuis mon retour au Canada, je n'ai pas eu un instant pour m'occuper de ma correspondance. Inutile de vous dire combien j'aurais aimé me rendre à votre fête du 25 avril dernier. En août, j'espérais me rendre à Chicoutimi, mais un surcroît de travail m'en a empêchée.

En ce moment, je suis très intéressée par l'attitude des Mohawks de Caughnawaga qui refusent d'envoyer leurs enfants à l'école française. Pour moi, ceci est un nouvel exemple des exagérations de la loi 101. Il semble que l'on veuille diviser plus que jamais notre si beau pays.

A bientôt, j'espère.

Amicalement vôtre,

Thérèse F. Casgrain,
sénateur.

TFC/acd

Philippe Gélinas, r.r.

AVOCAT

845-3229

10 RUE SAINT-JACQUES

BUREAU 1003

MONTRÉAL H2Y 1L3

Le 14 juin 1979

Madame la Sénatrice Thérèse Casgrain
250 avenue Clarke
Westmount

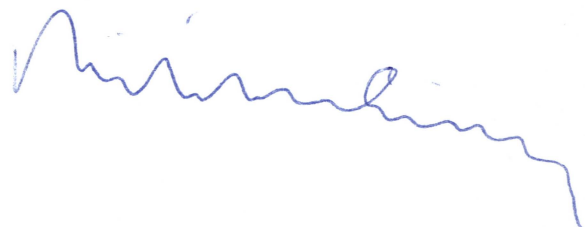
Madame et chère amie,

Veuillez recevoir sous ce pli
copie du "Declaration and order" du Ministre des
Affaires indiennes et du Nord Canadien, de mon avis
d'appel, ainsi que de l'avis d'intention du Ministre.

Dès que le dossier mentionné
dans l'avis d'appel sera déposé, je préparerai le
factum dont vous me ferez, je l'espère, l'amabilité
de recevoir une copie.

C'est d'une façon beaucoup plus
gracieuse que je voudrais vous exprimer, madame et
chère amie, la respectueuse amitié que vous m'inspi-
rez et dont je vous prie d'agréer ici l'expression.

PG/ml





Québec Native Women Association
Association des Femmes Autochtones du Québec

Mme Le Sénateur Thérèse Casgrain,
250, Avenue Clarke,
Westmont, Québec.

POINTE-BLEUE, le 14 septembre 1979.

377/1-2-16

Objet: Dossier Femmes Autochtones

Madame,

Suite à l'agréable rencontre du 8 septembre au Centre Culturel de Pointe-Bleue, je vous envoie tel que convenu, les numéros des articles de loi allant à l'encontre de nos droits.

1. Article 63 (2) de la loi canadienne sur les droits de la personne ayant comme but de soustraire la loi sur les Indiens à l'application du Bill C 25.
2. Gouvernement Fédéral abroge l'article 12 (1) (b) de la loi sur les Indiens afin d'éliminer la discrimination.
3. Enfant de mère célibataire
Loi sur les Indiens 11 (1) 12 (2).

Je vous envoie par la même occasion quelques pages de réflexion que j'ai adressées à notre Conseil de Bande afin de leur faire voir les rôles importants que devraient jouer les femmes indiennes dans leur communauté.

.../2

Mme Le Sénateur Thérèse Casgrain

Le 14 septembre 1979.

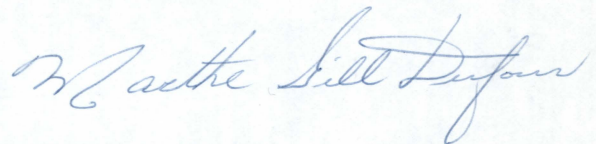
Quelques autres écrits pour votre information.

J'espère Madame que vous continuerez la lutte avec nous.

Je vous remercie grandement pour tout ce que vous faites pour notre cause.

Toutes mes salutations Madame Casgrain.

Bien à vous,



Marthe Gill Dufour,
Association Femmes Autochtones
du District,
Affaires Indiennes & Inuit,
POINTE-BLEUE.

M.G.DUFOUR/gr

P.J.

Le 20 septembre 1979

Madame Marthe Gill Dufour
Association Femmes Autochtones
du District
Affaires Indiennes & Inuit
Pointe-Bleue, Qué.

Chère madame Dufour,

Je reçois à l'instant le dossier des Femmes Autochtones
que vous m'avez envoyé.

Il m'a fait grand plaisir de vous rencontrer lors de
mon passage à Pointe-Bleue.

Le 19 septembre, je n'ai pu malheureusement écouter
Femmes d'Aujourd'hui. J'espère de tout coeur que ce fut
une belle réussite.

Vous pouvez être assurée que je continue la lutte avec
vous.

Amicalement vôtre,

Thérèse F. Casgrain,
sénateur.

TFC/mcd

INDIAN RIGHTS FOR INDIAN WOMEN

EDMONTON, ALBERTA
CANADA



PRESENTATION TO:

THE HONOURABLE JOHN MUNRO
MINISTER OF INDIAN AFFAIRS

MAY 23, 1980

Presentation of I.R.I.W. to Hon. John Munro

Honourable Minister I would like to refer your attention to the photocopied document headed "The Permanent Mission of Canada" to the United Nations. It is the reply of the Canadian Government to the Secretary General of the United Nations who had earlier asked Canada to respond to the claim of Sandra Lovelace regarding the loss of her birthright under Section 12(1)(b) of the Indian Act.

While we were only made aware of this document yesterday we would like to respond to it at this meeting with you. To put it mildly we are appalled by the position of Canada as set forth in this document. We feel it is a shoddy piece of work aimed only at rationalizing Canada's long-standing policy of discrimination against Indian women.

This document is filled not only with half-truths, inaccuracies and contradictions, but in some cases with distortion of the facts. It is ironic indeed that Canada speaks out internationally for the cause of human rights, and yet could blatantly misrepresent to the world community a struggle for human rights within its own borders. But before we get into discussing particular points with you, we would like to ask some questions.

We note that the document is dated April 4, 1980 - over 1½ months ago yet neither Sandra Lovelace nor our organization received copies from your Government.

1) Do you know what department of the Government was responsible for drafting this reply to the U.N.? Was your department involved?

2) Did your department receive a copy? And if so why did you not send at least one copy to Sandra Lovelace and to Indian Rights for Indian Women?

We feel that this lack of accountability particularly to the Indian women involved in this struggle betrays your Government's stated intention of "formulating legislative proposals by way of a Government-Indian partnership of views" P.5 of this document.

Now to point out particular misrepresentations in this statement of the Canadian Government to the U.N.:

Page 1, last paragraph and page 2: Most appalling of all is that your Government has denied all of Sandra Lovelace's allegations. She has claimed that the Indian Act contravenes article 27 of the International Covenant particularly that section which says that "...minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion or to use their own language. Curiously this denial of any wrong on the part of the Government of Canada is followed in the next breath by a statement that portions of the Indian Act "require serious consideration and reforms." Why this apparent contradiction?

We agree with Sandra Lovelace in her claim and wish to point out that the key phrase in this article is "...in community with other members of their group." It is this community aspect of culture that is being denied to Indian women who fell under the provisions of Section 12(1)(b), as they are automatically denied access to Indian lands and Indian rights. Therefore, for the Canadian Government to claim that the Indian Act "enhances (Indians') ability and opportunity to enjoy their own culture..." is a misrepresentation of the whole truth in that the Government has arbitrarily decided that only certain Indians shall enjoy such rights.

Page 2, last paragraph: To say "that patrilineal family relationships...were traditionally used as a basis for determining legal claims..." is deceptive. It implies that the patrilineal system was used traditionally by Indians, while what is meant is that white society in Canada was traditionally patrilineal. Furthermore what is completely ignored here is the fact that many Indian societies in the country were matrilineal, and the fact that the Canadian Government, without consultation imposed a patrilineal system on all Indian Bands regardless of their traditional systems for determining lineage. Again only part of the truth is set out here.

Page 3, paragraph continued from Page 2: - This historical

analysis of Section 12(1)(b) has conveniently left out a major portion of the truth - that portion which is considered most blatantly unjust, ie., it has failed to mention to the U.N. that all those rights lost by Indian Women under Section 12(1)(b) are automatically gained by non-Indian women upon marriage to an Indian man. Why was this painful fact left out of the submission to the U.N.?

Page 3, paragraph 2: The statement that Government protects Indian land and culture is a self-righteous statement that is not exactly true in practice. It is well-documented that much Indian land has been lost since the Indian Act was first enacted, and that an unwritten policy of the Government has been the assimilation of Indian Culture. (One need not look any further than the educational policies for Indian children over the past 100 years.) Indeed the Indian Act itself is seen as assimilationist by those who understand the great importance of women's role in passing on the culture and language to children. The Indian Act's provision for removing only Indian women from the community upon marriage to a non-Indian and non-status Indians is seen by growing numbers as a systematic attack on Indian culture itself.

Page 3, paragraph 3: To say that the Government intends to change the Act "to accord more closely with contemporary attitudes towards women is to imply that that is the only reason the Act should be amended. Again it ignores an important fact - that the Indian Act was always wrong in that it arbitrarily imposed on Native people a narrowed definition of an Indian that flew in the face of guarantees made to Indian nations by the British North American Act.

Page 3, paragraph 4: The discussion of the National Indian Brotherhood's position is both inaccurate and contradictory.. To our knowledge the Brotherhood has never made a public statement such as that reported in this document. Even if it had it would be impossible for Indian men and women to be treated equally as long as Section 12(1)(b) continues to exist.

In listing the lack of resources as a major reason for opposition by certain Indian groups to changing the Indian Act, the Government is relying on what is in our view as an invalid

argument. First, if this were such a valid argument, why is it being used most by Indian organizations in the one province where Indians have the greatest resource base? Secondly, the Government is the last party that should even mention this argument as the Government over the years has condoned, if not participated in a shameless erosion of "the resource base of Indians." We all agree that this resource base must be enlarged. Since Canada alone bears responsibility for eroding this base it is Canada alone that can enlarge it. We Indian women cannot tolerate discrimination and inequality any longer simply because Canada chose to usurp the resources of our people.

Unfortunately, the Canadian Government has chosen to emphasize here the differences of opinion within the Canadian Indian community. But it has forgotten to mention that the parties being listened to are overwhelmingly male dominated organizations even though women comprise 51% of the Indian population in Canada. Due to numerous factors, not the least of which is the Indian Act itself, Indian Women in this country have been effectively voiceless until the last 10 years, and, even still the struggle to be heard is ongoing.

Page 4, paragraph 2: It is stated here that the Government of Canada "has funded and continues to fund I.R.I.W.", this statement falsely implies that I.R.I.W. has been funded for years, when in fact, it has received only \$50,000.00 from the Department of Indian Affairs, and that only over the past year - even though I.R.I.W. has existed for 10 years. Furthermore, \$50,000.00 is only a drop in the bucket compared to the millions going to Indian male organizations.

Page 4, paragraph 3: The discussion here about mixed marriages and the consequences of deleting Section 12(1)(b) presents another false implication, ie., that mixed marriages have serious consequences only when an Indian women marries a non-Indian.

We state again that mixed marriages between Indian men and non-Indians have perhaps more serious consequences when it comes to the survival of our cultures. When one considers that there are in fact more intermarriages on the part of Indian men than on the part of Indian women, one must conclude that the Canadian

Government's concern for the Indian family and community as stated on page 5 of the document is nothing but a sexist and empty argument intended only to rationalize to the world the injustice of the Canadian Indian Act.

May 23, 1980

INDIAN RIGHTS FOR INDIAN WOMEN

EDMONTON, ALBERTA
CANADA



RESPONSE TO:

THE PERMANENT MISSION OF CANADA
TO THE UNITED NATIONS

MAY 23, 1980

Please be advised that, having examined and considered the response of the Government of Canada to the decision of the Human Rights Committee contained in document CCPT/C/DR (VII) R.6/24 dated 19 September 1979 in the matter concerning Sandra Lovelace, the Executive and the National Board of Directors of Indian Rights for Indian women has duly resolved to require The Permanent Mission of Canada to the United Nations to amend said response in the manner and for the reasons herebelow set forth.

It is our contention that said response constitutes a deplorable effort to obscure facts and issues and cannot fairly be regarded as representing either the beliefs or the interests of Sandra Lovelace, the individual concerned, nor of Canadian Indian women in general. Firstly, the response is riddled with patently obvious historical and sociological inaccuracies. The last paragraph on page 2, alleges «that patrilineal family relationships were traditionally used as a basis for determining legal claims». Indian societies were often matrilineal and The Indian Act, had and still has the effect of imposing foreign patrilineal principles on the traditional system. Secondly, contrary to the allegations contained in the second paragraph of page 2, the status section of The Indian Act has been the object of serious governmental consideration for well over three decades. Needless to say, the matter was the object of grave individual consideration the first time an Indian woman contemplated the prospect of exclusion and exile.

As for obfuscation of issues, it is our contention that the response wholly misrepresents both the spirit and effect of The Indian Act insofar as it concerns the status of women. Nowhere in the response is it stated that section 12 (1) (b) of The Indian Act applied exclusively to women, and that an Indian male may freely marry a non-Indian without loss of status. This is the source of the inequity which the Committee has been asked to examine and the mission's failure to mention it in the response is nothing less than odious. Furthermore, the response fails to expose the actual motive for the enactment of section 12 (1) (b), the reduction of the Indian population and control of status Indians. One obvious effect of section 12 (1) (b) is the exclusion of persons from traditional lifestyles and the resulting assimilation of such persons into a foreign culture. That the drafters of the status section did not contemplate this ramification is inconceivable; that today's legislators do not seek to instantly amend it is indicative of a deplorable attitude toward a vital issue.

But the ultimate motive behind section 12 (1) (b) is even more insulting. At the time the provision was enacted control of the Indian population was a major concern. Exclusion of Indian wives and their non-Indian husbands from reserves was thought to facilitate such control by preventing the expansion of Indian cultural institutions to include non-Indian males. It is a historical fact that Europeans who freely communed with the native population and adopted Indian lifestyles were among the most energetic builders of what has become the civilization of North America. The status section of The Indian Act, clearly seeks to eliminate such enriching cultural cross-fertilization within the context of the reserve. And the reason for this is fear of self-assertion by the status Indian. The contention that The Indian Act was formed to preserve, protect and enhance the Indian way of life is in view of these truths, nothing less than ridiculous and cannot be conscionably included as a submission in the response.

No less unacceptable are the conciliatory references to Indian Rights for Indian Women. The allegations contained in the second paragraph of page 4, implies that the Government of Canada has supported our organization over an extended period of time. In very fact, Indian Rights for Indian women is ten years old but received its first grant last year, and the amount granted was paltry in relation to monies given to other Indian organizations. This, in spite of the fact that women comprise 51% of the Indian population in Canada.

As for the reference to the National Indian Brotherhood in the third paragraph of page 4, we are aware of no official pronouncements relating to the present issue made by that body. Nor are we aware of any consultation between the brothers of the response with the National Indian Brotherhood. We are on the otherhand, very aware of the fact that the mission has never consulted, nor even communicated with Indian Rights for Indian women. No copy of the response, dated 4 April, 1980, was ever forwarded to us. Nor was any copy forwarded to Ms. Lovelace, the individual concerned. We received a copy of the document on 22 May 1980, through informal channels. But for this fortious communication. The representatives of the Indian women of Canada would have remained in absolute ignorance of the Canadian Government's position on their rights and their future.

For the above reasons we demand that the permanent mission amend its response to reflect with accuracy and candour the historical and sociallogical background of section 12 (1) (b) of The Indian Act as well as its actual discriminatory effect.

We further demand that such an amendment be made after public consultation with persons and organizations concerned. As representatives of the Indian Woman of Canada, we object to the submission of the Response as it now stands as an inaccurate, superficial and mendacious misrepresentation unworthy of a nation that has long prided itself as a champion of human rights in the international arena.

Trusting that this matter will meet with your prompt attention.

May 23, 1980

Eastern T. Co. 1880
Harry S. Co. - Hamilton Co. T. D. Co.

Case Charlie Pres. Ind. Home mother as we go. Western Valley
Chas. B.

Macon E. Paul Sec. Tobique Res. W.B.

gives Duclair, Board member Edmonton, Alta.

Julius Bear Nicholas Board member Tobacco Revenue

Josephine Cowan Board member Tanghinawaga Inc.

Charlotte Bush Promercher Board member Coughnawaga, Que.

Arthur Kobuski Board Member Lancaster, N.C.

Nary Jane Jim Board Member Yukon Territory / V.I.W.P.

Eva Saulis Mumbai I N I 221 *Jodique Res* 71.B.

Prof. Ellen Lyman, Second Member - March 1871

John C. Matthews Board Member. Manhattan, Pa., 1911

Mr Kelvin Martin President N.S.W.A. 15 Maillard St. Sydney

no. 1264 Black. Board number Winnipeg. Transit

7 yrs Pauline Harper Board member Toronto, Ontario

Reuben Lygannick Member Toronto, ONTARIO

Man kann Röhren den man kann

My Sister John Member
Attain, Ohio
(ing Kawaga Sun

Wm. Maskego. Board member, Burlington, Vt.

Philip Carlson Board Member Edmonton, Alberta

Mr. Margaretta Prescott, Indian Rights to Indians

May 13/1901

The Permanent Mission of Canada
to the United Nations

Mission Permanente du Canada
aupres des Nations Unies

No. 16

The Permanent Mission of Canada to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to his note G/SO 215/51 CANA R.6/24 of 5 October 1979 regarding a decision adopted by the Human Rights Committee on 14 August 1979 in the matter concerning Sandra Lovelace.

The Permanent Mission should be grateful to the Secretary-General if the attached reply of the Government of Canada could be brought to the attention of the Human Rights Committee.

The Permanent Mission of Canada avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

Geneva, 4 April 1980



RESPONSE OF THE GOVERNMENT OF CANADA TO
THE DECISION OF THE HUMAN RIGHTS COMMITTEE
CONTAINED IN DOCUMENT CCPR/C/DR(VII)R.6/24
DATED 19 SEPTEMBER 1979 IN THE MATTER
CONCERNING SANDRA LOVELACE

In a communication dated 29 December 1979, submitted under the Optional Protocol to the International Covenant on Civil and Political Rights Sandra Lovelace alleged that she was a Maliseet Indian living in Canada and that having married a non-Indian she had lost her rights and status as an Indian, by virtue of section 12(1)(b) of the Indian Act, Revised Statutes of Canada 1970, C.1-6. She alleged that as a result Canada violated articles 23(1) and (4), 26 and 27 of the International Covenant entered into force in Canada on 19 August 1976.

Although on the date of her communication to the Committee Mary Sandra Nicholas Lovelace was recorded in the Indian register under number 287 Tobique Band as a single person, under section 12(1)(b) of the Indian Act she had legally lost her entitlement to be registered on 23 May 1970, the date upon which she married a non-Indian. The registrar was required by the Act to remove her name from the Indian register when he learned of her marriage. The Secretary General of the United Nations in a note to the Government of Canada (number G/50 215/51 CANA) dated 20 September 1978, requested Canada to provide "information and observations relevant to the question of admissibility of the communication. The Committee decided on 14 August 1979 that in accordance with article 4(2) of the Optional Protocol, Canada

"shall be requested to submit to the Committee, within six months of the date of the transmittal to it of this decision, written explanation or statements clarifying the matter and the remedy, if any, that may have been taken by it".

~~(PCN.2 of R.6/24)~~

Nothing contained in this response or the earlier 19 September 1979 response of the Government of Canada should be considered as indicating that the Government of Canada

admits or concurs in any of the allegations or observations in the communications of Sandra Lovelace or that Canada breached any of the provisions of the International Covenant on Civil and Political Rights in relations to Sandra Lovelace.

The Government of Canada recognizes that many of the provisions of the present Indian Act, including section 12(1)(b) require serious reconsideration and reform. As evidence of this recognition, the Government has publicly declared that it intends to introduce into the Canadian Parliament proposed legislation that would amend section 12(1)(b) of the Act in a way that resolves as many as possible of the difficulties caused by this provision.

The Indian Act is in accordance with the aims sought to be achieved by article 27 of the International Covenant which provides:

"in those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

Indians are a minority in Canada and the Act enhances their ability and opportunity "to enjoy their own culture...(and) to use their own language". Needless to say, a domestic law such as this could not be effectively made in Canada unless there was also legislative authority to define who is and who is not an Indian and how Indian status is acquired and lost.

The first Indian Acts, which date from the early 19th century, were enacted to protect Indians and Indian lands from non-Indians. At the very outset, it became necessary to define who was an Indian in order to be as definite as possible about who had a right to occupy reserve lands that had been set aside for a specific band (in Canada, local groups of Indians are organized into bands).

In what was then a basically farming economy, it was considered that Indian reserve lands were more threatened by non-Indian men than by non-Indian women. This, together with the fact that patrilineal family relationships, rather than blood quantum (measure of Indian ancestry), were traditionally used as a basis for determining legal claims, led to the

introduction, in 1869, of the first legislative provisions dealing with the status of Indian women who married non-Indian men. An Indian woman who married a non-Indian man was no longer considered an Indian under the Indian Act and neither she nor her husband were allowed to reside on, or have any interest in, reserve land. Their children were also non-Indian and could not acquire an interest in reserve land. Also reflected in these predecessors of section 12(1)(b) was the prevalent view held at the time by non-Indian society on the position of women and the family: that a man was responsible for providing for the family and protecting the family's interests.

As bands were subjected to increased cultural pressure and band populations grew, land became a more emotional issue not only because of the real threat to a limited land base but also because of what land came to symbolize. Government protection of Indian land was seen as an important indicator of the overall relationship between Indians and Government. As the Government was seen to protect Indian land, it was also seen as protecting Indian culture. These sentiments towards land have remained deep-rooted and the fear of losing reserve lands has been a pervasive one. That is why this issue has often been linked in the minds of Indians to band membership and the provisions of the Indian Act that define it. This also serves to explain why, until the last decade, there was little demand by Indian groups and no initiative by the Federal Government to have the status section of the Indian Act amended.

The Government's more recent commitment to have those provisions of the Indian Act dealing with the status of Indian women amended to accord more closely with contemporary attitudes towards women and their rights and status in society generally has met with different responses from within the Indian community.

The National Indian Brotherhood, an organization of Indian associations across Canada, has stated that Indian men and women should be treated equally, that the Government should compensate all those who have lost their status through section such as 12(1)(b), and that Indians alone should determine who is an Indian and who is not. However, that view is not shared by all Indian associations. Some maintain that because amended to the status provisions of the Act may well increase the number of Indians and thereby place demands on Indian lands and reserve lands, there should be no such amendment without a corresponding

increase in the resource base of Indians. Others oppose any changes because it is felt that the present legal situation protects the Indian cultures and land base from erosion by non-Indians. There is in addition the view to the effect that objective criteria for determining status should be included in the Act rather than Indian control of membership. These sometimes opposing viewpoints have been widely and consistently expressed, underlining the magnitude of the differences of opinion within the Indian community itself.

As a result of its commitment the Government of Canada has undertaken specific measures to remedy the current legal situation as it related to Indian women. Since mid-1976, the Governor-in-Council has refrained from issuing Orders-in-Council that enfranchise individual Indian women (under section 109(2) of the Indian Act) and whereby they cease any longer to be Indians (section 110). While it is true that such Orders-in-Council would have no legal effect on an Indian woman who, by marrying a non-Indian, loses her status as an Indian by virtue of section 12(1)(b) of the Indian Act, still the policy of not issuing such Orders-in-Council continues to serve as a clear reminder of the Government's intention to amend section 12(1)(b). Lending additional support to this intention is the fact that the Government of Canada has funded and continued to fund Indian Rights for Indian Women, an organization having as one of its stated objectives the amendment of section 12(1)(b) of the Indian Act.

Further complicating the legislative amendment process is the fact that each of the many proposals for ending the policy embodied in the present provisions of section 12(1)(b) has far-reaching consequences for Indian bands and Indian families. Mixed marriages raise questions about not only the future status of individuals entering into such marriages, but also the legal and social consequences for the children and grandchildren of such marriages. The Government of Canada has an obligation to the Indian community and to Canadians as a whole to minimize the harm to Indian families and to the Indian community that any such change in present legislation might cause. This position of the Government of Canada is, it is submitted, in conformity with article 2(2) of the International Covenant which obligated Canada "to adopt such legislative or

other measures as may be necessary to give effect to the rights recognized in the present Covenant", including rights provided for in article 23(1), namely: .

"the family is the natural and fundamental group unit of society and is entitled to protection by society and the State".

To sum up, therefore, the Government of Canada remains committed to amend section 12(1)(b) of the Indian Act. However the desire for quick and immediate legislative action has been, and must continue to be, balanced by an understanding and appreciation of the very basic way in which such changes in the law will affect Indian society. Great care must therefore be taken in formulating legislative proposals so that such changes are not imposed upon the Indian people of Canada but rather evolve by means of a Government-Indian partnership of views.

The Canadian Government will advise the Human Rights Committee of any changes to the Indian Act which have relevance to the communication submitted by Sandra Lovelace.

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INDIAN RIGHTS FOR INDIAN WOMEN *

EDMONTON, ALBERTA
CANADA

Health & Welfare Canada
Minister's Correspondence Control
RECEIVED

16 VI 1980

REÇU
Régie du courrier du Ministre
Santé Nationale et bien-être social Canada

June 9, 1980



Dear *Madam*

Please find enclosed a copy of the response of the Canadian Government to the United Nations concerning the Sandra Lovelace case. Also enclosed is a letter from Indian Rights for Indian Women to the (Secretary of State) in reaction to the Government's response. For the reasons set forth in our letter to the Secretary of State for External Affairs we are demanding that the Canadian Government amend its response to the United Nations. We are appealing now to you to insist that the Government acknowledge our letter and amend its response to the United Nations, as Sandra Lovelace's case will be heard by the United Nations within a few months. We urge you on behalf of all Native women in Canada to make this matter a priority.

Sincerely,

Jenny Margetts
Jenny Margetts, President
Indian Rights for Indian Women