

Native Indians Granted Full Citizenship Rights



Prime Minister John Diefenbaker is the first to fulfil the pledge made to the Native Indian people by the Great White Mother, Queen Victoria, that her ministers would respect and uphold their rights "as long as the sun shines, the grass grows and the waters flow."

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 Winnie Hurley
 PUBLISHER



The Indian Magna Charta

PRIME Minister John G. Diefenbaker is the only statesman to fulfil the promises of the late beloved Queen Mother Victoria, when she promised the Native Canadians that they would be protected in their aboriginal rights and given guidance by her ministers. She pledged her ministers to carry out this sacred trust, but in a hundred years none has taken it up.

It remained for Canada's greatest son, John G. Diefenbaker, to implement the great Queen's assurance. By doing this he has erased the blackest stain on Canada's escutcheon. This country can now face the world with a clean conscience. This is a voluntary measure without barter or bargaining, or waiver of aboriginal rights.

The considerations underlying the government's action were clearly stated by Prime Minister Diefenbaker in the course of his speech to the House of Commons on January 18, as reported in *Hansard*. He said:

"The other measure, the provision to give Indians the vote, is one of those steps which will have an effect everywhere in the world—for the reason that wherever I went last year

on the occasion of my trip to Commonwealth countries, it was brought to my attention that in Canada the original people within our country, excepting for a qualified class, were denied the right to vote. I say that so far as this long overdue measure is concerned, it will remove everywhere in the world any suggestion that color or race places any citizen in our country in a lower category than the other citizens of our country.

"I say this to those of the Indian race, that in bringing forward this legislation the Minister of Citizenship and Immigration (Mrs. Fairclough) will reassure, as she has assured to date, that existing rights and treaties, traditional or otherwise, possessed by the Indians **shall not in any way be abrogated or diminished in consequence of having the right to vote.** That is one of the things that throughout the years has caused suspicion in the minds of many Indians who have conceived the granting of the franchise as a step in the direction of denying them their ancient rights."

We Indians, the first in the land and now about to attain full citizenship in our own country, thank you, Mr. Diefenbaker.

Two Bills That Make History

3rd Session, 24th Parliament, 8 Elizabeth II, 1960

THE HOUSE OF COMMONS OF CANADA

BILL C-2.

1952-53, c. 41; R.S., c. 149; 1956, c. 40; 1958, c. 19. An Act to amend the Indian Act. HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

- Repeal. 1. Subsection (2) of section 86 of the Indian Act is repealed.
- Commence-ment. 2. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

EXPLANATORY NOTES

1. Subsection (1) of section 86 of the Indian Act grants Indians exemptions from taxation. Subsection (2) reads as follows:

"(2) Subsection (1) does not apply to or in respect of the personal property of an Indian who has executed a waiver under the provisions of paragraph (e) of subsection (2) of section 14 of the Canada Elections Act."

Under section 14 of the Canada Elections Act Indians are entitled to vote if they execute a waiver of the tax exemptions in the Indian Act. It is proposed by an appropriate amendment to the Canada Elections Act to grant the franchise to Indians without waiving their tax exemptions, if they are otherwise qualified to vote. Subsection (2) of section 86 of the Indian Act will then become obsolete.

2. The amendment is to come into force on proclamation so that both amendments will take effect at the same time.

3rd Session, 24th Parliament, 8 Elizabeth II, 1960

THE HOUSE OF COMMONS OF CANADA

BILL C-3

An Act to amend the Canada Elections Act

R.S., cc. 23, 306, 334; 1952-53, c. 24, s. 7; 1955, c. 44. HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

- Repeal. 1. (1) Paragraph (e) of subsection (2) of section 14 of the Canada Elections Act is repealed. (2) Subsection (4) of section 14 of the said Act is repealed.
- Commence-ment. 2. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

EXPLANATORY NOTES

1. The provisions to be repealed read as follows:

"(2) The following persons are disqualified from voting at election and incapable of being registered as electors and shall not vote nor be so registered, that is to say,

(e) every Indian, as defined in the Indian Act, ordinarily resident on a reserve, unless,

(i) he was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, or

(ii) he executed a waiver, in a form prescribed by the Minister of Citizenship and Immigration, of exemptions under the Indian Act from taxation on and in respect of personal property, and subsequent to the execution of such waiver in writ has issued ordering an election in any electoral district;

(4) Notwithstanding anything in this Act, a woman is the wife of an Indian, as defined in the Indian Act, who was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service, subsequent to the 9th day of September, 1950, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector."

The purpose of the proposed amendment is to grant the franchise to Indians without restriction if they are qualified as other electors.

2. A consequential amendment to the Indian Act is required.

The amendment proposed by this Bill is therefore to come into force on proclamation so that both amendments will take effect at the same time.

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By Peter R. Kelly

Steps to Equality

AT THE opening of the third session of the 24th Parliament, granting of the federal vote to the Native Indians was included in the Speech from the Throne. And on January 18, Citizenship and Immigration Minister Ellen Fairclough, superintendent general of the Indian Affairs Branch, moved the necessary amendment to the Indian Act giving Indians the right to vote in federal elections free from the restrictions which now exist.

Mrs. Fairclough also introduced another motion to amend the Canada Elections Act. The purpose of this amendment is to grant the franchise to Indians without restriction if they are qualified as other electors, by repealing the present provisions of the Canada Elections Act which bar Indians on reserves with certain exemptions from voting.

Speaking in the House of Commons on January 18, Prime Minister John Diefenbaker said:

"I say this to those of the Indian race, that in bringing forward this legislation the Minister of Citizenship and Immigration (Mrs. Fairclough) will reassure, as she has assured to date, that existing rights and treaties, traditional or otherwise, possessed by the Indians shall not in any way be abrogated or diminished in consequence of having the right to vote. That is one of the things that throughout the years has caused suspicion in the minds of many Indians who have conceived the granting of the franchise as a step in the direction of denying them their ancient rights."

Now I quote from the brief the Native Brotherhood of British Columbia presented to the Joint Committee of the Senate and the House of Commons on Indian Affairs, July 2 and 3, as reported in Hansard:

"Dr. Kelly: The Indians of British Columbia feel very strongly that they should have the federal vote on the same basis on which the provincial vote was granted them. Before this vote was granted to them, there was a fear in the minds of a good many of them that somehow the exercising of that franchise would jeopardize their status as Indians. By experience, they have learned that it has enhanced their position in the province, and they are now grateful for the day when this was made possible for them.

"On the same basis, there are many Indians throughout the country who have raised their

Here is the proud record of the Indians' struggle for their rightful heritage

voices against the federal vote. They think that the extension of the federal vote would weaken their position in retaining their aboriginal rights and possessions. But careful consideration of the whole situation makes the executive committee of the Native Brotherhood of British Columbia, as well as the whole rank and file of the membership, feel that the British Columbia vote gave them a new appreciation of their position in the province, and that the federal vote would be equally beneficial."

What was respectfully requested in the brief submitted by the Native Brotherhood of British Columbia is now granted by parliament. So the right to vote in federal elections is now ours. The right to vote in provincial elections has already been ours for over ten years.

These rights have been granted our people after 100 years of being neglected. Before the right to vote had been granted, we had to fight for it. Unless we want something and fight for it, we would wait in vain for it. We had to raise our voice for the provincial vote before we enjoyed the right of saying who would represent us in the legislature, and now we have the right to say who will represent us in parliament.

We cannot now say, "Taxation without representation." We must exercise our right to say who shall represent us in Ottawa.

The next step is to train men

of the calibre to stand among the worthy lawmakers of the country. The way to the highest position in the country is now open to us. The place at the top is open to persons of training, stability, unselfishness and brotherly spirit.

Are we of that calibre? If we are conscious of our inability to measure up to that standard, let us start from scratch and step by step prepare for it. The way to the peak is exacting and demands sacrifice. It is difficult but it can be done.

The door to better education is now open to us. Let us not be satisfied with what is good enough! Let us seek the best that is in sight.

The public schools are now open to the Indian children in British Columbia. Ten years ago it was not so. The children now sit in the same class room with the children of the rest of the Canadians.

When these children awake to the truth that they are equal in mentality to the others they shall see when as they grow that they can face up to the work as true and loyal citizens. Education and spiritual advancement offers a gleam of light in the future.

During the last twenty years more benefits have been realized by the Indians than in all the past centuries in the history of Canada.

Briefly outlined, this is the record of the organized efforts made by the British Columbia Indians to obtain their rights:



DR. PETER R. KELLY

In March 1911, a delegation numbering over 100, consisting of chiefs and leaders from all parts of British Columbia, with strong representation from the Interior Tribes as well as the Coastal Tribes, met the provincial government of Premier Sir Richard McBride.

Peter R. Kelly, then a young man, read the memorial presented to the government and also spoke in support of it. The Indians claimed that their title to the lands of British Columbia was still valid; the provincial government denied this. Since that day the provincial government has not altered its position.

A delegation of the Nishgas and the Interior Indians met the federal cabinet in 1916. This delegation was told that because it did not represent the whole of British Columbia nothing could be done.

In 1920 a delegation representing the Allied Indian Tribes of British Columbia went to Ottawa and petitioned parliament against compulsory enfranchisement. This petition resulted in the appointment of a Parliamentary Committee from the

(Continued on Page 21)

'A Wonderful Victory'



ROBERT CLIFTON

GRANTING of the federal vote to Native Indians is indeed a wonderful victory. Today we have cause to be proud of the great fight the Native Brotherhood of British Columbia has conducted over the years. And we should humbly give thanks to God for sustaining us in our struggle to win better conditions and equality of citizenship and education for the Native people.

After years of "wardship," years of hardship and suffering caused by the neglect and indifference of white governments to those who were first in the land, Native Indians at last stand as full citizens.

I am proud of my people, proud of what the Native Brotherhood has accomplished and confident that out of their splendid heritage the Native Indians will make an ever greater contribution to the progress of their country.

ROBERT CLIFTON,
president, Native Brotherhood
of British Columbia.

Native Indians Need Have No Fear Of Losing Status or Rights by Vote

—HON. ELLEN FAIRCLOUGH



Deane Finlayson

THE Conservative Party of British Columbia rejoices with the Native Indians in achieving the right to vote in federal elections.

Credit for this must go to those who, over the years, have spoken out, demanding full citizenship status for the Indian. Among the voices heard was that of John Diefenbaker; the Prime Minister has kept his promise to give the Native Indian a voice in the affairs of his own country.

Here in British Columbia, the Conservative Party pledges to support the Indians in their legitimate and reasonable aims. We assure them that, under a Conservative government in British Columbia, they will enjoy the same rights and privileges as other citizens.

DEANE D. FINLAYSON
Leader, Conservative Party of British Columbia.

THERE are some Indians who fear that granting the right to vote may mean loss of Indian status, treaty or other rights. I can appreciate their fears and I am glad to say they are entirely groundless. The proposed legislation simply extends to Indians the right to vote free from the present restrictions. There was never any intention, nor will the legislation deprive Indians of their status as Indians, or affect their treaty or other rights in any way.

This assurance was given to parliament by the Prime Minister and I am glad to repeat it here. The Indians will have the right to vote on an equal basis with other citizens irrespective of whether they reside on or off a reserve. It will be up to them of their own free choice to decide whether they wish to vote or not, but in any event their rights will not be jeopardized as a consequence.

As to what is known as the McKenna-McBride Agreement of 1912 which provided for the appointment of a Royal Commission to deal with land matters and for the conveyance of Indian reserves to the Dominion, subject to a reversionary interest of the province in the land in the event an Indian band becomes extinct at some future date, the granting of the right to vote will not, of course, affect the Agreement or the status of the reserves as they exist at the present time.



HON. ELLEN FAIRCLOUGH
Minister of Citizenship and Immigration

HON. ELLEN L. FAIRCLOUGH,
Minister of Citizenship and Immigration.



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Congratulations on a Fine Victory



- The United Fishermen and Allied Workers Union stands with the Native Brotherhood of B.C. in its fight for full equality with other Canadians and retention of all Native aboriginal rights. Winning the Federal vote represents a key victory in that battle. We join the Native Brotherhood in rejoicing over this achievement and pledge continued support in future struggles. We oppose any chiselling on reserve lands and favor control and operation of Indian reserves by the Indians themselves.
- This applies not only in the legislative field but in all areas of life where Natives are involved. Unity in the fishing industry is vital to the economic welfare of both Indians and other Canadians who work side by side for the same employers. Unity of all fishermen and shoreworkers can spell real progress in the B.C. fishing industry.

H. STEVE STAVENES, president
T. BUCK SUZUKI, vice president
JACK COOK, vice president
HOMER STEVENS, secretary-treasurer
ALEX GORDON, business agent

United Fishermen and Allied Workers Union

138 East Cordova Street

Vancouver, B.C.

1960

In this Jubilee Year of Prince Rupert's life as an incorporated City, it is a pleasure to extend our congratulations to our Native friends, and particularly to . . .

The Native Brotherhood of British Columbia

upon the attainment of full voting rights in Canada.

Prince Rupert realizes and appreciates the large part played by our Native citizens in the life and economy of our City. We extend to them our hearty congratulations and a warm welcome into full Canadian citizenship.

City of Prince Rupert

P. J. Lester, Mayor

R. W. Long, City Clerk