

**Bill C-31: Identity and Gender:
Ain't I an Indian?**

Laverne Gervais

B.A. Concordia University, 1999

Thesis Submitted In Partial Fulfillment Of
The Requirements For The Degree Of
Master Of Arts
In
First Nations Studies

The University Of Northern British Columbia

March 2007

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ISBN: 978-0-494-28435-3

Our file Notre référence

ISBN: 978-0-494-28435-3

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ABSTRACT

This qualitative-experiential research explores the influence of Bill C-31 on individual concepts of identity and gender. It includes interviews with 11 individuals who acquired Indian status through the 1985 Bill C-31, Amendments to the *Indian Act*. In particular, I examine the application process and raise questions regarding gendered experiences. The overall objective of this research is to humanize the issue of Bill C-31 and to capture some of the day to day struggles of living under the influence of the *Indian Act*.

Dedication

To my brother – Denis Antoine Gervais (Contois)

This is only part of the story.

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Abbreviations

AWAC	Association Advocating for Women and Children
AFN	Assembly of First Nations
CAP	Congress of Aboriginal Peoples
CIS	Certificate of Indian Status
ESL	English as a Second Language
INAC	Indian and Northern Affairs Canada
IRIW	Indian Rights for Indian Women
IRS	Indian Registration System
NIB	Native Indian Brotherhood
NWAC	Native Women's Association of Canada
PGNFC	Prince George Native Friendship Centre
RCAP	Royal Commission on Aboriginal Peoples
UNBC	University of Northern British Columbia
UNN	United Native Nations

Acknowledgements

I would like to acknowledge Lheidli T'enneh, the traditional territory where this thesis came together and the Dakehl-ne people who so generously share their home.

I would like to thank all of the people who sat with me and talked about their lives and Bill C-31. Through your words I have learned.

I would like to thank my advisors Dr. Jo Anne Fiske and Paul Michel for their mentorship, academic rigour, words of wisdom and creative support. Thanks Jo for developing in me a new found respect for the world of writing.

Thank you Dr. Ted Binnema and Dr. Cora Voyageur for your assistance in this thesis.

I would like to thank Peguis First Nations for their support, especially Bill Spence and the Peguis education staff for their assistance and encouragement a long the way.

Thank you to the students, staff and faculty in the First Nations Studies Program and in the First Nations Centre, especially Anita Gill and Kathy Shaw.

I would like to thank my friends and colleagues for their support and encouragement, especially Laura Aguilera, Dawn Dunstan, Pamela Flagel, Rheanna and Andrew Robinson, Joyce Schneider, Annette Schroeter, Maki Umeda and Lila Wallace.

I would like to thank my family – my grandmothers, grandfathers, brother, aunties, uncles, and endless sea of cousins. Thank you especially to my parents Laverne Contois and Cliff Gervais...for everything.

Thank You – Chi-Megwetch – Merçi
All My Relations

Introduction

The Elder lifted his drum from the rising smoke of the burning cedar and said,

While I drum for you this song I want you to close your eyes and think about a peaceful place. This place could be along a river. It could be in the forest. It is a place that could be somewhere you visited, somewhere you lived. Where ever it is, it is a peaceful place.

So I closed my eyes. I fidgeted, trying to move away from a sense of discomfort.

As the drum began to sound.....boom...boom...boom...boom, boom, boom, boom, boomboomboomboomboom... the ever quickening tempo surprised me. My mind began to travel - first to Taiwan, then...

to reading on a beach in the sweltering heat...

to sitting on a bus staring at a countryside passing by...

to walking the cobbled streets of a village...

to listening to the clacking of the train as it rocked me to sleep.

I started to wrestle with my thoughts. I tried to force them to go to Winnipeg or Montreal my Canadian "homes."

This thesis is in many ways my story. My name is Laverne Gervais. I'm Anishnabe-French Canadian from two places, Winnipeg and Montreal. This thesis is the result of four years work towards a Master's degree in the UNBC First Nations Studies Program. In an academic environment, how I present the introduction to this thesis is in a challenging, innovative and First Nations way. I believe this approach honours and respects the emerging research on First Nations people's knowledge as it relates to orality.

Orality and oral traditions are distinguishing characteristics of Indigenous cultures. They are often used to describe a difference not only in world view but in approaches to learning (Archibald 1997; Sarris 1993). Orality is often discussed in opposition to literacy. Literacy is described as linear and orality as circular. It may be argued that the two are not interchangeable. One explanation for this may be that, as Dr. Jo-ann Archibald (Sto:lo) explains, a First Nations circular or philosophical concept is based on wholism which refers to a sense of inter-relatedness between the intellectual, spiritual, emotional and physical (1997:12).

The development of wholism extends to and is mutually influenced by one's family, community, band and Nation. The image of the circle is used by many First Nations peoples to symbolize wholeness, completeness, and ultimately wellness. The never ending circle also forms concentric circles to show the synergistic influence and responsibility to the generations of Ancestors, the generations of today, and the generations yet to come. The animal/human kingdoms, the elements of Nature/land, and the Spirit world are an integral part of the concentric circles. (1997: 14)

Telling or sharing stories is an oral tradition. Orality is a subjective and subtly implicit process that requires interlocutors to engage in critical thinking using what Dr. Archibald describes as three ears: "two on our head and one in our heart" (Archibald 1997:10). The literate world requires explicitness and critical analysis that defines its interlocutors.

Dr. Greg Sarris (Pomo/Miwok) explains orality acknowledges the relationship between interlocutors. A storyteller opens up a territory of knowledge and engages in a process of learning. The foundation of this methodology is that

...in oral discourse the context of orality covers the personal territory of those involved in the exchange, and because the territory is so wide, extending throughout two or more personal, and often cultural, worlds

no one party has access to the whole of the exchange. One party may write a story, but one party's story is no more the whole story than a cup of water is the river (1993: 40).

Furthermore, as Sarris's own work illustrates, the context which surrounds the interlocutors is often unspoken and is based on the premise that the interlocutors are willing participants. Therefore, the storyteller sometimes makes an effort to not alienate those with whom they are communicating.

I inserted the drum as a means of opening the territory of my knowledge; to engage in an exchange between interlocutors. While it may be argued that academia is my audience, I acknowledge the invisible in academia, the family and friends who will also engage with this research beyond the institutions. I therefore, use the drum as a creative means of setting the stage for the journey into this territory. The drum is traditionally used to open many events, including talking circles, in which all are to be treated equally and each given the opportunity to speak while respecting another's words. Now that the drum has opened this territory let me begin with a story.

This story involves a dragonfly as it weaved into my life creating circles around a pond of knowledge. While I tell the story, the dragonfly reminds and places me within a bigger story.

I have an affinity for the dragonfly which has developed slowly over the last eight years. It was not my intention to ever speak about this relationship, especially as it may appear to have little to do with the topic of *Bill C-31*.¹ However, since this non-descript dragonfly has accompanied me throughout this Master's thesis journey, to leave it out would be like forgetting to reference a scholar or, even worse, forgetting to acknowledge the family and friends who got me to this point in my

journey. Therefore, before I begin the introduction to this thesis let me explain how my interest in the dragonfly began.

A number of years ago while living in Taiwan, a group of ESL elementary students and I visited an insect museum. Housed in a local Taipei high school, the first half of the museum consisted of insects in glass cases, dead bugs pinned to boards accompanied by Latin and Mandarin names. The second half of the museum consisted of a butterfly room. It was a small room decorated with everyday household objects. Each object was in some way decorated with a butterfly motif. Some had actual butterfly wings. The walls, chairs, plates, lamps, stationary, silk cloth, even the ceiling had images of a butterfly painted, embroidered, glazed, hooded, imprinted, stitched, melded on to it. It was almost garish, but it was definitely fascinating. I found myself questioning such human behaviour in expressing admiration or curiosity for an undeniably beautiful creature.

Shortly after this experience I found myself browsing through a store with a selection of Chinese silk bound journals. Some were embroidered with butterflies, some with dragonflies. The dragonfly seemed odd next to the butterfly. They have similarities yet the dragonfly does not appear as equally adored as the butterfly tends to be. I reflected on the seemingly surpassed popularity of the butterfly whose colourful wings have inspired many, including those who equate their own personal growth to that of a caterpillar becoming a butterfly. I purchased the dragonfly journal for the purpose of recording my dreams and a casual relationship sparked.

A few years later, I left Asia and found myself here in Prince George, BC pursuing a Master's degree in First Nations Studies. When I applied, the choice had

been between a Masters in education that could guarantee me better paying jobs around the world or First Nations Studies, which...couldn't. It could not guarantee me the salary I'd heard possible through an education degree but it was a topic close to my heart. A part of my own education that was incomplete.

After the first year of my studies, on a warm summer afternoon, a friend and I took a break and wandered out back of the university into the Forests for the World. We stopped at Shane Lake and lounged on the deck. Resting in the sun for awhile, I lay on my stomach watching the life going on in the water below. I caught sight of a dragonfly. It moved left and right...here and there...back and forth flying from one spot to the next in no predictable order. Every once and awhile it brushed past me. Eventually it paused within inches of my face. I stayed still. It stayed still. I was curious. It was beautiful. Its body was an intense metallic purple and blue. Before this moment I had never realised how really beautiful the dragonfly is only that it was different from the butterfly whose beauty was more celebrated, more visible.

When I returned to the university I began what would become a series of interludes spent exploring the Internet for information on the dragonfly. I found books such as *Dragonflies of the World* (Silby 2001), *A Dazzle of Dragonflies* (Mitchell and Lasswell 2005), and *Introducing the Dragonflies of British Columbia and the Yukon* (Cannings 2002). Each allowed me the opportunity to marvel over photographs displaying the rich colours that exist on dragonfly torsos. I admired the fragility of the wings while reading about their strength and agility. These wings move individually creating the impression both of an aerial dance in the sky as well as a stealthy hunter (Cannings 2002: 6). I learned that some believe that dragonflies

hover over only safe bodies of water (Mitchell and Lasswell 2005: 21). I also began to learn about the “folklore” or stories attached to these creatures. There are stories that come from Japan, Germany and the Philippines. There are also a great number of myths but I was interested in the stories, so I began to look specifically for North American Indigenous stories. As a result I found the dragonfly among the Zuni and the coastal region of Northern BC.

I learned that the Zuni have an intimate spiritual relationship to the dragonfly. The dragonfly is displayed in their artwork, jewellery and pottery. There are even suggestions that the Zuni were more receptive to Christianity due to the similarity in the shape of the dragonfly and the catholic cross (Lyons, 1999).

The Zuni have a story. It is a story of two lost children who were led safely home thanks to a dragonfly. This story is used in *Children of the Dragonfly: Native American Voices on Child Custody and Education* (Bensen 2001). It sets the tone for a collection of stories by those disconnected and lost from their original homes. Faced with identity issues in part as a result of being adopted into non-Indigenous households, some of those adopted people talked about their journey to reclaim their Indigenous identity and in a sense return home.²

I have been able to find a few dragonfly images in some artwork of the northwest coast region such as the weaving done by women. I have even stumbled upon mention that there were dragonfly clans, but I have yet to learn more. The Zuni, however, were the only North American Indigenous culture I found to have such a well documented connection to the dragonfly.

Meanwhile, I struggled.

I struggled to write; to write a thesis proposal; to formulate a thesis topic; to make sense of comments made by my advisors and committee members, learned scholars; to separate words into themes and chapters.

I struggled to make sense of my identity among the terms native, indigenous, métis, half-breed, and white; to understand how my physical appearance played a role in my experiences growing up in this country; to confront the sense that I do not feel fully a part of any culture, Canadian, First Nations, Quebecois, and was even more comfortable in other countries than here on this...Turtle Island. I struggled to make sense of what connects me to an Indigenous identity when I'm told I have no land because I was not born on a reserve and my status is only paper. I struggled to balance my reality, dreams, goals and history while weaving in my experiences; to live in and make sense of a community that is not my own.

I struggled to interview people asking them the intimate private questions I ask myself; to not be pushed to the side while they too treated me as an outsider; to write about a law that makes little sense to me yet at the same time strongly affects me; to make sense of my place in the world. Where are my allegiances sworn?

All through these struggles called my Master's studies, called my life, the dragonfly remained alongside me. Whenever I took the time to visit and get away from the uncomfortable and at times tedious world of *Bill C-31: Identity and Gender: Ain't I an Indian?* They distracted me, entertained me and comforted me. Like the children lost from their community the dragonfly guided me through this battlefield of colonial confusion and the chaos of *Bill C-31* by inspiring me.

"Bill C-31" often evokes strong emotions, because the *Bill* itself, now passed into law, not only continues to discriminate, but in so doing, blatantly reveals how governing state structures encourage discrimination and group oppression. The *Bill* was intended to rectify sexual discrimination in the *Indian Act*. However, it has

selectively reinstated a number of individuals and then excluded, yet again, children from Indian status. It caused such a disruption in the lives of many Indigenous people in this country that, twenty years after its implementation, many people continue to struggle to distinguish between a legal and cultural identity. The phrases Bill C-31 and “C-31ers” continue to exist in the minds and attitudes of many.

Described as an issue of citizenship and rights, this contentious debate on identity and gender encompasses such topics as traditional versus colonial notions of citizenship, sovereignty, self-determination and nationhood. This debate is ongoing, especially as the *Bill* in relation to citizenship³ is directly linked to both collective and individual notions of identity. A general sense exists that for an individual to engage in a collective dialogue concerning Indigenous self-determination, which encompasses self-definition, she or he must not only self-identify but even more so be linked to a community. Criteria for Indigenous authenticity have developed and continue to undergo critical debate: a struggle over deciding who and what makes an Indian.⁴ However, processes of self-identification and community identification have been frustrated by the legalized status definition of Indian imposed through the *Indian Act* and amendments still known as *Bill C-31*.

Non-Indigenous methods of determining membership have been emphasized for some time now. Unfortunately many organizations that administer services uphold and enforce federally determined legal Indian status as authentic. This attitude towards authenticity manages to filter into neutral zones designed for and in support of Indigenous people regardless of status. Meanwhile, it is becoming increasingly argued that traditional ways, including those that determine citizenship would provide

a healthier approach to Indigenous identity resulting in a healthier Indigenous population (To name but a few - Monture-Angus 1995; Alfred 1999; Nahanee 1993; NWAC 2003). However, hindering this process is the *Indian Act*.

The *Indian Act* is a contentious document. Consensus has yet to, and may never, be reached as what to do about it or with it. Meanwhile, many have been engaged in defining Indigenous worldviews. The use of the term “traditional” has involved debates over the parameters of its meaning, encompassing how it relates to Indigenous notions of gender and feminism. The debate, some would argue, emphasizes the harsh reality that continues to exist in many Canadian Indigenous narratives: our communities, families and identities have been fragmented. Not only do some of us not know which “nation” we are from, but many of us are on a long journey to learn and reclaim all that was forbidden, for example, languages, cultural practices and governing protocols. Therefore, many do not know where to stand in Indigenous discourse. Those who determine themselves as firmly grounded in their cultural practices are faced by heavy criticism by those who question everything.

Determining if and where one is situated within a First Nations discourse has deemed it necessary to reflect both collectively and individually as to what is Indian. This process is circuitous, complicated and perplexing. For some, to address it involves a more complex process described as decolonization. Decolonization as outlined by Linda Tuhiwai Smith “is a process which engages with imperialism and colonialism at multiple levels. For researchers, one of those levels is concerned with having a more critical understanding of the underlying assumptions, motivations and values which inform research practices” (Smith 2001: 20). It results in questioning

how much of these assumptions, motivations and values have been adopted as a result of assimilation-ist ways.

The deconstruction, re-construction and/or affirmation of one's sense of self is tenuous and stressful, especially due to a colonial history of Indigenous dislocation. Furthermore, an individual's sense of identity is to a large degree a personal and private matter, a matter that at times is situated in, on, and between the borders of hegemonic states that possess an unquestioned sense of identity. The hegemonic states I am referring to here are the Canadian state (also referred to as colonial and settler) and Indigenous states (such as national aboriginal organizations) that ground themselves as the other.

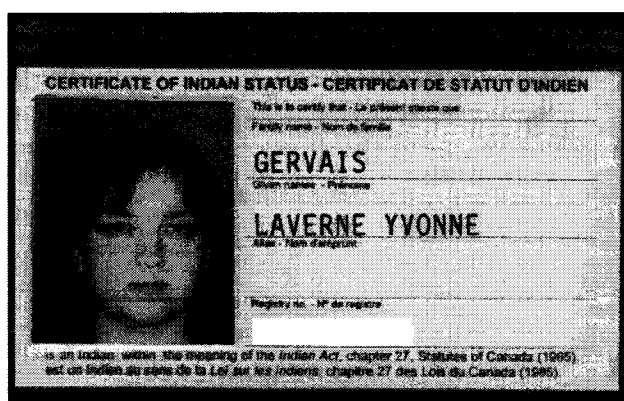
While many families and communities are fragmented and some engulfed in a cycle of poverty and violence, there are few places within the dominant society identified as safe places to develop an Indigenous sense of self. While I agree with Kanien'kehaka⁵ Scholar Taiaiake Alfred that, "the first part of self-determination is the self" (Alfred 2005: 32) the demand for a collective identity has subjected what is a personal and private matter to public scrutiny and debate. In so doing, one of the side effects appears to be that individuals risk getting stuck in a dichotomous structure of *them and us*, thereby interfering with a more organic Indigenous identity development as it occurs for those whose culture is the dominant culture.

Before I explain *Bill C-31*, I wish to humanize it. Colonialism has been a dehumanizing process (LaRocque 1999: 41). The *Indian Act*, through a series of policies and laws such as *Bill C-31*, has attempted to control, regulate, assimilate and destroy the identity of a people. By forcibly governing self-determining peoples and

using the *Indian Act* to enforce colonial law, damage has been caused to an Indigenous individual's sense of self which continues to be felt today as a result of inter-generational trauma (Chartrand, Logan and Daniels 2006: 83). To help illustrate, I will provide a little of my own experience with the *Indian Act*, in the hope of contributing to ongoing efforts being made by Indigenous scholars such as Emma LaRocque (Métis) to cease the dehumanization process of legalized identity (1999: 28). This research offers my own experience as an example of this humiliating invasion of privacy (and into a world of confusion). I interviewed people who were willing to discuss their experiences in relation to receiving Indian status through the 1985 *Bill C-31* amendments as a means of broadening my own insight. In a central way, this thesis is what I refer to as *Bill C-31: The Indian Act from a C-31er 6(2)er's perspective*.

A C-31er 6(2)er's Perspective

The terms C-31er and 6(2)er refer to my legal Indian status identity, which I will explain in greater detail later. It denotes specifically, or rather legally, what kind of Indian I am.



The photo above is of my second status card or CIS, Certificate of Indian Status. The first has since expired. I received my first status card in the early 90s,

shortly after the *Bill C-31* amendments. My grandfather Alexander (Alex) Contois received Indian status first. He completed the registration of himself and then proceeded to include his children from his second wife. In so doing, he re-established his link to the Long Plains Reserve in Manitoba. He then recommended to his daughter - my mother, Laverne Contois, from his first spouse, Rose Starr – to register herself. My mother did. Unfortunately my maternal grandmother died when my mother was still a child, thus the research into the maternal lineage required for registration proved challenging for my mother because she had to determine how, where and by whom Indian status was *lost*. In so doing, she gave me an important understanding into my own family heritage. Once my mother received approval she then registered both my brother and me. Therefore, in many ways, I inherited my status through my mother's efforts. In addition to this and as a result of my mother's desire to reconnect to her mother I am now an enrolled member of the Peguis Band of Indians (now known as Peguis First Nations).

I included the status card because it is a fascinating and revealing object of study. It is a curious piece of documentation; a proof of identity. While I bring it into this thesis for brief discussion it is a topic that has been humorously discussed in various First Nations groups I have sat among.

The card has undergone a number of changes. One such change has been the validation period. Prior to March 1997, a status card did not have a renewal date (Canada 2005a). This suggests that once individuals received a card they were not required or expected to renew. It was, therefore, a card for life. Currently, many status cards now have renewal dates.

It was decided that introducing a status card that is valid for a specific period of time might create a higher level of confidence in the card. By renewing their card every five (5) years, people who are registered under the ACT should not experience difficulties when using the CIS card for various purposes (Indian and Northern Affairs Canada 2005).

I believe the lack of confidence mentioned in the above passage is based on a number of factors including the experiences of many who have attempted to use it in dentist offices, pharmacies and retail outlets. Many have been subjected to discriminatory or racist attitudes that perpetuate the belief that “Indians get everything for free.” I agree with INAC that the general appearance of the card is an issue. It is so poorly constructed that accusations of forgery exist. However, it is questionable whether modifying the CIS’s appearance will dissipate prejudiced attitudes often experienced by people who attempt to use their CIS. Nevertheless the card is in many ways a symbol of the development of a legalized identity that is ongoing; evidenced in that there is a completed project that is attempting to alter the design and appearance of the status card (Project IRS/ CIS with Treaty 7 region see Canada 2005b).

Once, before I received my own CIS, I was asked if I had an Indian passport. Whether this was in reference to the pass that was once required in order to leave a reserve or to live on-reserve I do not know. Yet, the two are linked. While, the implementation of renewal dates and the re-designing of the CIS’s general appearance is a questionable methodology for dealing with systemic racism, the more important question remains whether the CIS is merely the same document or pass that was once needed to leave the reserve or if it is indeed an Indian passport authenticating an individual’s identity and citizenship.

To continue, let me explain how my own family *lost* status. My mother married a man without Indian status. She married my father, Clifford Gervais, a French Canadian man. However, she married him long after my great-grandparents lost status through the relocation of their reserve. My maternal grandmother Rose Starr's parents, my great-grandfather Wilfred Starr and great-grandmother Margaret Fontaine, were once members of St. Peter's Reserve. St. Peter's Reserve was forcibly relocated from the Red River Valley near Selkirk, Manitoba and renamed the Peguis Band of Indians. The new region has been described as a less prosperous area.⁶ The way the story has been relayed to me, my great-grandfather had a choice. Either his family could move and keep status or they could go where as a fisherman he could find work. What I am referring to here is known in the history books as the St. Peter's Reserve Act of 1916. According to Métis Historian Scholar Olive Dickason this relocation of St. Peter's reserve into the Peguis reserve is "one of the best-known cases of Amerindians being displaced from reserved lands desired by whites...." (Dickason 1992: 325).

As for the second instance we lost status, my maternal grandfather Alex's mother, my great-grandmother Harriet Daniels a member of the Long Plains Reserve, lost Indian status through marriage to my great-grandfather Joseph Contois a man without Indian status.

Finally, in retrospect it is highly likely that a third loss would have occurred had my grandfather Alex had status before he became a soldier. If he did, status might have been stripped from him or lost even before he returned from his time in a Japanese Prison camp during WWII.⁷ Though not all men as soldiers were

enfranchised many were. In fact, some soldiers were entitled to land grants if they enfranchised. However, these lands were often reserve lands and were given, mostly, to non-Native soldiers (Pitawananakwat 2004).⁸ Indian men who willingly volunteered for service were enfranchised. A considerable proportion of Indigenous men enlisted in many cases as a means of escaping poverty (Canada 2005c).

Nonetheless even though my grandfather Alex registered himself thus establishing a body of documentation, my mother had to research fairly undocumented maternal family history in order to establish her own right to Indian status, and consequently have the right to pass it on to her children.

Therefore, much of this research is personal and motivated by my desire to understand how this loss of legal status and this process of colonialism have impacted how my own family has viewed themselves as Anishnabe,⁹ as people. I'm trying to understand what the reinstatement of this card means and how it relates to notions of identity and gender.

Goal of Research

It is clear that *Bill C-31* contains some painful shortcomings.¹⁰ I do not want to credit the *Indian Act* as something great. However, I want to ensure that when *Bill C-31* is discussed that we do not forget the great components linked to it such as female “mana”¹¹ and the ever-increasing demand for traditions and cultural practices that are more complementary to a sense of being and identity as Anishnabe (Ojibway), Rotinoshonni (Iroquois), Secwepmec (Shuswap), Dakelh (Carrier) people. Therefore, in a sense this thesis attempts to not only humanize the issue but to address

Bill C-31 as an historical marker in the ongoing history of First Nations and colonial relations.

Furthermore, I wanted to show what I see: that though for many of us our families have been fragmented to the point of disrepair, efforts are ongoing to define ourselves, our families and our communities, and to work with what is left and rebuild. *Bill C-31* is the *Indian Act* and while there is a volume of literature that focuses on what, as such, it does to Indigenous people, it is important that the personal perspectives of those it impacts continue to contribute to our knowledge.

I chose this research because I knew it would be the most challenging and the most rewarding. In fact, it may answer my own question – Ain't I an Indian?¹²

Methodology

To begin this research I chose to apply some of the principles of a grounded theory methodology, which argues that as researchers we are biased. Glasser argues that we must attempt to enter research without assumptions, hypothesis or specific analytical theories. This will allow for a theory to reveal itself (Glasser 1967: 6). Furthermore, as Kirby and McKenna argue researchers must develop an awareness of individual bias and continually assess its impact on the overall research (1989). This approach may prove more beneficial to First Nation communities than traditional scientific approaches, in that assumptions are not implicit. The process of decolonization is based on the notion that we have been colonized and therefore questioning my own assumptions and outlining my own biases were important. I used *Experience, Research, Social Change: Methods from the Margins* (Kirby & McKenna

1989), to initiate the research. I conducted a number of interviews as a means to broaden my own understanding of identity as it is expressed and raise questions of gender under the topic of *Bill C-31*. As a result, in completing this research into a very personal matter a large degree of self-reflexivity was required. This method of qualitative research led me to realize that process plays a revealing role in the overall conclusion and as such resembles a method commonly found in critical theory. In order to more clearly analyze the theoretical concepts of group oppression introduced through colonization, it was necessary for me to reflect not only on what has and continues to influence my self-perceptions of identity, but also on how this impacted the progress of the study overall.

Organization of the Thesis

This thesis is divided into four chapters. Chapter One examines the historical context behind *Bill C-31*, the role played by Indigenous women, and the language used to frame the discourse. Chapter Two is a narrative description of both my informal and formal education in this area. It provides the background for this research and lays out the implicit assumptions that were had entering. Chapter Three outlines the methods and methodology pursued in order to complete this research. Chapter Four is an examination of the application process and the results of the interviews conducted. In concluding, I critique the current status of Indigenous gender in the rebuilding of a healthy Indigenous identity.

Note on Terminology

Dealing with the terminology used in reference to the Indigenous peoples of this land, now referred to as Canada, is a unique challenge. Determining which terminology to use while bouncing from an insider to an outsider perspective is difficult. The individual senses of these terms ‘Indian’, ‘First Nations’, ‘Native’, ‘Indigenous’, and ‘Aboriginal’ fluctuate in both popularity and legal context. It may have been wiser, as is the trend, to contextualize this work within a specific culture such as Anishnabe, or from a specific community or reserve such as Peguis, or region such as Prince George. However, my inability to do so reflects my own limitations. Furthermore, *Bill C-31* has impacted many of the Indigenous people of this land. It was designed that way. Therefore, while I continue to struggle with these terms, I will explain how I attempt to use each.

I restricted myself to the use of First Nations as it is the current term used in my academic program. However, it was brought to my attention that the use of this term in such a way as to include all Indigenous people interferes with current efforts by First Nations communities to develop treaties. This thesis is an issue of colonial oppression; therefore, I use ‘Indigenous’ when it may resonate with a shared global experience of colonialism. However, *Bill C-31* is unique to Canada and my experiences have been among organizations that label themselves as Aboriginal and Native. Therefore, I use these when denoting such organizations and their efforts to highlight a distinction between the Indigenous people of this land as First Nations, Métis and Inuit.

I am fond of the term Native. Firstly, because it was the popular terminology used during my residence in Central Canada. Secondly, as Métis Scholar Emma LaRocque has pointed out, it reflects an inclusiveness that existed during the 1970s when the Indigenous people in this country were somewhat united (1999: 21). Therefore, it includes people such as me who are of mixed heritage.

Finally, I use Indian primarily because of its legal context. I resisted using it as a political statement that reclaims Indian as a radical political gesture. Instead I may use the term half-breed, which is more reflective of my place within this discourse.

Meanwhile, as I struggled to determine which label to use, which approach to take, which allegiance to swear, I continued to question my odd curiosity with an insect. There did not seem to be any link between the two. Through my experience at Shane Lake and after discussions with a friend I had developed a belief that while the butterfly's beauty is obvious and can be appreciated with little effort, a dragonfly's beauty can only be seen after an effort has been made. Seemingly content with this observation I stopped spending time searching the net. I returned the dragonfly books before they were due. I figured this odd hobby of mine was coming to an end, my curiosity was dissipating. It was time to stop procrastinating and focus harder on my thesis. However, little did I realise that my relationship with the dragonfly was merely changing.

Feeling overwhelmed and somewhat lost in my thesis process I decided to take advantage of a talking circle. My previous experience with talking circles had in part led me to the work I was doing in my thesis. Listening to the stories told by the

women whom I sat among during my time with the Aboriginal Women of Montreal (AWM) had fuelled much of my work, but this circle was different. Despite a growing sense of discomfort, I stayed. I challenged myself to understand why an elderly male leading the circle made me uncomfortable and why the presence of other men and non-native people also irked me. Then on my third visit to the circle the unexpected happened.

As the circle commenced the Elder said a prayer in Dakota. He readied his drum to sing us a song and then instructed us to close our eyes. He told us to go to a place that was peaceful for us. Hesitant at first to close my eyes the quick tempo of the drum surprised me and I soon found myself back in Taiwan. This worried me. I began to question why Winnipeg was not the first place to enter my mind, not even Montreal. I had just become confident in claiming Winnipeg as my land, my reserve, and my territory. I was confused.

...boomboomboomboomboom...

Maybe they're right. Maybe I'm not who I say I am because I didn't grow up on reserve. I can't even claim the North End of Winnipeg as my home. My experiences and my love of traveling have taken me everywhere. From the moment I left Winnipeg as a child the gap between my home and my culture has widened. Maybe this gap is irreparable. Maybe I have to accept all that has been lost. Maybe I have to accept what other people have written and accept that I am not native, that even though I hold a status card I am only a paper Indian. My experiences are not real Native experiences. But what about the argument that reserves are federally designed? From what I understand of my family history and culture, the southern area of Manitoba has been the stomping ground of my family for more generations than I can probably imagine. So is it not my birthright? My family is Indian. Doesn't that mean I have the right to learn the language, to ask to be taught how to do stuff, to hear the stories that have been passed on from generation to generation? Maybe I have to swear an allegiance. Maybe I have to move to Peguis and live there for a while. Do I have what it takes to move back to Winnipeg, give up

traveling, and concentrate on learning Ojibway so I can have the right to call myself Anishnabe? Do I deny all my experiences and love of traveling because they are not perceived as Indigenous?

This thesis is really a glimpse into that struggle.

...boomboomboomboomboom...

Chapter One Background

As I stated in the Introduction, *Bill C-31* evokes strong emotions. It was meant to restore to women Indian status and community membership as full citizens within a cultural community holding distinct legal privileges for having Indian status (Green 2001: 716). Instead, it selectively reinstated a number of individuals and then excluded, yet again, children from Indian status. Therefore, despite the significant number of applications to date (225,988) (Canada 2005) and those who have been registered (131, 778) (Canada 2005), which has contributed to a considerable population increase since 1985,¹³ the current *Indian Act* Sections 6(1) and 6(2), which I will explain later, strategically limit the transfer of status. Discrimination continues.

The following chapter approaches *Bill C-31* by taking it apart to understand its connotations and the language that reveals its meaning/implications. I will then use a critical theoretical approach to filter the discourse in order to expose hidden forms of manipulation (Mussell, 2005: 6) that differ from experiential accounts of *Bill C-31*. There exists a vast body of literature on *Bill C-31*.¹⁴ However, I offer this background as it relates to First Nations women and their historiographical relationship with hegemonic state social policies in this country called Canada. *Bill C-31* has a direct correlation to Indigenous women's social movements who have demanded redress of sexual discrimination. *Bill C-31* is often referred to as a woman's issue. The majority of those reinstated and directly impacted were women. Aboriginal Women strategically brought wide attention to the issues of sexist and racist discrimination. There is some question, however, whether *Bill C-31* is a woman's issue or a people's issue. This is a false dichotomy that positions woman as "other" and not members of

the greater community or collective.¹⁵ It is both a woman's issue and a people's issue because women are the community. *Bill C-31* is a gender issue that is often mistakenly perceived as a subject of which only women need be concerned. I believe Aboriginal women have made it clear that they intend to be involved in all areas of cultural, political and economic social activities because this is the way it was before the *Indian Act* and the way it should be. Therefore, while I approached *Bill C-31* as a marker in First Nations and colonial relations it is also a marker within First Nations gender relations.

My analysis of *Bill C-31* is not one of a legal scholar; rather it comes from my experience as a mixed-race young woman, with an academic background in Modern Languages and Applied Linguistics, who until receiving a status card was unaware of the *Indian Act*. Yet, through this research I have come to a greater understanding of its unspoken power and designed impact on my family and me. Therefore, I approached this section as I imagine myself describing *Bill C-31* to those who may one day be faced with many of the questions I face today: What is Indian status? Why do I have it? The response to these questions "because I am an Indian" is not enough. In answering these questions, I may reveal for some why she or he does not have Indian status. However, the seemingly arbitrary administration of the Indian registry and the impacts of band control of membership, have yet to be fully addressed and are beyond the scope of this work. Until such time as other studies are completed, a number of people will remain unclear as to why they do not have Indian status while even more of us may continue to wonder why status matters at all.¹⁶

Bill C-31: Thrust into a Liminal State

We are living history. Twenty years have passed since *Bill C-31* was implemented and the impacts are ongoing. We have yet to witness what has been predicted as the extinction of status Indians (Daniels 1998). Twenty years have passed and First Nations artists continue to mark the presence of *Bill C-31* in song (for example, *Bill C-31 Blues* by Asani) in poetry (for example, *Romancing Bill C-31* by the Aboriginal Writer's Collective 2005) and in various artistic visual media (for example, Cardinal-Schubert, *c-31 Rider*; Fontaine *Displacement*, 2002; Huska, *C-31 Government Approved*¹⁷ 1997). The phrase *Bill C-31* continues to strike an emotional cord among the general First Nations population. The full repercussions of *Bill C-31* have yet to be witnessed: research and artistic responses continue.

I describe this state as liminal to signify a process of understanding and a suspended state of transformation.¹⁸ This current state exists for a number of reasons including the fact that Canadian law is *foreign* to many: not just to First Nations people in the sense of an alien hegemonic set of colonial laws but unfamiliar to the Canadian populace in general. The *Indian Act* is applicable to a select few giving the perception that this foreign law is not a concern for the average Canadian citizen, who therefore can ignore it and leave it for the state to handle. First Nations, however, can not escape it. The *Act* intrusively impacts day-to-day-life in varying degrees. I would prefer the privilege of ignoring it, of not acknowledging how stereotypical notions of race and class create invisible privileges. Yet what this research has revealed to me is that this is not possible because people continue to suffer.

People directly impacted by the *Act* have varying degrees of familiarity with it. There are those who are well acquainted with it such as civil servants and band council administrators; those who have heard about it but know little about its contents; and those who have no idea it exists. However, while liminal states are culturally determined, *Bill C-31* was not. Instead it is the continuation of an ongoing colonial policy towards First Nations people that separates and creates divisions into them and us, Indians and non-Indians, real Indians and C-31ers, men and women. Therefore, it is paramount to place *Bill C-31* firmly in context of the *Indian Act* in order to understand its designed impact.

The *Indian Act* has been around for over 130 years; Indian policy, from which it derives, even longer.¹⁹ Developed to define a race of people as a means of dealing with the greater colonial encroachment on Indigenous lands, the *Indian Act* has been in a continuous state of examination (For more on the history of the *Indian Act* see Appendix A). Heavily scrutinized and criticized over the years, the *Indian Act* is surrounded by a myriad of perspectives and critiques that represent a spectrum of views on cultural and legal identity. Yet, by its very nature of defining who is and is not an Indian, the *Indian Act* encourages equally dichotomous arenas of discourse that fail to reflect the countless perspectives and continua of experiences of the people it includes and excludes as Indian.

The 1985 *Bill C-31* amendments were a unique event in the history of the *Indian Act* – a unique history within Canadian legislation. The *Indian Act* defines a race of people as Indian (or not Indian); *Bill C-31* marks the identity of a people as C-31ers in opposition to real Indians. Meanwhile the number of people eligible for

registration declines (Clatworthy 2001). The following examination of *Bill C-31* will focus on two areas heavily impacted by this enacted legislation: gendered relations and racialized identities as they are reflected in the discourse around loss and gain of status.

Deconstructing *Bill C-31*

To begin an understanding of *Bill C-31* it is necessary to parse its function within a legal context. A bill is a proposed law. According to legislative procedure a bill is assigned a number, such as 31, signifying the order in which the proposed law is to be addressed before Parliament. Once a bill is addressed and either passed, or not, as law its function as a bill is considered complete (Monture-Angus 1999: 71). What is particularly unique about this bill, *Bill C-31*, as opposed to all others before and after it, is that it has been assigned an identity and granted power to confer identity on individuals. The full name of the bill was *Bill C-31: An Act to Amend the Indian Act*. On June 12, 1985 Parliament passed *Bill C-31* thus bringing the *Indian Act* into accord with the *Canadian Charter of Rights and Freedoms* which was passed in 1982. The *Indian Act* was amended with particular attention given to the definition of Indian status. The bill filed as C-31, should have been forgotten as is customary when bills become law (1995: 188). Yet, its presence remains and people are referred to as “C-31ers.”

The primary objectives of the amendments were to reflect, as declared by then Minister of Indian and Northern Development David Crombie, the “elimination of discrimination from the *Indian Act*, reinstatement of individuals who once had status

and band membership and band control of membership” (NWAC 1986: 4). However, studies of the bill’s impact have shown these amendments to be disputatious. Many agree that discrimination was not eliminated (Holmes 1987: 2; Paul 1990: 81; Jamieson 1991; Huntley & Blaney 1999: 25). The following section will briefly critique the three areas proposed for amendment: *sexual discrimination*, the *reinstatement of individuals*, and finally, *band control of membership*.

Sexual Discrimination

The issue of sexual discrimination is central in the story of *Bill C-31*. It is also the best known component of the bill. For the most part, the issue of sexual discrimination has been explained in narratives emphasising the following. Prior to 1985, if an Indian woman married a non-Indian man (this included Métis, non-status and non-First Nations), she would *lose* Indian status upon marriage (Section 12(1)(b) of the Old *Indian Act*).²⁰ Any children from this union were considered ineligible for Indian status. However, if an Indian man married a non-Indian woman (this included Métis, non-status, and non-First Nations) his status would remain and she would *gain* status (Section 11(1)(f) of the Old *Indian Act*). The children from this union would be defined as Indian. The use of terminology such as loss however has diluted the fact that status was *stripped* from women upon marriage (Jamieson 1978). Concepts of loss do not reflect the view shared by many First Nations women, such as Minnie Bjorklund, who was interviewed in this study that, “It should’ve never been *taken* [author stressed] in the first place” (2006). The use of loss alludes instead to choice or agency. It alludes to a notion that it could be *found* despite the fact that once stripped women never fully regained the status they were born into. It alludes to the notion

that women were strategic players in an area where women can lose while men's citizenship as Indians was (and remains) rarely negotiable.

Furthermore, this issue of excluding *women* as full citizens of their First Nations was evident in the Double Mother Clause (Section 12(1)(a)(iv) of the Old *Indian Act*), which stipulated that those whose mothers and paternal grandmothers were non-Indian prior to marriage would also lose Indian status once she or he reached the age of 21. Therefore, even women who gained (or found) Indian status through marriage (and consequently lost Canadian citizenship) were no more guaranteed full citizenship than those who married non-Indian - who *married out*. *Bill C-31* attempted to remove this discrimination and return the lost and found to where they belonged. However, while desisting from the direct use of marriage as a determinant of Indian status, *Bill C-31* instead determined Indian status on the number of parents who possess Indian status (Sections 6(1) and 6(2) of the New *Indian Act*), thus giving the illusion that exogamous marriage is of no consequence. Yet it is in this blood quantum method that the discrimination continues (and will be discussed later).

This loss of Indian status through discriminatory sections of the *Indian Act*, especially Section 12(1)(b), resulted in the involuntary enfranchisement or the gaining of Canadian citizenship of a number of individuals. To enfranchise is to confer political rights, especially the right to vote. One has to enfranchise to become a citizen of the nation state. For an Indian man, enfranchisement came with the expectation that he had assimilated into the dominant society and therefore earned the rights and privileges of a Canadian citizen. An Indian woman, however, was

considered to be enfranchised immediately upon her husband's enfranchisement. This notion of enfranchisement is specifically gendered as only women could marry in or marry out with no choice as to whether she preferred to be stripped of her Indian status or not.

As I stated earlier only women can marry out. The phrase *marrying out* however, suggests literally and figuratively that women left the community. Indian policy dictated women who intermarried must sever ties to community upon marriage. However, "she married out" has been accompanied by a notion that suggests Indian women left their community (including family and support networks), left her identity, and did so by choice. The only choice she may have had was who she chose to marry not whether she wanted to be legally barred from her community.

When women were capable of holding on to some degree of connection to their communities, they often faced censure from the government as Indian policy did not support these social ties. In 1971, it became clear that the exclusion of women from their communities was a generally unquestioned protocol. This was illuminated in the case of Jeanette Lavell an Ojibway woman who had married a non-Indian.²¹ Lavell "decided to contest the deletion of her name from the band list. She based her case on the grounds that such deletion constituted discrimination on the basis of race and sex; as such, it was contrary to the Canadian Bill of Rights and thus invalid in law" (Jamieson 1991: 126). Judge Grossberg ruled in Lavell's case that "Lavell, despite the loss of her Indian status, had equal rights with all other married Canadian women" (Krosenbrink-Gelissen 1991: 79). Therefore, an Indian woman had not only

married out but had as a result *married up* in social status. This case was later appealed in October of 1971, and “three judges concluded that the *Indian Act* resulted in different rights for Indian women from those of male Indians when they married non-status males or Indians from different bands” (Krosenbrink-Gelissen 1991: 79). Despite recognition of the inequity between Indian women and men, the long standing colonial notions of cultural superiority remained embedded in Indian policy. INAC continued to assert notions of assimilation and to uphold patriarchal standards.

While Indian women who intermarried were legally severed from their communities, a number of Indian women maintained these ties and Indian status by not marrying. In this way, women who bore children did so out of wedlock to ensure Indian status for their children. However, this too was on condition that no one protested and if no proof of non-Indian paternity was registered with INAC. Women found it was more advantageous to risk social stigmatization of being an unmarried woman, which included attacks on her character regarding the paternity of her children, than the physical alienation of living off-reserve because having Indian status meant belonging to a band. On-reserve women were eligible for rights and privileges available to band members including the right to live within the community which included her kin support networks. Many of these same resources she wanted to protect for her children. *Bill C-31* removed the option of not marrying.

Reinstatement of Individuals

According to 1991 population figures, women were the majority of those reinstated (Clatworthy 2001: 19). However, instead of reinstating women with full Indian status *Bill C-31* incorporated a new series of sub categories that determine

degrees of Indian status. Based on the categories 6(1) and 6(2), Indian policy now demands that paternity be disclosed and the father's claim to status documented. An individual defined as 6(1) signifies that both parents are/were status Indians. An individual defined as 6(2) signifies that one parent is/was Indian. These categories determine the future of Indian status because:

The child of a 6(1) person and a 6(1) person is determined to be 6(1);

The child of a 6(1) person and a 6(2) person is determined to be 6(1);

The child of a 6(1) person and a non Indian is determined to be 6(2);

The child of a 6(2) person and a 6(2) person is determined to be 6(1);

The child of a 6(2) person and a non Indian is determined to be non-Indian.

This blood quantum method of determining Indian status therefore enforces a notion that there are full bloods and half breeds and encourages phenotypical distinctions. Nevertheless, for a woman to register her child for Indian status she must now prove the paternity. This residual discrimination has presented women with a questionable option: "either they submit to an invasion of their privacy and the ensuing social repercussions which may arise in the context of a patriarchal society or they forfeit their children's right to status" (Huntley and Blaney 1999: 24).

Band Control of Membership

As mentioned above, one of the key objectives of the amendments was to transfer control of membership to bands. The disconnection between status and band membership has resulted in "complex and controversial issues" (Furi and Wherrett 2003: 1). The use of terms loss and marrying out has fuelled confusion and bitter internal disputes over what defines a real Indian. All those who were Indian prior to

the 1985 amendments, regardless if they were non-Indian prior to marriage, were and remain real Indians. All those reinstated after were the product of marrying out or enfranchisement: they are not really Indian but C-31 – thus implying they are paper Indians. Instead of focusing on the amount of government allotted resources that were agreed to and never resulted many began to compete for already limited resource allocation on reserves (Borrows 1997: 177).

The terminology of loss and gain, marrying out and marrying up were combined with additional allegations that C-31ers or papers Indians were too disconnected, too urbanized, too white to be real Indians (Holmes 1987: 36; Huntley & Blaney 1999: 39; Isaac & Maloughney 1992: 464; Borrows 1997: 177). Earlier criticism of the *Act*'s provisions focused on the dichotomy of status and non status and more recently as real and unreal. When the former was incorporated into responses to the proposed 1985 amendments the result was to respond to sexual discrimination with gender neutralization of status thus exasperating First Nations debates around issues of gender. Much of this debate has focused predominately on the actions of male dominated organizations such as the AFN and band councils who have been repeatedly documented as barring female elected representation by NWAC and the Tobique Maliseet women among others (Krosenbrink-Gelissen 1991; Silman 1997). Arguing against the continued attempt by the federal government to forcibly govern and determine membership (Alfred 1995), a number of organizations nonetheless continued to enforce and support these laws while failing to address the concerns of women, instead opting to equate marrying out as proof of non membership (See *Sawridge Band v. Canada* in Green 1997).

Some of the strongest voices protesting sexual discrimination have been those of First Nations women. Stripped of their legal Indian status, physically alienated from their communities, an increasing number of First Nations women, like Jeanette Lavell described earlier, protested social policies regulating their lives. Comprehensive literature on the lives and achievements of Aboriginal women's efforts in this area is currently unavailable. Therefore, I am painfully aware that I am leaving out a number of women's names who also warrant recognition. However, two women's names are firmly embedded in the history of *Bill C-31* and the struggle against oppression: Mary Two Axe Earley²² and Sandra Lovelace.²³

Mary Two Axe Earley was born and raised in the Mohawk community of Kahnawake, Quebec. Despite her own discriminatory experiences as a woman who was stripped of status, Mary did not begin her campaign for Indian women's rights until she witnessed a friend denied the right to be buried on reserve. In 1967, Mary Two Axe Earley along with Nellie Carlson founded Indian Rights for Indian Women (Canada 2003) and from the mid 1960s to her passing in 1995.²⁴ Mary was a leader in the struggle for Indian women's equal rights. As a social activist she brought local, national and even international attention to the discriminatory nature of the *Indian Act*. This attention later resulted in the repeal of sections of the *Act* that stripped Indian women of their status when they married non-Indians. In recognition of her efforts Mary Two Axe Earley on July 5, 1985 was the first person to be reinstated with Indian status by then minister of Indian Affairs, David Crombie.²⁵

Another strong figure in Aboriginal rights is Sandra Lovelace-Nicholson,²⁶ a Maliseet woman who was born on the Tobique reserve in New Brunswick. She was

stripped of status under Section 12(1)(b). When the marriage ended, Lovelace and her children returned to the Tobique Reserve and found they were denied services because she was no longer an Indian under the law. Lovelace-Nicholson and the women of the Tobique reserve campaigned for Sandra's and other women's rights to adequate housing, to family life and to own land and other property (Silman 1997). In 1979, they organized a 100 mile protest march from Oka to Ottawa to bring attention to their situation (Silman 1997).

Eventually Lovelace-Nicholson used the individual complaints procedure established by the Optional Protocol to the International Covenant on Civil and Political Rights and successfully challenged gender based discrimination under the Canadian *Indian Act* (Krosenbrink-Gelissen 1991: 97). A description of Sandra Lovelace-Nicholson's own court case, *Lovelace v. Canada*, will continue later. However, in part, as a result of this significant case the Canadian *Indian Act* came under heavy scrutiny. First Nations women, however, came under heavier scrutiny and "appeared to be subject to punitive actions of the chiefs and band councillors" (Krosenbrink-Gelissen 1991: 97). As Dr. Joyce Green rightly argues:

Indian women's lives are the terrain on which battles are fought over the relative importance of colonial oppression versus sexism; of individual versus collective rights; of the im/mutability of aboriginal tradition; of the right of self-determination in a context inalterably changed by colonial factors; and of the emancipatory potential of actualized citizenship (1997: 3).

Dr. Green's quote illuminates the struggle of Indigenous women against sexual discrimination in which they are forced to negotiate their lives amid marginalizing factors that are determined to relegate them to certain, and preferably silent,

economic, political and cultural positions. The discussion on the issue of loss and gain of Indian status has enforced a colonial notion that women are property and not full citizens. First Nations women have had to negotiate and navigate this language in order to assert a position within the discourse of First Nations people's future. Meanwhile state controlled regulation of discourse and agendas continues to mask the reality of sexual discrimination. As a result, women are not only responsible for addressing sexual discrimination but blamed for its very impact. The following section will examine the historiographical relation of First Nations women and hegemonic state social policies in this country called Canada.

From Anishnabe-kwe to Indian woman: The Power to Define

The term Indian has been used in reference to the Indigenous peoples of this continent far longer than the existence of the *Indian Act* itself. However, it is the implementation of legislation that defined this identity and enacted punitive measures that has caused First Nations women considerable concern. In 1850, an Indian was "Anyone in Canada East who was reputed to have Indian blood and to be living with a band, anyone married to such a person, anyone residing with Indians either of whose parents was Indian, and anyone adopted as a child by Indians and still living with them..." (Miller 2000: 138). Indian policy began targeting First Nations women in 1869 with the Gradual Enfranchisement Act when "an Indian was defined in patriarchal terms 'as any male person of Indian blood reputed to belong to a particular band'; a wife's status was determined solely by that of her husband's" (Van Kirk 2002: 5; see also Backhouse 1991). It was through the revisions and implementation

of the 1869 *Act* that “[f]or the first time in legislation, Indian women [were] discriminated against on grounds of their sex, race, and marital status” (Krosenbrink-Gelissen 1991: 221). Within an ever increasing effort to impose a pan-Indian identity women have had to negotiate their lives and have found themselves navigating through state imposed racial and legal categories that were (and remain) abstract and generalized and far removed from the Indigenous languages and cultural markers that encompassed a female identity. While Indigenous languages embedded women within their socio-cultural origins, the *Indian Act* legislation separated and constructed women in relation to their male links and socio-economic ties. An example of this view within the greater society can be seen through an examination of inter-ethnic marriages, also known as Country marriages, which have occurred since shortly after colonial contact.

Country marriages were unions significantly carried out in First Nation custom between First Nations women and European settler men engaged in the fur trade, sometimes referred to as fur trade marriages.²⁷ These marriages were encouraged by Hudson Bay Company (HBC) governors during the fur trade when it proved economically advantageous, in which case men “marrying in” was acceptable. However, these marriages were soon frowned upon when it became economically risky not to mention socially unacceptable. Eventually with the implementation of Indian policy men were no longer able to marry in instead women “married out.” First Nations women were in many ways the link between First Nations men and non-First Nations men while all prospered in the early fur trade. However, HBC governors were against being held financially accountable to First Nations women as a result of

these marriages. To reduce the risk of financial accountability out marrying women became the financial responsibility of their husbands. In 1867 the Superior Court of Quebec recognized country marriages as legally binding.²⁸ Despite this precedent, state agents failed to recognize the legality of these marriages. Many refuted their validity when working closely with missionaries and other church agents (Backhouse 1991: 26). Indian policy did at times explicitly deny status to these marriages and to any marriage that was not sanctioned by church or state. In practice this was done by limiting women's property rights on the basis of morality, in particular sexual morality (Paul 1990: 20). This is evident by the reality of stereotypical notions that raise questions over Indigenous women's promiscuity and a belief that her sexuality should be monitored until Christian notions of chastity had been firmly embedded (Anderson 1991). Meanwhile, along with this switch from customary law to Indian legislation, First Nations kinship structures were gradually ignored.

The guidelines around country marriages following *à la façon du pays* (customary law or *after the fashion of the country*) (Backhouse 1991: 9) recognized a woman's position as a member of her home country in which the union was also recognized. This union often signified a reciprocal kin-like relationship with the new partner and the wife's home community. Women were well respected for their abilities both around the home and in the work force (fur trade). However, as the fur trade dissipated the need for country wives also waned. First Nations women were, in many cases, abandoned. As well as being frowned upon by fur trade officials, such as HBC Governor Simpson (Backhouse 1991: 14), these marriages were not recognized

by the church and as a result such marriages were conveniently forgotten (Backhouse 1991: 26, Van Kirk 2002: 5, Welsh 1991).

While it is evident that country marriages under customary law allowed for the recognition of First Nations women as members of a First Nations community, this connection was damaged when, in 1867, Canadian confederation determined Indians a federal responsibility. Thenceforth, the terms Indian or non-Indian, became identity markers for First Nations, and gained prominence as homogenous descriptions for a race of people.

In conjunction with this colonial identity, Indian policies imposed universal regulations and restrictions that increasingly impeded First Nations communities to act independently. The definition of Indian steadily narrowed completely ignoring distinct First Nations cultural markers of identity such as those expressed in First Nations languages. Instead it defined and divided a race by gender in favour of men and relegated the status of women to their relationship to their fathers and eventually, if they married, to the men they married.

From Red Ticket Holders to Women: The Power to Divide

The steadily narrowed definition of Indian following a distinctly male lineage has over the decades increasingly alienated women. Since colonial authorities first intruded, Indian women's status has been viewed in relation to men, their fathers and husbands. Only an Indian man could voluntarily enfranchise himself and once he did so his immediate family was enfranchised as well. Therefore, if an Indian woman's

father did not enfranchise then, as described above, she would be able to maintain her status and remain Indian regardless if she married Indian or did not marry at all.

For a period of time women who lost Indian status maintained a link to their communities as well as some legal rights. For example, some who married out were issued red tickets (called so due to the red colour of the form). When the *Indian Act* stipulated Indian women covered by treaties who married out were to be denied status, there was a choice of receiving a lump sum payment or continuing to collect treaty annuities. Many times Indian women continued to collect treaty annuities (Royal Commission on Aboriginal Peoples 1996: iv. 30-31). However, Red ticket holders were entitled to treaty annuities, though the children from this marriage were not eligible for red ticket status (Royal Commission on Aboriginal Peoples 1996: iv. 30-31).²⁹ It appears red tickets were not common practice across Canada as they could not be used where treaties had not been signed. Nonetheless, this limited legal status ceased with the 1951 amendments.

According to the *Royal Commission on Aboriginal Peoples* the 1951 *Indian Act* revisions attempted to lessen the number of exercisable powers of the minister of Indian affairs and the governor in council (1996: i. 309). However, it did so by tightening the definitions of an Indian “for financial reasons” (1996: i. 311) and did so by introducing “an Indian register as a centralized record of those entitled to registration as an Indian (and to the receipt of federal benefits). This enabled federal officials to keep track of reserve populations and to remove non-status Indians and others” (1996 i. 311). Both Sections 12 1(a) and (b) were introduced in 1951 in keeping with government desires to accelerate an assimilation policy through women.

The 1951 revisions replaced the 1876 blood quantum method with a registration method again in favour of men. So while women on reserve got the right to vote, those who married out were involuntarily enfranchised and lost entirely the red ticket option as well as the right to not only possess reserve land but to inherit it (1996: i. 313). Women who married out were expected to completely sever ties to communities. Under Section 12(1)(b) she and her children were both to be deprived of Indian status. In addition to Section 12(1)(b), blood quantum and registration methods were soon mixed and the 'Double Mother Clause', Section 12(1)(a), was introduced. It stipulated that, any child whose mother and paternal grandmother were non-Indian would therefore, be stripped of Indian status once she or he reached the age of 21.

In 1956 amendments were introduced that activated administrative powers so that individual band members could contest the status and band membership of children thought to be illegitimate. If paternity could be proven to be non-Indian the children would not be entitled to registration or band membership. So while "Indian women's status, henceforth from 1956, ceased to be of any official legal significance in and of itself since only men could bestow legitimacy" (Cannon 1998:10-11) this amendment placed women under constant surveillance.

The Rise of Aboriginal Women's Social Movements

The 1960s saw an increase in the number of women's social movements worldwide. While the degree of influence these groups had on First Nations women may be debated, it is evident that "enfranchised women were no longer willing to

suffer unequal treatment in law and in practice” (Weaver 1993: 96). The 1951 amendments had forcefully targeted women’s community links and physically alienated women from their home communities thus continuing the threat to ‘out-marrying’ women’s identity. While First Nations communities have protested the exclusion of women (Jamieson 1978: 30) from the inception of Indian legislation, the enforcement of such policies resulted in the fracturing of women’s cultural ties and the formation of Aboriginal women’s social movements. By 1967, when Canada appointed the Royal Commission on the Status of Women, Aboriginal women had gained public attention and support.³⁰ As a result, the *Report of the Royal Commission on the Status of Women in Canada* released in 1970 argued the *Indian Act* was sexist. It recommended that “the Indian Act be amended to allow an Indian woman upon marriage to a non-Indian to (a) retain her Indian status and (b) transmit her Indian status to her children” (Royal Commission on the Status of Women in Canada 1970: 237-238).

In the 1970s, a number of Indigenous women’s social movements became politically established such as Indian Rights for Indian Women (IRIW)³¹ and the Native Women’s Association of Canada (NWAC).³² Advocating equal rights for Indigenous women including the right to live on reserve, own property on reserve, and the right to be buried on reserve, IRIW and NWAC were placed in direct competition with predominately male dominated national organizations such as the aptly named National Indian Brotherhood (NIB). During the repatriation phase of constitutional reform (1978-1982) the NIB eventually reformed under the title Assembly of First Nations (AFN) which it remains (Weaver 1993: 106). It has been

argued that this change of name simply masked the inherent patriarchal structure that INAC institutions are based on (Fiske 1996: 80).

The use of the term Indian and Native, however, by IRIW and NWAC was heavily challenged. IRIW “composed mainly of enfranchised women, fought firmly for the removal of 12(1)(b)” (Weaver 1993: 101). As non-status women, IRIW was not recognized as eligible for similar funding allocated to national organizations like NIB/AFN. IRIW later became a national organization funded by the Canadian Secretary of State. Indian and Northern Affairs Canada (INAC) would not fund the organizations arguing the women were not status Indian. Rather the NIB/AFN was the only federally recognized Indian body politic; male dominated organizations representing non status peoples were, like the women’s organizations, funded by the Secretary of State Krosenbrink-Gelissen 1991).

Politically conservative NWAC, who were more focused on social and economic issues at this time (Weaver 1993: 101), used the term Native and took a broader approach, encompassing members who were both status and non-status as a result illuminating a distinction between Indian and Native.³³ In a combined, or at least complementary effort, First Nations women began to confront section 12(1)(b) through litigation and raising public awareness; most of this with little support, financial or otherwise. The consequences for an Indian woman marrying a non-Indian³⁴ man became well documented through the court cases of *Bedard v. Canada* and *Lavell v. Canada*. Similar to Lavell’s case explained earlier, Yvonne Bedard a Six Nations Iroquois woman stripped of status through Section 12(1)(b) also sought to regain it and remove sexist provisions in the Act (Weaver 1993:96). Yvonne

Bedard won her case. However, both Lavell and Bedard's cases were later combined into *Bedard-Lavell v. Canada*, and were appealed to the Supreme Court by, then federal Minister of Justice, John Turner who claimed "the consequences of the rulings were so far-reaching that greater clarification was required from the court" (Weaver 1993: 98). Almost all of the provincial Indian organizations and the NIB strongly supported this move and intervened at the Supreme Court level against Lavell and Bedard (Weaver 1993: 99-100).

Representing status Indians the NIB/AFN resisted what appeared to be an attack on all Indian rights, similar to previous attempts made through the White Paper of 1969. Numerous interveners upheld the NIB stance that sexual discrimination was wrong but the demand for Indian rights must be asserted at the expense of Indian women's rights. "Women therefore, had to subordinate their goal – Indian rights for Indian women – to that of Indian men and were used as a political vehicle to pursue an *Indian Act* revision the way status Indian males saw fit" (Krosenbrink-Gelissen 1991: 83). Thus, isolating women at all levels of the Indian bureaucracy from band councils through to tribal and provincial organizations. However, the strategies pursued by First Nations women both on an individual basis as well as in a collective effort continued to assert First Nations women's concerns as a priority at a grassroots, national, and even international level.

Divisions grounded in gendered interests continued through the 1970s and 1980s. While NWAC was able to access funds through encompassing a broader membership, they still needed to contend with and compete against the NIB/AFN for federal funding. The NIB/AFN in its determined goal for self-governance maintained

a defensive stance against the objectives of First Nations women affected by 12(1)(b) to receive Indian status. Arguing that women in these organizations and women petitioning for Indian rights for Indian women did not represent the concerns of the collective or the “real Indians,” the NIB/AFN argued that the women’s approach was non-collective and potentially a threat to constitutional protections (McIvor 1996: 78). Essentially the NIB/AFN was interested in a complete re-assessment of the *Indian Act* as opposed to a few sections. However, they did little to address the concerns being voiced by those representing women enfranchised. The conflict between NIB/AFN and NWAC persisted through the twentieth century.

After the repatriation of the Canadian constitution in 1982, the federal and provincial governments engaged in consultations with AFN that marginalized NWAC and other women’s organizations. This came to a head in 1992 when Canada proposed constitutional amendments known as the Charlottetown Accord. NWAC was denied a seat at the constitutional table (Weaver 1993: 92-93), a position endorsed by the AFN. Canada’s marginalization of NWAC and its support for the AFN sent the message that the AFN represented all First Nations people. While both the AFN and NWAC appeared to share the same goals – self-determination, the AFN held the belief that bands should have the legal power to determine membership before individuals could be reinstated, therefore, distinguishing themselves as the real Indians. This differed from First Nations women who saw themselves as part of the process with full and equal access to Indian rights.

This notion that the law did not create separate identities for out-marrying women was shared by women, such as the Tobique Maliseet women of Nova Scotia,

who saw themselves distinctly as Indian. In 1979, to raise awareness of sexual discrimination against Indian women, the Tobique women organized a protest march from Oka to Ottawa. Denied access to housing on the basis that they were women and, for some, no longer Indian, the Tobique women resisted and illuminated a patriarchal colonial system on-reserve. "See, the woman was supposed to move out with the kids, and it was the man's house. That's how they used to sign the houses; the certificate of possession was issued to the man, until the women started getting mad" (Cheryl Bear as told to Silman 1997:109). Getting mad often resulted in forcibly occupying buildings such as band offices and living in tents on-reserve. Described as non-status, the Tobique women challenged accusations that inter-marriage had invalidated their Indian-ness and therefore their legal right to participate in the community in which they were born and chose to live. Meanwhile communities throughout Canada saw Aboriginal women demanding rights – Indian rights -- human rights; while First Nation chiefs, predominately male, demanded recognition of First Nations self-governance.

Eventually, the Tobique women's group sensed resistance to changing the *Indian Act* and continued exclusion turned to international law (Silman 1997). Sandra Lovelace-Nicholson, whose own efforts were briefly discussed earlier, is a member of the Tobique women's group. Lovelace-Nicholson brought her case *Lovelace vs Canada*, to the United Nations. The United Nations Human Rights Committee found that the Act discriminated on the basis of sex, and other ongoing violations of the Universal Declaration of Human Rights.³⁵ In 1981 the UN committee found Canada

in breach of the International Covenant on Civil and Political Rights stepping up pressure on the government to amend the *Indian Act* (Weaver 1993: 104).

In 1982, Canada amended the constitution incorporating the *Canadian Charter of Rights and Freedoms* (CCRF). Section 15 of the CCRF states that "every individual is equal before and under the law and has the right to the equal protection and benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability." Section 15 came into effect on April 17, 1985. According to the *Royal Commission on Aboriginal Peoples*, "the Charter accomplished overnight what the Canadian Bill of Rights and the Canadian Human Rights Act had been unable to do — motivating the government to eliminate provisions of the Indian Act that had been criticized for discriminating against Indian women" (1996: iv. 33). While this has raised questions for some as to how much influence the case of *Lovelace v. Canada* had on the actual amendments the widespread attention garnered by Aboriginal women must not be underestimated. Under funded and opposed Aboriginal women pursued the issue of sexual discrimination until a change was implemented.

From Women to C-31ers: A Bitter Victory

As the 1996 *Royal Commission on Aboriginal Peoples* points out the impact of the 1985 amendments has been enormous and profound. The majority of those reinstated were women. In some ways the passing of *Bill C-31* was as a bitter victory for women. While the *Indian Act* was amended with particular attention given to the definition of Indian status, the gender neutralization of status resulted in the creation

of four new classes of Indians: status with band membership; status with no band membership; non-status, but with band membership, and non-status, non-band. These new categories have resulted in an unequal distribution of Indian provisions that has fuelled resentment and confusion between individuals who are rarely given an explanation as to why one person receives, for example, non-insured health benefits and another does not, or why Canada promised special funds for reinstated individuals returning to their bands while not increasing funding for long term reserve residents. Such discrepancies have created an overwhelming sense that reinstated women are to blame for depleting resources. This failure to properly address this issue of increased or control over resources appears to remain unresolved.

For this and other reasons, reinstating individuals has been viewed as interference in what many believe is First Nations inherent right to self-governance. C-31 created contradictions for First Nations. On the one hand it promised membership could be controlled by the First Nations, on the other it set limitations on these powers. In fact to some extent it limited powers that had been recently conferred on the First Nations. In 1981, prior to the implementation of C-31, bands were given the opportunity to rescind section 12 (1)(b) and section 12(1)(a)(iv) (The Double Mother Clause) which allowed bands the opportunity to pre-determine membership policies. Though relatively few bands participated those who did predominately opted to rescind 12(1)(a)(iv); bands who did not exempt themselves from 12(1)(b) exercised control over women by continuing to alienate them when they married out. In this way proceedings for control of membership began while Sections 6(1) and 6(2) had yet to be implemented. Furthermore it gave the illusion

that Indian people were not entirely concerned with Section 12(1)(b). This assumption was promptly countered when registration for application for Indian status began.

As I mentioned earlier, when reinstatement proceedings began Mary Two Axe Earley became the first woman to have her status officially restored under the new amendments.³⁶ However, the others that followed were soon confronted by an INAC backlog as applications flooded the INAC registrar's office. Back in 1982, "the Dept. of Indian and Northern Affairs had estimated that some 60,000 persons were eligible for reinstatement. This number included over 55,000 '12(1)b women and their children' (Krosenbrink-Gelissen 1991:99). "By June 1990, 75,761 applications had been made, representing 133,134 persons. The status Indian population grew by 19 per cent in five years because of Bill C-31 alone and, when natural growth was included, by a total of 33 per cent" (Royal Commission on Aboriginal Peoples 1996: iv. 35). Interest in Indian status had exceeded assumptions.

According to INAC, when polled about why applicants applied for status, 41% cited personal identity as the reason; 21% cited cultural reasons and a sense of belonging (as cited in Paul 1990:84; Borrows 1997: 176). However, the admittedly unanticipated backlog of applicants which took five years to clear (Royal Commission on Aboriginal Peoples 1996: iv. 35), the delayed band membership, and the early band control of membership combined with INAC refusal to exceed the original estimates for provisions to accompany newly registered applicants fuelled animosity between the predominately female reinstatées and predominately male

controlled band councils. All in all many women felt less than welcomed back. Instead they and their children became marked as C-31ers.

One might assume that all those reinstated under the new amendments were defined as C-31ers but this is not so. There is a distinct link being made in the use of C-31er to out-marrying women and their children. For example, former soldiers who were once enfranchised do not embody C-31-er. This specifically gendered term continues to target women as a problem (For example how C-31 is used as identity markers see Lawrence 2004: 71).

Women who were stripped of Indian status through marriage are now eligible to be registered again as Indian. They and their children are, to a limited degree, now eligible for the benefits of Indian status. Yet, it is this struggle against the resistance to allow C-31s access to services that has fuelled a critical discourse on traditional Indigenous ways that forces women to address themselves in kinship terms while men remain Indian men (Krosenbrink-Gelissen 1991: 83; Fiske 1996: 79). During the Lavell and Bedard cases, NWAC initiated what Krosenbrink-Gelissen defines as a ‘traditional Indian motherhood concept’ to illustrate a contradiction that exists between Indigenous ideology and practice in which white men are seen as a threat to the cultural survival of Indians while white women are not (Krosenbrink-Gelissen 1991: 83). It is this unquestioning acceptance of men’s role in patriarchal systems and the continued use of C-31 as a way of marginalizing individuals that forces women and their children to navigate through racial stereotypes that promote notions of “marry your own.”³⁷

First Nations women are confronted daily with colonial stereotypes that promote images of Indian princesses, squaw drudges, disposable prostitutes and addicts juxtaposed by notions that they are non-Indian, that they do not speak the language, they did not grow up on a reserve, and do not know their heritage. Women have actively engaged each other, self-reflected and deconstructed the colonial concepts of Indian woman regardless of Indian status. Asserting their Indigenous feminine pride they define themselves while continuing to be forced to deconstruct an ideology that argues they should marry their own (Fiske 1996: 74).

For women, 1985 was a bitter victory that did little to alleviate sexual discrimination. According to NWAC, “There are at least two areas where there is residual discrimination left in the *Indian Act*: first, under section 6 pertaining to registrations under section 6(2) where the grandmother was a section 12(1)(b) Indian; and second, in the exercise of band by-law powers by Band Councils respecting residence on reserves” (Ontario Native Women’s Association 1991: 6). INAC’s approach to implementing the amendments forced women to defend themselves against resentment for the profound impacts being experienced by all--something over which they had little control over.

As of 2005, women such as those in the Quebec Native Women Inc. are slowly beginning to exhibit a re-contextualizing of *Bill C-31* in order to embrace a pride in the strength of Indigenous women to oppose oppression and affect transformation in their communities. To deconstruct the terms Indian and woman is to embark upon a journey of healing that critically examines the damage caused by the *Indian Act*. Aboriginal women have been at the forefront of this initiative.

Questioning the Outer Fourth Circle: Men's Perspectives

The above sections have raised some concerns over Indian men's roles in this patriarchal system. The history behind *Bill C-31* and the actions of many male-dominated organizations suggests that the AFN is representative of men's position in this struggle. The role of the NIB/AFN and predominately male band council administration has been more reflective of a barrier than an aid to First Nations women. As a consequence it has left a questionable image of the role of men in this history, this story. Men are perceived as either victims of the *Indian Act* or perpetrators of oppressive Indian policy. However, men have not spoken about their role in these events, suggesting that they do not see themselves as in need. Men have not been forced to speak on *Bill C-31* in relation to identity and gender because it has been described as a women's issue. For the most part, First Nations women have not asked them to, instead preferring to recognize that colonial oppression has impacted all.

The *Indian Act* was used to forcibly replace Indigenous governmental systems with elected band council systems. Many believe that a return to or the re-strengthening of traditional ways, often referred to as self-governance or self-determination, is the only way to repair the damage caused by the *Indian Act*. In general no one likes the *Indian Act* but at the same time consensus has yet to (and may never) be reached as to what to do about it. In some ways, this too is part of the liminal state discussed at the beginning of this chapter; with a goal of self-governance yet to be realized, many First Nations have questioned their place within it. First Nations citizenship continues to be a contentious issue. However, the current

literature fails to distinguish men's perspectives as being gendered in distinction to women's. For example, the *Royal Commission on Aboriginal Peoples* a wide-reaching document released in 1996 provided the perspectives of youth, Elders, women, urban and Métis but not men's perspectives. Yet, men are supposed to be the fourth circle (Anderson 2000: 159).

There is an Indigenous belief that a community living in balance is a healthy community. Living in balance means respecting and recognizing every one is part of a larger circle with a relationship to each other. Children (including the Youth) are often described as in the centre of the circle. Elders follow or "sit next to the children" to educate "as it is their job to teach the spiritual, social and cultural lifeways [sic] of the nation" (Anderson 2000: 159) while also being cared for by the community. "The women sit next to the elders and the men sit on the outside. From these points they perform their respective economic and social roles, as protectors and providers of the two most important circles in our community" (Anderson 2000: 159). Women however, have spent considerable time and effort to fully understand what they perceive as their responsibility to their community and themselves. In some cases, they define themselves as Keepers of the Culture. Through the formation of women specific groups such as IRIW and NWAC, they have been able to self-define a woman's perspective. However, the male voice does not appear in this manner: No, literature entitled "Reconstructing Native *Malehood*" exists.³⁸ Much of the literature including the *Royal Commission on Aboriginal Peoples* has recognized the distinct perspectives of all but men. This thesis questions whether we can assume that the AFN and other Aboriginal male dominated organizations truly do represent the male

perspective; whether men have been marked as C-31s; whether men need to speak as men in this area as women have been doing publicly for the last 50 years or more and finally, whether gender equality or gender colonization remains an issue.

As I mentioned above, *Bill C-31* represents a liminal state. Placing *Bill C-31* firmly into context of being the *Indian Act* is paramount to understanding the continued struggle of First Nations people to live in a world that reflects a more conducive Indigenous way of knowing and being while negotiating the presence of the *Indian Act* in day to day life and in history. Part of this has involved a complete deconstruction of the terms Indian and woman from within an Indigenous understanding (Anderson 2000; NWAC 2003). The same remains to be done for the term man.

There are claims the *Act* has had an incredible impact since 1985. Daniels made this assertion when he wrote, “in fact, no piece of legislation has had a greater impact on the masses of Indian and Métis people in the last ten years [*sic*] than has Bill C-31” (Daniels 1998). However, others have noted that “the brunt of the impacts have been on Native women” (Paul 1990:81). Therefore, I argue that we must continue to recognize Aboriginal women as agents in this ongoing history and continue to question the role of men within it.

Chapter Two Personal

The following chapter is divided into four stages of my identity development based on the reciprocal relationship between predominately place-based experiences and the ideas that guide me. To start this thesis process, I selected a topic that is grounded in my own experience and knowledge: Mixed-race identity, women, social governance and feminism. The fundamental purpose of my academic pursuits has been to increase my own knowledge in a field in which I am so intimately situated. I did so in the hopes of achieving clarity and/or understanding that may one day effect change in the world around me. Therefore, I reflected within my own world as an Anishnabe/French Canadian woman. I explored, both intimately and formally, an area that is supposed to represent change: *Bill C-31*. I will begin by telling my story, but first let me explain a little about storytelling as I have come to understand it.

Storytelling

The type of storytelling I wish to embark on here is commonly referred to as a life experience (Archibald 1997: 2-3). It is autobiographical in appearance, as it is self-referential and is only one component within a more intricate entity described as storytelling.³⁹ It functions not only as a method of situating myself in this research, but from what I have learned in my process of decolonization, it is the only way I can address the intimate nature of my experience. Situating one's self in research through a means of storytelling/narrative is an approach that reflects a belief I have come to share that

[a]s I have come to understand it from listening to the Elders and traditional teachers, the only person I can speak about is myself. That is how the Creator made all of us ... All I have to share with you is myself, my experience, and how I have come to understand that experience (Monture-Angus 1995: 44-45).

Influenced by words such as these, I submit my life experience not only in the tradition of sharing but also to align myself within the greater discourse of *Bill C-31*. I contribute to the overall literature of those whose lives have been intruded upon by the *Indian Act* and whose experiences both resonate with and differ from my own. Therefore, similar to the work of Indigenous scholars Maria Campbell (Métis) (1973), Howard Adams (Métis) (1989), Lee Maracle (Salish-Cree) (1990), Patricia Monture-Angus (Mohawk) (1995), Janice Acoose (Saulteaux-Métis) (1995), and Bonita Lawrence (Mi'kmaw) (2004), I submit a description of my personal history. Throughout this work I interweave personal narratives fully aware that these narratives are incomplete as they start only with me.⁴⁰

Developing my Context: “Sowing the seeds of oppression”

My understanding of and confusion with *Bill C-31* started well before this thesis. In fact, this thesis is merely a formal method in which to focus and continue developing my perspective on the issue. My introduction to *Bill C-31* began during the early 1990s just after I received my first Indian status card.⁴¹ I was 22 years old. While I had questioned Indian for most of my life, it was not until I received one of the benefits of having Indian status that my quest to understand identity and gender in relation to status became more intensified. In the following section I will relay particular points in my early life experiences that influenced my own self-identity

development and which I feel resonate with what Mohawk scholar Patricia Monture-Angus describes as sowing the seeds of oppression. (1991: 71)

Growing up during the 70s in Winnipeg, Manitoba, I knew that I had Indian blood; I was ambiguously Indian and while it is true that the 70s were a time of great change for Native⁴² people this wave of change had not fully rippled to me and many of my family.⁴³

Shortly after I was born my parents sold the motorcycle, folded up their club-patched leather riding gear and began to “settle down.”

I grew up in Winnipeg but I didn’t grow up in the North End which has since become referred to as the ‘hood’. My mother grew up there. My father grew up on the south side. I and my brother, who followed four years later, grew up mostly on the north-eastern side of the Red River.

I went to suburban schools. My classmates were Ukrainian, Polish, French, Philippine, German, etc. One of my best friends during my early elementary days was Indian. Her name was B.⁴⁴ She and her brother were adopted by a Ukrainian woman and a Chinese man. B and I never talked about being Indian. We knew we had Indian blood. It was all we understood. Instead, we talked; we giggled; we played. My other friends were a mixed bunch: Portuguese, Yugoslavian, Czech and Hindu. Most of them were first generation Canadians.

Half my family was Indian.⁴⁵ My mother had 2 siblings, 11 step-siblings, one niece, two nephews, and seven step-nieces and nephews. But there were five of us girls who played together; M, A, L, S, and R. We talked about being Indian in an odd way using it mostly to include and exclude each other from participating in group activities. When it was time to decide where “we girls” would go for our inner city adventures, little R would be told to stay home. She was the smallest and the youngest. She was also the darkest: There were times when she was “too Indian.” The boys had to stay home too: They were boys. I didn’t have to stay home, but my fair skin was sometimes an issue. At times, it seemed like nobody could make up their mind if I was an Indian or not. When I was getting too boastful I was chided with, “You’re more Indian than you think!” and still other times I’d be scorned with, “Don’t be such an Indian!” Underlying all this was the intimation that I couldn’t be an Indian. I had my own room, I lived in a “fancy” house, I had my own clothes and my dad is white.

My dad rarely visited our Indian family. When he did, you could tell that, among the piles of clothes, sparsely mismatched furniture and overwhelming smell of bleach, he didn't feel he was "one of them." While everyone chatted the discomfort was too obvious. Instead, he'd remind us when my brother and I returned home from one of our visits that, "Every time you guys go there you come back acting like a bunch of wild Indians."

Half my family is non-Indian. My father had 5 siblings and numerous nephews and nieces spread out over Canada and California. At family gatherings only my Indian mother made a point of speaking about being Indian, usually in a defensive tone. She always appeared alone in this discussion and she was usually met with silence. As I understood it, it was ok that my brother and I were Indians as long as we continued to not be "one of those Indians." One of those Indians on the news that made my grandparents' heads shake; the ones that stole stuff and were always on their way to prison for drinking and prostitution. The ones that would make my grandmother sigh heavily, "Look at those Indians!" as my grandfather twisted the TV dial from the news to the Lawrence Welk Show. So while we never really spoke about my brother and me "being Indian," we never really spoke about "being French Canadian" either. Odd really as my grandfather Virgil Gervais spoke only French with any real fluency.

When my young parents found themselves expecting a child they did what many young couples do in that situation, they got married. Apparently, my grandfather Virgil Gervais was quite pleased by the fact that my grandfather Alexander Contois could speak French. According to French standards my Dakota Sioux/Ojibway grandfather's French family name practically made him French.

One of my favourite places in Winnipeg when I was growing up was the Museum of Man and Nature. It was a regular spot for school field trips. This one time when...I can't remember my exact age, though I know I was younger than 12... Usually I am able to calculate my age by visualizing the place and people around me at the time but for some reason this time I cannot remember. I do remember, however, that to get there we had to take the school bus which had to travel down Henderson Highway, cross over the Red River and turn left on to Main Street. Main Street was notorious. Indian people were what made Main Street notorious. Living among low-income housing, hotels and bars, Indian people were always to be found in and around Main Street. This one time, as our school bus turned on to Main Street... everyone turned their head and caught a glimpse of something unexpected. Sitting on a park bench was an elderly Indian couple smiling and laughing. They wouldn't have attracted too much attention

(like I said there were always Indians on Main Street) had it not been for the woman's breast. The elderly brown woman was sitting on the bench, smiling, holding up her t-shirt, and baring her left naked breast. My classmates went crazy. How the bus didn't manage to flip over on its side when they all scampered to cram their faces to the window, I do not know. What I do remember is how the sound of their laughter, their finger pointing and their comments made me feel: They frightened me. "Look at those drunken Indians!" "Stupid Indians!" I wanted to disappear into my seat. I wanted to run. And later, while I stood in front of the mannequin Indian wearing his buckskin loincloth, aiming a spear at the neck of a stuffed buffalo...I embraced shame and swore they would never find out about my Indian blood.

Now referred to as internalized racism, as a child, my understanding was that it was safer to deny Indian-ness/blood and/or hide it. I lived with the general sense evoked silently that Indian-ness was not to be spoken about; that revealing Indian blood could result in possible rejection and/or ridicule not only by strangers but by family and friends. Various social privileges such as financial stability and a euro-centric education, enabled me to foster an identity that denied any connection to something "lesser than," such as Indian. Pale skin made this all the more easier. To hide though meant to reject/sever any link to family, as it had for Howard Adams (1989: 15) before me. At a very young age, I had a sense that an allegiance was called for and I publicly swore: I am not an Indian.

I don't remember who came to say good-bye to us, the day my family and I boarded a plane for Montreal. But I am almost certain none of my Indian family did. Our visits had grown increasingly distant and by the time we boarded the plane our worlds were moons apart, our stories as different as night and day.

My stories started with new houses, new cities, new schools, and new friends. Their stories involved attempted suicides, drugs, alcohol and prison. At least these were the only stories I remember.

On one of my last days in Winnipeg, I was standing on the corner of Portage and Vaughan on my way to the Bay when I saw M standing on

the other side. Out of all the five girls, I was closest to M. When the lights turned green, we crossed. I lowered my head and passed right by her.

However, Montreal was not a smooth transition I had come to understand it as in Winnipeg where I had moved a number of times and changed schools about five times. Yet, with each school it was the same. By the end of the week, if not by the end of the first day with very little effort on my part I had a new friend(s). In Montreal nobody spoke to me for the first three months. For awhile I was invisible.

At the age of 14, my family and I separated from kin and moved into a predominately non-Aboriginal suburban neighbourhood in Montreal, Quebec. During those early days in Montreal I did not sense a need, or pressure, to discuss my Native identity. In fact, it would be more accurate to say that it was my French roots that I pondered during my early years in Quebec. For a brief period, suppressing my Indian blood was easy. However, it was in Montreal that I lost the only other cultural affiliation I could call my own: French Canadian. In Quebec, I was no longer French. I could not speak the language and did not feel a part of the Quebecois culture or history.⁴⁶ I had gone from one race war to another. In Manitoba it was blatantly physical. In Quebec it was language.⁴⁷ I felt cultureless: blank. I no longer wanted to be French. I was simply female. In the gender war my political affiliation was unquestionable. I became a feminist.⁴⁸

“So how many kids do you have?” My aunty asked. I got sarcastic. She was serious. I shut up. I was surprised because I thought everyone who knew me, knew very well I had no intentions of having children. I was 20 and I had been saying it since I was little. I forgot that my aunty didn’t know me so well. It had been ten years since we’d seen each other last. She had sent me moccasins with white rabbit fur. They were in my closet. My cousins were having babies. She was a happy grandma. She made me wonder, though, why this question seemed to be so popular. Why did everyone just expect I was going to have children? Why was it, when I said, “I’m never having children” that

they'd smirk and retort, "We all say that." Like, I had no choice. My aunty didn't laugh at me. She didn't say anything.

Meanwhile, the stories from my family were the same. My Indian family seldom had happy stories. Babies were being taken away; welfare; rape; prostitution; alcoholism; death and dying. My non-Indian family had the pretty stories. Cousins were getting engaged; going to university; traveling; naming babies.

My growing discomfort with social expectations and notions of gender and identity found camaraderie in the words of women such as Emma Goldman who argued that, "From infancy, almost, the average girl is told that marriage is her ultimate goal; therefore her training and education must be directed towards that end. Like the mute beast fattened for slaughter, she is prepared for that" (Goldman 1970: 40). Influenced by words such as these I explored the idea of "choice":⁴⁹ the choice to bear children or not, the choice to marry or not. Feminists such as Goldman have argued that women have seen little opportunity outside of marriage. Opportunities that would encourage and allow a level of economic self-sufficiency for women to be mobile: free to independently create and alter choices that reflect their own ideals without the threat of having to live in abject poverty (or loneliness) to do so. The risk of living in poverty increases for unmarried women and increases even greater when children are involved. Therefore, as a feminist, and prior to receiving Indian status, I viewed these life choices in part as not only my right to choose but in many ways my obligation to choose. Therefore, at a relatively young age I chose. I chose not to make children a top life priority or to marry. This is not to say that I did not desire a nurturing and loving relationship with either a partner and/or a child but as a self-defined feminist I did not wish to feel obligated to follow a socially structured life path constructed on patriarchal, culturally determined social expectations. Receiving

my first status card complicated this matter in two ways: first by further narrowing my “choices” and secondly by re-establishing my race as an issue.

I remember the phone call. I was living in England at the time. My mother asked me if I wanted my status card. She explained that Indian status would pay for me to go to university. So I said yes and sent her a photo. When I got off the phone I was excited. I shared the news about University with a friend who had just arrived from Canada. “You’re Native?” my friend asked. “Yeah, but my brother follows more the Native side. I take after more my father’s side of the family” I quickly explained knowing full well that this explanation was always accepted.

The option of university was exciting. Before I came to England I had been kicked out of CEGEP (Quebec’s equivalent of a Canadian college). From the time I was 16 until I was 20, I had been spending increasingly less time at home and more time out on the streets of Montreal, sneaking into bars, dancing, drinking, drugging and every other weekend traveling to neighbouring Toronto and Ottawa to do the same with friends there. Around this time my mother was becoming involved with the Native community in Montreal. She got involved with sexual abuse support groups. She volunteered at the Native Friendship Centre and eventually worked there as an addictions counsellor. I would visit her from time to time. My father...worked.

In the late spring of 1990, my self-esteem could not handle the critiques I was getting in Photography school. I was putting more time and practice into drinking and partying than I was in creating. So two months before what became known as the Oka crisis happened I left Canada. While America bombed Iraq I traveled Europe. After a couple of months I stopped in England, just as I had planned. My fascination with England had been increasing over the years. I enjoyed English art, music, 1960s English history, even the Royal family. You could even say I wanted to be English.

I was in my second year there when I received my status card. The thought that university might be an option was uplifting. But I didn’t leave right away. Instead I worked, I squatted, and then one weekend I took off to Scotland.

By this time, I had been suffocating in the hustle and bustle of London town. I was working in a job that I hated and in a relationship that was ending. So a friend and I decided to spend four days up north. We spent a couple of days in Edinburgh and then an afternoon in Glasgow. We roamed the streets, the pubs and the museums. Outside

Glasgow's Museum of Modern Art, hung a tall banner advertising, a "Native American Indian" exhibit. My friend was Turkish and was quite fond of extolling the virtues of being Turkish, so I dragged him inside to show him my blood line and there they were: brown mannequins stiff around a fake fire, surrounded by fabricated trees while from a tape cassette birds could be heard chirping. Inside glass cases rested moccasins and beaded bags. I couldn't believe my eyes: Here I was on the other side of the ocean feeling like I was standing in Winnipeg's Museum of Man and Nature. I returned to Montreal a year later. I decided to try university.

Meanwhile I started to test the waters, to see what the reaction would be like revealing to strangers that I was Native. In England, the "Funny you don't look like one" attitude would start and was often followed by an uncomfortable sensation of deep awe mixed with an array of absurd questions that only now do I realise were a result of stereotypes. However, it was the reaction I got when I returned "home" that left me even more curious. The only way I can describe it is, it's in the eyes. Once it is revealed that I am Native, people stop. Behind their eyes you can almost see sense being made of this information. The same reaction occurs when they even suspect enough to ask me if I am Native. It is this reaction that confirms my childhood suspicions that having Indian blood is dangerous because if they don't stop talking to you from that point on than they are usually trying to determine just how Native you really are.⁵⁰ I have since found only one other phrase that strikes as much discomfort: I am a feminist.

I stepped slowly into university. My mother was working as the Native Student Advisor. As an employee of Concordia University she was therefore, eligible for staff tuition rates for herself and her children. So I enrolled in Modern Languages and Applied Linguistics. In addition to my linguistic classes I registered for a women's studies course and an anthropology course on Natives in Canada.

My mother began introducing me to those in the Native student centre. But before we entered she warned me, "Just say you're Ojibway. These Mohawks don't recognize mixed-bloods." After this I continued to follow my mother and eventually found myself involved in various organizations including the Aboriginal Women of Montreal. I also found myself being sponsored.

It has been over 10 years since I received my status card. I have since come to understand that should marriage or children enter into my world additional

consequences exist that were not there prior to obtaining status. Not only am I legally defined as Indian, but I am a section 6(2) Indian. I may no longer lose my status, but I am forced to consider the value of it. As a legally categorized 6(2) Indian should I change my mind and choose to marry or merely procreate with an individual without either a 6(1) or 6(2) status, I could lose the ability to pass on status rights (whatever these may be) ⁵¹ to my children. I am at the end of the line, so to speak; either I marry⁵² and/or procreate endogamously (Paul 1990: 58) or my children lose rights.⁵³ The very rights that people such as my mother made great efforts to acquire. Consequently much of my everyday reality here in Canada involves understanding what it means to have Indian status rights⁵⁴ and what the benefits both literally and figuratively might be; where and what I must do to enforce my rights and how these rights relate to human rights. Furthermore, not only are Indian rights unclear and benefits not consistently accessible, but in order to be eligible I must negotiate my identity and say, "I am an Indian." Therefore, much of my journey/survival involves separating my legal Indian identity from a more culturally traditional and specific notion of an Anishnabe identity. This journey includes distinguishing the racial category of Indian, from a cultural one such as Ojibway recognizing that Ojibway is the English marker for a people who refer to themselves as Anishnabe in their own language. This is the current extent of my understanding. I am aware that my lack of fluency in the language of the Anishnabe only allows me to use this term in an English manner as a "proper" noun.

My struggle to figure out Indian has led me to distinguish my cultural identity from my legal status to a degree. At the beginning of this research, I identified

proudly as an Ojibway-Anishnabe/French Canadian though at times I have found Winnipeg Indian a more accurate definition. However, even these statements carried, and continue to carry, a degree of political reasoning that is determined on the location and mood I am in. As a form of recognition of the loss of language in my family and a determination to one day learn the language, I use the term Anishnabe.⁵⁵ However, there are times when Ojibway is fine. In predominately First Nations environments, such as here in what is traditionally referred to as Lheidli T'enneh territory, I have felt more comfortable with grounding myself as a Winnipeg Indian: it helps acknowledge that I am not from a reserve and denotes my euro-centrally biased education. However, I am an Indian.⁵⁶ Furthermore, my Anishnabe and French Canadian history is intimately woven into the territory in and around the Winnipeg region a territory which has its own unique history and identity and an ever changing Indigenous space within it.⁵⁷

As I continue to decolonize my identity and I come to realize why so many of the cultural elements of my Indigenous (and to a certain extent French Canadian) heritage have been lost to me, and the underlying reasons for why this should matter at all, a strong desire to reject my status card has surfaced. The card is a representation of the very colonial structure that has interfered between me, my culture and my family--which I am reminded each time I use it. I have wished to use my only sense of power: the power to reject. However, I am unable to abandon my status card because I am not confident as to the full extent of its meaning. This lack of knowledge motivates much of this research but is beyond the scope of this research to adequately address.

Finally, let this be the last time I use this phraseology, and say “I am not Métis.” Métis people have a distinct history and their own struggles with hegemony. While I understand the irony of my situation --I am a half-breed created through the union of an Ojibway woman and French Canadian man; I was born in what many consider the birth place of the Métis Nation: Manitoba—I do not identify myself as Métis. A half-breed, yes, however, being defined by others as Métis makes me uncomfortable. It is through this research that I have come to understand that no one in my family of Ojibways, Dakotas, Crees, French Canadians and many others connected through marriage have ever defined themselves as Métis. I do not understand why I should.

As I mentioned above, I have always been aware of having Indian blood. Many of my kin are visibly/phenotypically native. I am not. My primary understanding of the implications of having Indian blood has been constructed mainly through experiencing the dominant Euro-Canadian educational system as well as my own family, both Indian and non-Indian. This research inevitably touches upon the area of racial oppression because as Patricia Monture-Angus (1999), bell hooks (1984) and Marilyn Frye (1983) have argued, group oppression - racism, sexism and classism, are dependent on each other. However, my primary concern is with: 1) how a colonial history has and continues to create/enforce/mold definitions for a First Nations identity and 2) what kind of impact this has had on the individual.

From what I have discussed thus far it may be difficult to discern the academic relevancy of what appears to be a personal identity crisis. In fact, while I wrote this thesis I could envision heads shaking from my seeming inability to

separate my personal identity from a legal one. However, I hope by doing so I will have provided another insight into the phenomenon of *Bill C-31* and its impact on the individual. As Patricia Monture-Angus states, “How does what I am thinking influence what it is that I am doing?” (Monture-Angus 1999: 81) In other words, how does my self-identification process reflect the life choices I make? In some ways it could be argued that this thesis is very much a philosophical treatise, therefore, I think of this process as more reflective of growth than of crisis.

The Education of a Native Girl

While I have thus far relayed elements of my personal identity development, the following section will outline the beginning of my formal education in the area of *Bill C-31* and in so doing will explain why I chose to focus on narratives involving the application process. Identifying the key areas to focus interviews was based on experience with two Native women’s organizations.

My more formal education in the area of *Bill C-31*, First Nations women and social governance began, for the most part, through⁵⁸ the Quebec Native Women’s Association (now Inc.)/Femmes autochtones du Quebec (QNW/FAQ)⁵⁹ and the, now defunct, Aboriginal Women of Montreal (AWM).⁶⁰ The QNW/FAQ interacts with women throughout the province of Quebec and on a national level as a branch of the Native Women’s Association of Canada. Linked to the QNW/FAQ, the Aboriginal Women of Montreal comprised women from various communities throughout Quebec and the neighbouring regions. The AWM was a group of Native⁶¹

women who for assorted reasons were residing in the city of Montreal. I was more actively involved with the AWM.

The AWM, like QNW, acted as a support network, advocating agency and cultural education centre that organized locations where Native women could gather regularly. The women involved in the AWM were grounded in their Indigenous cultural traditions and languages in varying degrees. They were for the most part looking for a familiar safe place within the greater metropolis: a Native place specifically for women. The general mandate of AWM, like QNW/FAQ, was to devise agendas that reflected and addressed concerns as voiced by Native women.

The AWM recognized, during their time, that many of the Native women living in the greater metropolis region had in various ways been disconnected from their heritage. It was also understood that this was due in a large part to a colonial history of residential schools and urbanization. Therefore, attention was placed on the education of Native cultural traditions and practices such as sweat lodges, talking circles, and formal protocols. Considerable attention was also given to the legal complexities of being Indian women. This included the topic of legalized identity. Some women had Indian status and some did not. Some obtained Indian status through the 1985 amendments and others were trying. It was here among vibrant discussions that my education on what it means to be a Native woman burdened/influenced/silenced by a colonial history began and my own sense of Native identity began to heal and grow.

Furthermore, it is my experience within these groups that led me to focus on seeking out the narratives of individuals who experienced the application process.

While attending QNW/FAQ and AWM Annual General Meetings and social gatherings I listened to the stories of women who wanted to experience life on reserve; who wanted to be among Native people; who wanted a life free from the presence of alcohol and drugs, and free of the violence surrounding them; women who wanted Indian status (back). These stories told by many of the women who attended, including my own family, my mother, led me to deem the application process as a primary area on which to focus my research. The journey to complete the application was often pursued alone, driven by an individual's desire to have their identity recognised. Many of the desires expressed by the women in the QNW and AWM continue to be of concern.

However, this research project was not conducted in conjunction with either the QNW/FAQ or AWM. Their inclusion in this text is to mark their contribution to my preliminary understanding and knowledge regarding legalized identity versus Indigenous cultural traditions and protocols.

In 1998, I left Montreal to work in Taiwan. After a couple of years I began to miss the community I had in the AWM and QNW/FAQ. So I went to the National Taiwan University campus and found a feminist bookstore. My Mandarin was too weak to ask if there were any Aboriginal women's groups so I took a chance and asked in English. I was in luck. The lady behind the counter understood me and informed me that there was a group. In fact, their first meeting was in an hour right there in the bookstore. So I stuck around and met a group of women from the various First Nations on the island. Despite my intrusion these generous women accommodated me by translating the discussion into English.

They spoke about the DPP government's decision to recognize Indigenous groups as distinct but that they had to determine who their tribes' people were. The main spokeswoman in the group was Amis, a matrilineal tribe. She found that the proposed citizenship guidelines conflicted with her people's method of determining kin line through the mother. So they discussed the issue of trying to determine

membership criteria while considering such issues as Aboriginal children adopted by Chinese families. They also talked about their concerns about the growing addictions in their communities; the unemployment rates and the exodus of the youth to the big city where there were more opportunities. They feared the youth would forget their cultural ways and they wondered who would care for the elderly left behind. They even discussed some of the difficulties they were having as students in the big city.

They asked me what we did in Canada. So I shared with them the little that I knew including that women back home were working on the same issues and that years of patriarchal blood quantum methods had created numerous problems.

A couple of years later I entered the UNBC First Nations Studies Master's Program.

It was not until I experienced how people outside of women's groups were discussing *Bill C-31* that I was inspired to continue working in the area of First Nations women and social governance. Separated from a female Indigenous dominated environment, the idea to continue in this area established itself as necessary.

Developing a Voice

During my first year of the master's degree program at UNBC I found myself growing increasingly alarmed by two things. First, I was troubled at the manner in which the topic of *Bill C-31* left out some of the most important players – the women. Secondly, I was troubled by an overwhelming sensation of discomfort at being “home.”

While sitting in a First Nations Studies classroom, far from Montreal on the other side of the country, the question, “Well, what about *Bill C-31*?” was casually tossed on the table during a discussion on Indigenous theory. At this point my fellow

classmates began to outline the problems of the *Bill*; that it promoted internal conflict and hastened the extermination of status Indians. Women appeared to be a mute issue. I was troubled by an underlying implication that women were to blame for these changes. In my experience, women demanded changes to the *Indian Act*. While these changes resulted in more discrimination not less, women nonetheless saw themselves as active agents in this process. They continue to see themselves as active agents in all areas that concern them as First Nations people, though it is questionable whether they are viewed as such by others enforcing the *Indian Act*. Furthermore, First Nations women have received little recognition for their work against the *Indian Act* a recognition which views their efforts in the struggle against colonial oppression as a victory or their contributions to the survival of First Nations communities as significant. The names Mary Two Axe Early, Indian Rights for Indian Women, the Native Women's Association, Jeanette Corbiere Lavell, the Tobique Maliseet women and Sandra Lovelace were left out of the discussion that day. The relationship between *Bill C-31* and First Nations women was inconsequential.

In addition to this experience, I also began to sense that the infrequencies of discussions on Bill C-31 suggested that the overall topic was a dead issue. Yet, when I revealed my chosen topic to academics they expressed excitement, and when some First Nations people learned of my research area I was often left with an unsettling sensation, that implied, "It's your responsibility, master's student, to fix the problem."

In addition to this dilemma the referencing of *Bill C-31* as a "feminist" struggle has confined discussion on this topic to a gender studies classroom or a course specifically defined as "Indigenous Women's Perspective." Though these

classrooms promote dialogue in this area, they also promote the implication that it is only women who are concerned with *Bill C-31*. Furthermore, concentration solely on the failings of the *Bill* and the threat of eventual extinction of status Indians ignores or separates the role, history and the opinions of First Nations women in this area. It also continues to promote the implication that women battling sexual oppression and poverty were in a sense to blame for *Bill C-31*'s implementation and failure. My classmates, predominately Indigenous, were and are sensitive intelligent people who advocate vigorously against Indigenous oppression. Therefore, I wondered: How much of the discussion on *Bill C-31* has to do with the issue of gender and patriarchy? Where does the area of First Nations women and their relationship with feminism fit in here? Does it fit in here? Are we to divide the line between First Nations women and feminism, and if so is this another instance of divide and conquer?⁶² All of these questions led me to one: How can I be a Native woman and be a feminist?

My experience of confusion in the classroom as explained above, I argue, is reflective of the perspective from which the agenda of First Nations concerns are written. Issues such as *Bill C-31* and violence against women are defined as a woman's issue or portfolio, which is then marginalized on the greater national First Nations agenda, and arguably on a local level also, to be discussed when the dominant group or those with the power to accept or reject agendas determine it to be acceptable. This extends to the national federal level as well, as seen through government support in 1992 of the AFN's rejection of NWAC's presence at the Charlottetown Accord (Fiske 1996: 68). While Patricia Monture-Okannee (Angus)⁶³ (1992: 194) has argued that racism is violence and that we must therefore be careful

of separating women's issues and racial issues, the current system reflects an imbalanced male dominated focus. It will remain so because racism, classism and sexism are dependent on each other.

For the purpose of this thesis I am advocating for attention to sexism but I stress an understanding that oppression affects us all.

Our once community – and consensually-based ways of governance, social organization, and economic practices were stripped of their legitimacy and authority by White Christian males, who imposed an ideologically contrasting hierarchical structure. Of specific importance...is the removal of women from all significant social, political, economic, and spiritual processes (Acoose 1995: 47).

First Nations women have to have a stronger role in writing those agendas.

It is generally agreed that *Bill C-31* was not the “solution” that First Nations people were advocating. However, having received one of the benefits - educational funding, I have felt that much of the focus on *Bill C-31* fails to respectfully address the women and their efforts as social activists. Negative critiques of the impact of C 31, such as increased internal conflict, decline in those who are eligible for status, costs far outweighing benefits, and finally too few benefit from the *Indian Act*, though accurate, omit the women and their efforts. This contributes to oppressive tactics as the failure to recognize Indigenous women's social activism thus far, positive or negative, fails to recognize them as active agents. Leaving out the voices of the men also involved in registering under C-31 leaves an imbalance and continues to perpetuate the notion that *Bill C-31* is a woman's issue.

I set out in this thesis not so much to critically analyse the failings of the *Indian Act* and *Bill C-31*--nor do I ignore them -- but rather to examine *the Act's*

impacts on the individual particularly in relation to the theory of decolonization, choice and healing. While the issue of Indian status and financial benefits is contentious, this thesis shares the sentiment as expressed by Patricia Monture-Angus that, “It is even more disturbing to me that some Indians are going to see you as less ‘Indian,’ as less ‘authentic.’ This is incredibly narrow thinking, legally, socially and politically. *It is one of the absolute seeds of oppression I must survive.*[author stressed] ...” (Monture-Angus 1999: 71).

Some may argue that battling sexist oppression through litigation (NWAC 2003: 13) may not be the primary concern of Indigenous people as a collective. Many more would argue that it is fundamental to look within our own cultural traditions to find more compatible solutions. While I agree in part with both, it is nonetheless integral to the struggle against group oppression – racism, sexism and classism as introduced through colonialism to address the issue from all angles. This thesis recognizes that there needs to be more than one way to dismantle group oppression.

As I stated at the beginning of this section, combined with my concerns with the lack of focus on Indigenous women’s contributions in this area of *Bill C-31*, I was also growing increasingly alarmed by a familiar yet uncomfortable sensation surrounding me. The return of subtle forms of racism, that includes the use of “them” when speaking to me about First Nation issues; witnessing the store clerk change their tone and manner of dealing with First Nation customers; watching people make sense of the fact that I am Native.

While I have stated earlier my identity in relation to the term *métis* (see page 60) I would like to state that I do so out of respect for the Métis people who are a

distinct people. Secondly, stressing that statement has been important because it outlines the framework for which I want this thesis ontologically approached. As Dawn Marsden has pointed out in her thesis, *Emerging Whole From Native-Canadian Relations*, it may appear that I jump from both an insider and outsider perspective as a result of being of mixed-ancestry. I do because I am. However, discourse popular within First Nations studies revolves around the detailed resistance against stereotypes and forced identity labels: resisting not only to the forced application by others but in and by ourselves. As I mentioned above, when it is revealed that I am Native the question that implicitly follows most often than not is “How Native are you?” Often times this is met by an all knowing response of “Oh, you’re Métis” as if the speaker suddenly understands me. Furthermore, as I stated no one in my family refers to themselves as Métis and I am tired of continually having to resist this form of separation from them. Either way, I would like to move past this question and continue on in the discussion.

Chapter Three Research and Reflections

The following section will outline the methodology used in obtaining the primary data examined in this qualitative research. This will include a statement of my original intent, followed by a description of the recruitment process pursued in this research. I then turn to a brief overview of the interviewees, the interview method, and the question asked. Finally I reflect on the overall process of conducting the research. To begin, I will discuss the primary method I used to achieve a greater understanding of *Bill C-31*--gender and identity--which involved interviewing individuals who have experience with the Indian status application and successful registration.

Primary Data: Interviews

“If you think of things by yourself, then eventually you will recycle your own limitations”

(Secwepmec Elder Hee Whelst, Joe Stanley Michel).⁶⁴

As I described earlier, amidst the systemic racism that exists in this country, the individual shame of Indian-ness/blood was evoked silently. In sculpting out my own voice I needed to listen to the voices of others, especially as one of my initial approaches to decolonizing involved the naïve--but necessary--attempt to ignore all non-indigenous scholarly work and voice. First Nations Studies like other Native Studies programs is “about decolonization: it is simultaneously a revolt against colonialist representations of Indigenous life and history, a rejection of colonialist relations and treatments, and the means by which new intellectual pursuits are free to develop” (Wheeler 2001: 98). Navigating and achieving a balance in a bi-cultural

environment where one recognizes a responsibility to both an Indigenous community and the academic institution is a challenge: “it is vital that we look within our own traditions for guidance” (Wheeler 2001: 99). Indigenous scholars and teachers are essential guides to students in this area. The University of Northern British Columbia has limited accessibility to Indigenous scholars or advisors. This work was completed within these limitations. Therefore, I was challenged in maintaining the goals and direction of this research while confined to consulting primarily non-indigenous scholars for assistance.

Furthermore, in relation to other academic disciplines, First Nations Studies is seemingly inter/multi/trans – disciplinary,⁶⁵ which as Dr. Wheeler’s statement above suggests, promotes the pursuits of new intellectual developments and also I argue challenges one to define individual academic parameters. *Bill C-31* as I am approaching it is applicable within various disciplines such as Political Science, Law, Woman’s Studies, Gender Studies, Anthropology and History. Therefore, I found myself needing to define the parameters that makes this work within this discipline distinct from the before mentioned disciplines. Respecting those boundaries and my own was again a challenge. It is uncertain to what degree this limited access to Indigenous advisors and inter/multi/trans-disciplinary discipline has either hindered or enhanced this work but it has nonetheless illuminated the importance of attention to process in conducting Indigenous based research. Furthermore, this is where the importance of interviewing First Nations people and allowing First Nations perspective to take precedence is what makes First Nations Studies and Indigenous based research unique.

Finally, as Hee Whelst Joe Stanley Michel's words remind me, there is a need to remember the importance of speaking, listening and sharing. First Nations people through a colonial history of residential schooling and its intergenerational impacts, a systemic form of racism that exists today remain continually silenced and/or ignored. Interviewing others in order to seek insight into these questions of identity and gender has allowed me the opportunity to expand my ontological perspective while challenging my scientific epistemology. Having guidance and support from advisors who encouraged and challenged my exploration into a process referred to as decolonizing was exceptional.

Original Intent

I originally intended to interview 24 people with an equal ratio of women to men. I designed eight open ended questions to retrieve rich detailed interviews of considerable length comprising personal experience with the application process and history of personal identity development (see appendix A). I wanted then to compare and contrast these interviews. However, after an initial practice interview, it was apparent to me that the scope of this thesis would not accommodate what could essentially become 24 biographies. Therefore, a phenomenological approach that recommends 10 participants was pursued (Creswell 1998: 112-113). This was done on the assumption that this smaller number would provide the richness in narrative that comes from a more detailed examination than from a broad overview. I then attempted to recruit five women and five men. However, failure to secure five male participants influenced the length and method of recruitment used in this study, which I address later in the second portion of this chapter.

Recruitment Process

I developed this research in Prince George, British Columbia.⁶⁶ The first recruitment method was a snowball attempt. By approaching kin in Manitoba, friends in Prince George and by personally approaching a visual artist whose work had strongly impacted my initial understanding of *Bill C-31*, I was able to successfully complete five interviews. This method also led to some of the conclusions regarding the very intimate nature of C-31 and identity, including family, loss and belonging.

The second approach was to put up posters (see appendix C). While strategically situating posters is a traditional recruitment method it was not my first choice for a few reasons including my own discomfort at publicly identifying as a C-31er. As much as I could have left out my personal details, I chose to be honest. Sensing that my own uneasiness with revealing myself as a C-31er could be shared by others, I believed publicly identifying might make others more willing to share their experiences. As my personal history revealed, it has been my experience that openly discussing one's Native identity among unfamiliar people has often been done so in a discretionary (or in a politically defiant) manner. This problem was further compounded by my experience as a mixed-race light skin individual. It can be argued that underlying this was a motive to use my C-31 identity to validate my own Native experience, but it did not make self-identification as a C-31er easier. It should also be noted that I wanted this exercise to be approached from personal experience as opposed to a purely political opinion or standpoint.

Posters were distributed within the University of Northern British Columbia (UNBC), including the First Nations Centre. They were also distributed at the

Association Advocating for Women and Children (AWAC), at the College of New Caledonia and various First Nations organizations around Prince George (PG), such as the Prince George Native Friendship Centre (PGNFC) which houses the offices of the United Native Nations (UNN). The UNN is an Indigenous organization that represents “anyone of Aboriginal descent who is a resident of Prince George.”⁶⁷ I also approached a university Métis Studies class: here, I encountered two interested people who desired to participate, however, neither resulted in a completed interview. I did secure, though, one successful interview through the UNN.⁶⁸

The Prince George Dakelh Elder’s Society with whom I had had previous unrelated contact was approached. The PG Dakelh Elder’s society comprises Dakelh (Carrier) Elders, primarily women, who live within the Prince George urban area. They meet regularly, organize events and donate their time and cultural knowledge to various programs throughout the city. Here the final five participants for this study were obtained.

A number of contacts were geographically distant (Winnipeg, MB; Vancouver, BC; Salmon Arm, BC; Edmonton, AB). I completed three interviews successfully in the Winnipeg region. I considered telephone and email interviews as a means to access geographically distant participants. However, despite conducting one interview via email, I concluded neither phone nor email communication was applicable for all personal interviews. Eventually, I narrowed the interviewee pool to the immediate Prince George region using various contacts that I have established in the relatively short time that I have resided here.

As for my original hope to contrast and compare women's and men's experiences, failure to secure five male participants complicated this process but did not eliminate it. *Bill C-31* is commonly known as a woman's issue. Much of the literature reflects this attitude and is likely to remain so in the absence of gender comparison. I was interested in determining specifically how men speak in this area especially as First Nations women have repeatedly insisted that women's issues are people's issues. For example, in a Native Women's Association of Canada published report, entitled *Our Way of Being*, First Nations women were reported as agreeing that it is time to stop talking about individual/collective rights as this language is non-Indigenous and the women agree it detracts from community (2003: 10). I was interested in not only whether men felt the same way but how they perceived themselves within a gender war of colonial patriarchy.⁶⁹ Therefore, using resources that covered Bill C-31 such as internet news sites, newspaper reports, and articles in journals, I attempted to concentrate on male authors while not ignoring those men who did speak to me. The possibilities for my lack of success recruiting male participants will be discussed below in *Reflections on the Process*. However, first I will provide a brief overview of those interviewed.

Brief Overview of Interviewees

In the end, I successfully completed eleven interviews. The eleven comprised two men and nine women. Though the intention was to speak to those who had personally completed the application process, it was necessary and beneficial to expand this criterion to include the children of status recipients: *Bill C-31* is an intergenerational issue. Neither of the male participants was directly responsible for

the application process; one inherited status through his father's efforts and the other through his mother's. Out of the nine female participants, five completed the application process independently; three had assistance and one inherited. I define inherited status as those who had no involvement with the application process. Instead they, as did I, had minimal to no input in being registered as status Indians. Only one participant identified as having learned about Indian status registration through an external method other than family (she discovered through federal notification); all the others learned of Indian status registration through a family relation. All those who inherited their own Indian status had witnessed a parent's involvement in the process in varying degrees.

Three of the eleven participants had lost status through marriage and subsequently reclaimed it through the 1985 amendments. Seven of the eleven had not had status at birth and had either completed the necessary research to complete the application process or had acquired it through a family member's efforts. The remaining participant had always been legally considered status but did not learn of this until the time of the interview.

What Did I Ask Them?

While impact assessment reports on Bill C-31 make reference to the difficulties with the Indian status application process (see Huntley & Blaney 1999: 50) it tends to be no more than a cursory reference. It is here that I would argue that presentation of the stories and struggles endured by those who undertook the application process have been too brief. As Audrey Huntley and Fay Blaney's report points out (1999), (and what I understood about the application process as well) those

without advocates, and there were/are many, were not only required to spend a considerable amount of money and time researching their family history in order to obtain the official written documentation that INAC demands, they were forced to suffer an emotional toll - one that was paid quietly and alone.⁷⁰ Furthermore, “most of the thinking and writing on indigenous peoples has ignored the day-to-day and in doing so has ignored the bulk of our existence and of our humanity” (Audra Simpson, as quoted in Alfred, 2005:159).

In some cases the emotional demands of the application process proved to be healing; for a number of others it was too difficult a barrier to pass over. During one of my interviews I sensed that my own experience in researching this subject was not unlike that undertaken by those who completed the application process. The uncomfortable experience of having to approach family members you barely know, whose relationship is borderline stranger and to then ask them for help makes you question the value of your objectives. Therefore at times I found myself reflecting: *“The only thing that has kept me going through this thesis process is the knowledge that what some women and men went through to get Indian status was probably far more stressful”* (Personal Journal entry - June 6, 2005).

As indicated above, my own experiences shaped this project from start to finish. This is not unusual in qualitative research; in fact self-reflection is expected. With this in mind I began by conducting what Sandra Kirby and Kate McKenna describe as an initial interview to examine conceptual baggage (Kirby & McKenna 1989: 21). The initial interview entailed that I find someone to interview me using the same questions and open-ended interviewing style outlined in the thesis proposal.

However, while I completed the interview comfortably it was after an additional interview with a male participant that the questions were altered. Primarily, this additional interview revealed how my questions were rigidly structured and based on my experience. This additional interview will be discussed in the second portion of this chapter. Upon completion of the first two initial interviews the original format of eight open-ended questions was further narrowed to one, two part question: “How and why did you obtain Indian status?” (See Appendix B) Once this question had been posed, the interview participant determined what would be discussed. Probing was, therefore, dependent on what the participant revealed for discussion.

The Actual Interview Method

While 11 interviews were completed overall, a single interviewing technique was revealed as limiting. One interview was conducted via email wherein a short correspondence occurred. The interview participant was an academically educated individual who paid considerable attention and time in responding. I completed 10 interviews following the traditional social scientific approach of audio recording. As mentioned above, the interviews were based on an open-ended question with probes resulting from interviewee’s discussion. These interviews were approximately an hour to 90 minutes in length. No follow up interviews were pursued. I found both these methods, the written format of email communication and auditory recorded oral interviews unsatisfactory. Therefore, an effort has been made to be respectful to ensure that what was shared was properly understood. Each participant was given an option as to how they wanted to be referenced in the work. The participants had four choices: full name; initials; pseudonym; or full anonymity. Nine of the twelve

participants were comfortable with use of their full name; two requested anonymity and one preferred the use of initials. No reasons were given. None were requested. However, for those participants whose names I used in the completed thesis I sought a final consent.

The flaw in the interview methods used was further illuminated by the concerns of a potential male participant who became more comfortable with the use of an alternative method. I was referred to this participant who resides in the southern region of British Columbia. He agreed to give the interview by telephone. Once he was able to secure the use of a land line, we attempted to complete an interview without audio recording as he requested. Instead we relied on a more reciprocal iteration approach. However, the geographical distance and time constraints made this interview difficult as this approach differed from the one pursued with the other participants. This method would have been ideal if approached from the beginning as it enabled a clearer level of communication to develop between the participant and the interviewer. *Bill C-31* is a contentious issue that has created schisms within communities. Personal experience has shown that most people are eager to speak about the topic; however they do so cautiously. This proposed reciprocal iteration method alleviates some of those concerns. It also ensures a more comprehensive level of understanding as it requires the interviewer to engage in a potential series of dialogues to confirm clarity. This method will be considered in future research.⁷¹

Reflections on the Process

As I stated earlier, this research required a great deal of reflective analysis that demanded attention to process. The following section will discuss both the weaknesses and strengths in the methodology; starting with the issue of the number and gender composition of those interviewed followed by an examination of the four themes: reciprocal recognition; self-reservation/preservation; too few men; and finally, researcher biases.

The Number and Gender Composition of Interviewees

In retrospect, ten was a good number⁷² and while I decided to interview ten people, I maintained that I would never refuse anyone willing to share their personal history, hence the final completion of eleven interviews instead of ten: nine women and two men. Furthermore, I set out to interview a specific set of people and discovered a number of equally interesting stories along the way: Stories from those denied status and those unwilling to apply. According to INAC's most recent 2005 calculations, 131,778⁷³ people have been approved for status. In relation to this number, eleven is still relatively low; however, I believe this sample illustrates a range of experiences. Applications for registration are ongoing. According to INAC, at any given time, "there are approximately 7,000 applications" pending.

In 1985 when the amendments were made to the Indian Act, there was a staff of 200 officers in order to deal with the large volume. After three years, this staff was cut drastically thinking that the incoming would become less, unfortunately this has not happened, therefore causing a backlog.⁷⁴

It remains to be seen how many of these 7,000 pending will be approved or denied.

As evidenced in the literature, Bill C-31 is perceived and understood to be a woman's issue, therefore I suspected locating men would be a challenge. According to 1990 calculations, men represented less than half of the approved applicants:

[B]etween June 1985, when the Act was amended, and June 1990, the Department of Indian and Northern Affairs received more than 75,000 applications. The applications represented more than 133,000 individuals seeking registration. By June 1990, more than 73,000 (55%) individuals seeking registration were approved for registration. Out of that number, 58% were female (Isaac, 1992: 463).⁷⁵

Furthermore, while efforts continue to more clearly define *Bill C-31* as a people's issue there remains the fact that it is predominately viewed as a woman's issue. This discrepancy is explained by the tendency to associate C-31 with Section 12(1)(b) of the old *Indian Act* and not in relation to either the processes of involuntary enfranchisement or the loss of status to sons born to out marrying women. By focusing on 12(1)(b), C-31, (and indeed the individuals labelled C-31ers) loss of status is most often perceived as a marriage restriction that applied only to women. This said, I had little difficulty in finding women willing to speak about their C-31 experience, but when it came to finding men a curious thing developed. Brothers, uncles and fathers were referred yet few, apart from the two male participants, willingly volunteered. In fact, it was almost as if it was easier to point out others than to self-identify.⁷⁶ There are four possibilities for this response: it is an example of reciprocal recognition; men do not identify as "C-31-ers"; there are very few men in this area who fit the criteria; and finally, again biases have interfered in the process.

Reciprocal Recognition

Believing or knowing one's self to be Indigenous has been argued to differ from actually being recognized as Indigenous. Self-identification has been strongly criticized. Cultural appropriation and stereotypical misrepresentation have created Indian experts and promoted tokenism. Scholars such as Taiaiake Alfred (2000) have argued that self-identification and community recognition are reciprocal so that not only does one have to self-identify but one must also be recognized by their "community." However, this process is complicated when the term community denotes a specific reserve. *Bill C-31* illuminated the history of a people having been dislocated from their respective "community," in many cases forcibly, such as Aboriginal women who married out or Aboriginal families seeking self-sustaining economic opportunities within the urban environment. Reinstatement or being added to the registrar's list through *Bill C-31* required identifying a link to a specific reserve. Therefore, this reciprocal recognition argument has become skewed as it implies that an elite group has the authority to enforce law. Whether this authority is self-appointed, traditionally appointed, federally appointed or otherwise remains a contentious issue. In the case of *Bill C-31*, it has been government recognized representatives such as band councils that have in many cases enforced oppressive membership laws. The tendency of family based communities to enforce a kin identification process and/or other more consensus agreed upon measures needs to be re-enforced for a reciprocal recognition to truly exist. Nonetheless, it is generally agreed that this will not be achieved by adhering to *Indian Act* policies and guidelines thus encouraging the argument for a complete rejection of the *Indian Act* and Indian

status. Yet, the *Indian Act* remains, people keep their status cards and others continue to apply.

Furthermore, this argument for controlling membership created implications that a multitude of people, forcibly imposed by INAC post-1985, would besiege the community hence threatening already limited resources and have negative influence on the culture. Hence a general attitude has arisen in which C-31s must demonstrate a connection and commitment to the community (Macklem 2001: 231). Yet, my findings indicate that while a number of women who lived on reserve and were excommunicated do want to return, many people just want a stronger cultural connection and link to a heritage, culture and community. Many who have never lived on reserve by choice or who have been forced off are self-sufficient individuals; having survived a number of years outside the community has made them resourceful. A desire to be a part of a community, to belong, has driven their desire for Indian status.

As for concerns for the protection of culture, First Nations women such as Sandra Lovelace have argued: “I teach my children my Indian culture; white women teach their kids their white culture, because the men are out working. It’s mostly the mothers that teach the kids. My children are surrounded by my culture, my language, so how can we dilute it!...I think Indian women coming back will improve it” (Silman 1997:240). This response comes in relation to an accusatory implication that claimed First Nations women had married out and had therefore abandoned their culture and rights to membership within their reserve/community and learned to be “white.” It

also reflects a general tenet shared by many First Nations women and illustrates the complex discourse on identity and culture.

While blood quantum methods used to determine membership are contentious, the issue of kin identification methods have been argued to be more reflective of traditional ways of determining membership. However, these attempts for pan-Indian solutions for determining Indian status continue to fail in addressing the complex diversity of traditional ways. While I am referring primarily to the impact of patriarchal *Indian Act* policies on matriarchal methodologies for determining membership, traditional to a number of First Nations, I would be remiss to imply that the literature available on traditional methodologies for determining membership is comprehensive. Therefore, the argument that the identity of a specific parent determines the identity of a child is also contentious because eventually a person self-determines.⁷⁷

Either way these arguments of exclusion and inclusion have illuminated the need for the parameters of the term community to be re-examined. Susan Applegate-Krouse (Okalahoma Cherokee) (1999:73) has argued in her research on Indian⁷⁸ identity in the urban areas that the loss of communities for some individuals, in particular mixed-race individuals, leaves much of identity development now dependent solely on kinship. The migration and settlement of Indigenous people into urban environments has broadened the parameters of the term community. Furthermore, in Canada, as scholars such as Marie Battiste (Mi'kmaq) and James (Sa'ke'j) Youngblood Henderson (Chicksaw) (2000: 79), and Janice Acoose (Saulteaux-Métis) (1995: 12) have established the understanding that English is a

second language to many First Nations peoples. As Battiste argues there is a Eurocentric illusion of benign translatability that imposes a colonial domination over Indigenous languages and as such Indigenous people are often forced to translate their own worldview into a language that is not designed to express it (2000: 79). Many First Nations people are now reviving and re-strengthening their respective languages while simultaneously translating cultural values into the English language, which remains *lingua franca*.

In an effort to understand and define terminology such as self-government, First Nations people not only insist this examination of parameters or definitions of community, family and Indian is necessary, some have initiated it, in particular First Nations women. Native Women's Association of Canada's publication "*Our Way of Being*" exemplifies this attitude. This report is the result of a group discussion held by First Nations women over the issue of self-governance and what this means or looks like to or for women. Further examples include Aboriginal urban organizations such as Friendship Centres, which continue to recognize, support and encourage growth in an urban setting. There are also ongoing developments to establish urban reserves, as is the case in Saskatchewan (Canada 2005).

Child welfare groups continue to advocate for the placement of Aboriginal children not only in Aboriginal homes but more specifically that extended family should be granted priority over other Aboriginal homes. Furthermore, First Nations advocacy groups continue to question the methods of determining citizenship and identity, arguing for a return to more traditional methods that recognize customary adoption, a practice supported in common law.⁷⁹ Finally, the discourse on terms

(Indian, Aboriginal, First Nations, Native, and Indigenous) used in relation to First Nations identity continues. Deconstructing and restructuring of these terms is a slow arduous process of change that is integral to the discourse on self-governance, self-determination and the future of First Nations people.

While I stated earlier that it has been argued that self-identity has become dependent largely on kin, finding people who felt firmly entrenched in a community that regarded them as Indigenous, in retrospect, was key. Therefore, I would argue that to find people who were comfortable and or simply informed on the issue of *Bill C-31* required a degree of reciprocal recognition. Admittedly this challenged my notion of community from one that is reserve bound to one that is more reflective of First Nations people recreating places of community both within the reserve and beyond. It is a difficult task; the difficulty is a direct result of *Indian Act* policies that have caused the severe fragmentation of communities and the very family unit. As Bonita Lawrence has pointed out in her work, *“Real” Indians and Others*, an urban Native community such as Toronto consists of people who “come from families where assimilatory agendas are still being actively pursued – where Nativeness is viewed as relatively unimportant to the family’s identity” (2004: 152). In addition, there are a number of Native people “maintaining an urban Native community” who come from families with strong Native identities and experience. For both, the opportunity to provide children with a degree of Native cultural education and understanding unequivocally requires defined Native spaces and programs within their community.

Self-reservation and Self-preservation

The lack of self-initiating male volunteers as a possible example of the reciprocal identification process, could suggest that men require someone to identify them as applicable and/or with them. This is possibly due to an issue of self-esteem suggesting that some Aboriginal men lack the confidence to self-identify not only as C-31ers but as Native.⁸⁰ This would be quite understandable due to the colonial stigmatization of First Nations peoples and the impact of this on self-perceptions (Lawrence 2004; Anderson 2000; Duran and Duran 1995). Women have expressed similar experiences,⁸¹ however many women, (like some men), have been very grounded and outspoken in who they are. This was clearly articulated in the active struggle against the *Indian Act* identification policies such as 12(1)(b) (See Silman 1997).

As opposed to self-reservation, not identifying as a C-31er could be an issue of self-preservation, which would suggest that men find the term C-31er offensive, as do many women. Those who were willing to be interviewed were sensitive to differential treatment from band councils, government and the general Indian and non-Indian population. While the men interviewed in this study did discuss difficulty with the term due to its exclusionary tactic that barred them from participation in or access to services, the lack of self-volunteering men encountered in this study leaves much to be revealed. Why would men find it offensive is not entirely clear to me: Is it because C-31er, like the term “Indian”, is highly inaccurate? Is it too feminine? Does it separate boys from their fathers? And does it reflect a general attitude “like father like son” therefore if dad is white, is son white too?⁸² Nonetheless, identity

development and self perception of one's identity is a private matter. The *Indian Act* has made it public, at least for women. As will be shown below, what is revealed in the interviews is that some men can and do identify themselves in relation to C-31, however while women may or may not use the label C-31er they are nonetheless openly stigmatized by it.

This implied gender distinction is not openly disputed by men. To my knowledge, men do not write personal narratives in relation to *Bill C-31*. For the most part, men have not spoken about their experiences of being rejected from the community in an open public manner as women have. What does exist on a larger scale, what has been documented is First Nations men's opposition to First Nations women's efforts for equality under the *Indian Act*. This resistance suggests that "brown patriarchy," as described by Teresa Nahanee⁸³ (1993: 373), exists and that Aboriginal men are comfortable with it. However, this study revealed that men have also experienced this rejection, have questioned their identities as a result of *Bill C-31*. They just do not talk about it without prompting. In consequence, I have concluded, and will elaborate on below, that C-31er is implicitly gendered; as a common stigmatizing label it denotes women and in consequence men find it more difficult than women to admit they fall into this stigmatized category of Indian.

Cultural barriers between First Nations peoples further complicate this matter. Prince George rests on traditional Lheidli T'enneh territory and houses First Nations people from throughout the Carrier Sekani region and beyond. Carrier First Nations, or Dakelh as some now name themselves, are traditionally matrilineal/matriarchal communities. Sekani also emphasize matrilineal kin groups. Therefore, the mother's

lineage plays an important component in the relationship between a child and her/his community. Non self-identifying C-31 men raise the question of whether men are comfortable identifying along with their mothers, if their mother's experience is a Bill C-31 experience. As one participant pointed out there is a sense that they are not.

Oh yeah, like it's difficult for my brother G. They want to know who his father was and with a situation like that the most he can say is well, born out of wedlock. And my mother would have to confirm that and that he wants to be reinstated, not reinstated but made status Indian through his mother and her mother which is what I did (Jessica 2005).

Furthermore, a couple of the participants with sons expressed confusion as to their sons' seeming reluctance to either apply for status or unwillingness to access benefits. However, Jessica's comment suggests a father/son relationship that is unspoken about in regards to being "born out of wedlock."

Mavis Erickson, a lawyer and former Tribal Chief of the Carrier Sekani Tribal Council, has illustrated through her work that colonialism pushed women out of the political arena, an area traditionally unrestricted to Carrier women (1996). The question arises however: Why did I find so few men willing to speak about C-31, a political and personal topic? If men, as I agree, have through colonial patriarchy been allowed to continue to openly discuss politically charged topics, then why do they not assert their personal position on this political topic? Could it be that they are not willing to admit they have been colonized? Through colonial patriarchy men have been controlling national political institutions. This is evident in the male-domination of national organizations such as the Assembly of First Nations and band councils. Despite traditions to the contrary, it is also true for the Carrier Sekani Tribal Council.⁸⁴ The issue, however, may be that I was seeking personal experience.

Finally, a combination of low self-esteem and the desire for self-preservation may account for men's reluctance to discuss their identity in relation to *Bill C-31*. However, recognition of one's self-esteem and strategies for self-preservation arguably suggest a state of healing. It is possible that men who participated have achieved a greater sense of their healing than those who did not participate and this may counter the need for reciprocal recognition to a degree. There are men willing to be interviewed and who speak of their identity in relation to C-31.

Insufficient Population

As for the third possibility-- 'there are very few who fit this criteria'-- it is plausible that there are very few men who fit the criteria within this geographical region however, there are no statistical data to support or deny this claim. Overall, statistical data do not help. Records on reinstatement neither clarify who initiated the reinstatement procedures nor whether men or women are more likely to continue the process in the face of difficulties. Therefore, this point is at the moment purely speculative. I do believe though that this reflects a reality that there are very few who fit this criteria within the locations I was looking: post-secondary educational institutions and not for profit organizations.

According to the *Royal Commission on Aboriginal Peoples*, statistical data available does not present an accurate picture of First Nations women in post-secondary institutions.

Generally, Aboriginal women are better educated than Aboriginal men – for example, more acquire at least some post-secondary schooling. The proportion of Aboriginal women who obtain a post-secondary degree or certificate, however, is not very different from the proportion of men, perhaps in part because more women have to leave school for family or other reasons (1996: iii. 9).

So while it appears that an even number of First Nations women and men do complete a post-secondary degree, statistics reveal that First Nations women tend to out number, at least in the social sciences (1996: iii. 9). Finally, it appears that women also tend to dominate in not for profit organizations such as Friendship Centres,⁸⁵ though these centres tend to reach a poverty group where men do tend to dominate; an area worth examining in future research.

Researcher Bias

The fourth possibility is less speculative and was un-testable in this study:⁸⁶ biases within First Nations communities and political arenas are a barrier to reinstatement. The issue of personal bias is what made the retelling of my own story at the beginning of this thesis necessary for this study. *Bill C-31*, as it relates to gender and identity is an emotional topic, unsurprisingly as the *Indian Act* has attacked these very elements⁸⁷ and has consequently caused a great imbalance within Aboriginal populated communities. *Bill C-31* has and continues to highlight this imbalance. My recruitment process revealed the sheer complexity for all those involved in this issue of reinstatement.

Complex social relations and processes marked the experiences of many including those who advocated on behalf of others. There are people who feared that receiving an official document legally denying them Indian status would impact their confidence in their Indigenous identity. There are people who protest and refuse to apply thus denying their children educational and medical benefits. Finally, there are those who applied and were denied (See Lynn Gehl 2000).

The issue of the *Bill* being popularly perceived or understood as a woman's issue may have reflected negatively on me as a feminist. Opinions that depict feminists as white-thinking, man haters made me more cautious than I am normally. The articulation of traditional ways of being and knowing has involved a process of distinguishing colonial concepts from "traditional" Indigenous theories and concepts. Included in this process has been the evaluation of feminists and feminism.⁸⁸ Feminism is perceived by many as an academic pursuit developed predominately by non-Aboriginal women in reaction to euro-centric patriarchy. Put anecdotally, feminism is rejected as "white ways of thinking to address white history or white problems" (Monture-Angus 1995: 171-75; Stevenson 1999; Turpel 1993). Scholars such as Patricia Monture Angus (1995) and Karen Anderson (1985) have argued that First Nations women have resisted and confronted colonial oppression since the arrival of settlers. They have maintained some sense of their identity and cultural traditions. Therefore, many First Nations women outright reject being defined as feminist. They disagree with situating their arguments within the parameters of the discourses of feminism.

Some of the methodologies pursued by feminists over the years to eradicate sexist oppression have alienated a number of women (and men) and have conflicted with Indigenous methodologies. Feminist scholars such as bell hooks, have recognized how at times feminism has been its own worst enemy (hooks 1984). Where feminism has actively worked towards achieving the goals and pursuits of one already privileged class of people, white middle class women, the complex nature of group oppression has made other women identify feminism as irrelevant. In this case,

women such as Patricia Monture Angus have argued that feminism follows an agenda that does not address issues of racism and classism which are ever present in a colonial history. Furthermore, feminists have yet to deal with their own white privilege and racism (Monture 1993: 334-335; Moraga and Anzaldua 1983: 61-62; Turpel 1993; Stevenson 1993). In other words, it is impossible to separate racism and sexism even from within feminism.

Paradoxically feminism is used both for and against First Nations women. The language of sexual oppression and discrimination developed by feminists has proven to be a useful tool for First Nations women, especially in regards to addressing discriminatory state legislation. This has allowed First Nation scholars and activists to identify euro-centric patriarchy and brown patriarchy as being potentially even less traditional than a feminist approach (Nahanee 1993; Green 1997; McIvor 1994). Many tribes and nations were and continue to be matrilineal if not matriarchal, while still others question the contemporary notions of patriarchy in relation to their traditionally patriarchal culture. Either way, the degree to which euro-centric patriarchy has been adapted in or adopted by First Nation communities through state imposed institutions such as residential schools and band governance is contentious.

This contention reached a pinnacle when the AFN rejected NWAC's efforts to attend the constitutional conferences leading up to the referendum on the Charlottetown Accord in 1992 (Krosenbrink-Gelissen 1991: 147-156). The rejection of NWAC at the table signified the federal government's recognition of the AFN as being sufficient representation of all status Indians, or members of First Nations, despite protests from Aboriginal women's groups to the contrary. In any case, labels

such as feminist have been used against Aboriginal women's efforts to assert their positions within contemporary discourses on citizenship (For examples of Indigenous use of feminist theory see McIvor 1994; Green 1993; Nahanee 1993). Furthermore, while a number of First Nations women are comfortable with the terminology, a number of women disagree with its assumptive imposition. A history of stereotyping First Nations women as Indian Princesses, squaws, or heavily addicted victims of the sex trade has left little tolerance for additional labels such as feminist. First Nations women have argued that being defined as feminist is inaccurate, inappropriate or just too simplistic, and therefore, as many previous stereotypes, categorizations and English labels applied to Indigenous women have done over the years – continues to silence. This discourse on feminism and First Nations women is compounded by a history that has forcibly excluded First Nations women and children from their communities and culture, thus, allowing for the use of the label feminist to be indicative of the degree to which an individual's Indigenous identity is in/authentic. Therefore, approaching participants, especially men, who like many others, may believe that I as a feminist, self-proclaimed or otherwise, am interested in the further denigration of men was tricky. I wanted to ask men the same questions I ask myself. In so doing I would have to navigate the implication that women's issues are men's issues while also navigating the possibility that questions a woman asks herself might make little sense to a man. This impacted the final questions I posed to the participants.

A woman has to negotiate her identity between a legal definition that restricts her right to pass on identity and status to her child (ren) while balancing societal

notions and stereotypes that judge her and her children by the presence, or lack of, a male, with so-called traditional concepts of roles and responsibilities as teachers/keepers of the culture (Anderson 2000; Gunn Allen 1986; Jaimes & Halsey 1992 Medicine 2001). Does a man have to negotiate his identity this way? First Nations men, like women, have been stereotyped and stigmatized by colonialism. However, Indian status has leaned in their favour. A few men have found acceptance in political and academic leadership roles. Yet, they too live with romantic images of masculinity exhibited in the buckskin clad plains warrior, grandly head-dressed chiefs, juxtaposed by contemporary urban images of men as homeless, addiction addled, and criminals disengaged from family and children. While the current literature suggests that they must also navigate their identity amid colonial notions of gender (Cannon 1998) this literature is limited. Furthermore, how this identity is impacted by so-called 'traditional' notions of male roles such as warriors (Alfred 2005) has only begun to be explored.

Initial Interviews

As I stated at the beginning of this chapter, limitations in the original set of questions were identified after an initial practice interview. This initial practice included a self-interview and an interview with a male participant. In this interview, I wanted to ask the first male participant what he thought about the second generation cut off rule and whether he believed this influenced his choice in a partner. I wanted to know if he, too, was concerned about the potential to lose status because of his choice of partner and whether he felt this knowledge was in any way regulating his

own sexuality. I wanted to know if his life choices, in particular his reproductive choices, were in any way influenced by the notion of being a father. I asked once. It was an awkward moment fuelled by my overwhelming sense of ridiculousness for asking and his attempt at humour through self-deprecation. I felt ridiculous due to an awkward sensation that I was in essence asking about his choice of sexual partners. I was asking whether he thought about birth control or the need to control birth. These questions seemed too intimate to ask, yet women are asked it daily.

As I came to question my ability to discuss intimate issues with strangers, I narrowed my questions down to a single two part question. I then waited to see if the men in this study would discuss *Bill C-31* in relation to how I perceive it; if men were hearing as strongly as I was that they must procreate only with specific card carrying individuals. I wanted it to be brought up without prompting. It never was. Unfortunately the lack of male participants in this study leaves many unanswered questions, including how First Nations men navigate their own male identity. Furthermore, I am a single woman. This degree of intimacy is often restricted to a more private discussion between couples. I feared male participants would consider me to be “hitting on them.” Therefore, this potentially reveals a flaw in the structure of my questioning. I surmise that a man asking another man these same questions would reveal a very different answer or response.

In addition to the above recognition of my own limitations in asking men the same intimate questions I ask myself, I have to add that I have no qualifications in the mental health field. To be metaphorical, there were instances when my questions were “picking at scabs” and I was not handing out band-aids to help the healing

process. Members of my own fragmented family were generously willing to share their stories. However, my feelings were that various interview methodologies such as a telephone interview, with family members and others, for the sake of research were inappropriate. It was family who thoughtfully reminded me that while I am the one who asked these questions, it was often others who had to deal with the open wound I left behind. Thus the recounting of personal histories was at times overwhelmingly uncomfortable and caused me to “back off.” A history of residential school, loss of language and cultural traditions, cycles of violence, have caused some to regard her or himself as lacking a bond of family and to consider themselves orphans. The relationship of identity, healing and commitment were additional concerns that revealed themselves in this research.

During the post interview period I reflected on what some of the experiences must have been like for the participants. For example, I considered, “How stressful was it to approach someone for an affidavit to prove their father was indeed their father, though they never really knew this man called father because he died before they had the chance?” “What could it have been like revealing that they were ‘born out of wedlock’ during an era that considered unwed mothers as “lesser than” or unmentionable?”

While my original intent was to secure an equal number of female and male participants, the methodology pursued in this research proved as revealing for the researcher as it did to the overall research. As a result reflecting and documenting this process was an important component to discussing the outcomes of the interviews

that were conducted. It enabled a deeper understanding of the complexity involved in the lives of those eligible for Indian status.

Chapter Four

Research Review

It took over 20 years of concentrated efforts for First Nations women to see a change made to the *Indian Act*. On July 5, 1985 Mary Two Axe Earley, founder of Indian Rights for Indian Women (IRIW) was the first person to be registered for Indian status. An unexpected flood of applications were soon to follow and not all have been successful. According to INAC the average application takes 10 years to reach a conclusion.⁸⁹ Most of the participants in this research took between two and four years. Either way, little is known in the literature about the personal toll of this lengthy process.

The following section will examine the application process for those who successfully received Indian status. The first half will begin by briefly examining the *Indian Act* guidelines that outline this process. A brief deconstruction of the INAC application will be offered while raising the issue of literacy. The second portion of this chapter will outline the process of application as it relates to the experiences of those interviewed in this study. As unprepared as INAC Registrar's office was for the floods of applications, people were equally unprepared for the process itself. For some this involved the facing of historical trauma.

The Application for Registration of an Adult under the Indian Act

There are three stages in the process of obtaining Indian status (See Appendix D for a copy of the Application form). First, one must determine eligibility. Second, one must apply. Third, one must be approved. Approximately 58% of the individuals who applied successfully completed the three necessary stages in order to be

registered for Indian status. While numbers are revealing, this research, as stated from the beginning, is interested in humanizing *Bill C-31*. Therefore, the following section will outline these three stages, by directly using INAC issued guidelines as included in the *Application for Registration of an Adult under the Indian Act*. These guidelines are contradictory to this humanization effort but nonetheless help illustrate why the application process needs to be recorded.

Stage One – Determining Eligibility

According to Indian and Northern Affairs Canada (INAC), *Application for Registration of an Adult under the Indian Act: Guidelines for Completion of Application*, “if you fall into one of the following categories, you are entitled to be registered under the Act.”

1. Persons entitled to be registered prior to April 17, 1985.
2. Women who lost status through marriage to a man who was not a status Indian (s.12(1)(b)).
3. Children of women referred to in 1 who were enfranchised upon their mother's marriage (s.109(2)).
4. Children whose mother and whose father's mother did not have status under the Act before their marriage, who lost status at age 21 (s.12(1)(a)(iv) - referred to commonly as the double-mother rule).
5. Illegitimate children of women with status under the Act whose registration was successfully protested on the ground that their father was a man who did not have status under the Act.

6. Persons enfranchised upon application by the head of the household

(s.109(1) or its predecessor section).

7. Children of persons listed in 1 to 6 above.

8. Illegitimate daughters of status Indian men and women without

status, born before April 17, 1985.

Stage Two – Completing the Application Form

The second stage in the process to become an Indian under the *Indian Act* is the completion of application parts 1 – 4 (See Appendix D). Part 1 is the Request to Register. Part 2 is the Personal Information. Part 3 is the Family History. Part 4 is the Grounds for Registration. Once the four parts are completed, the application is then to be submitted to the INAC Registrar office for review. To illustrate this second stage, I will use the Congress of Aboriginal Peoples' (CAP) online guide to *Indian Act/Bill C-31*⁹⁰ which briefly explains what each of the parts require as any explanation is absent from the INAC form itself.

Part 1, *Request to register*, is to be completed by an applicant, 18 or older, who wishes to be registered in the Indian register and entered on a band List. For those requesting to register a child or are registering on behalf of an individual who is mentally incompetent a separate form is to be submitted.

Part 2, *Personal Information*, requests the applicant's names, addresses and birth date. In addition to this, applicants who had been stripped of status must enter in their former band number and the name of the former band. If the applicant does not know the band number or never had one, the applicant is required to write in the name of the band the applicant, or the applicant's parents, came from if it is known. If

the applicant is successful in completing all of the sections of Part 2, including the band number, the applicant can leave Part 3, *Family History*, blank and go directly to Part 4, *Grounds for Registrations*.

However, if the applicant is not able to provide all of the information required for Part 2 then in Part 3, which requires information on parents and grandparents, applicants must fill in as much information as possible. The Native Women's Association of Canada's *Guide to Bill C-31* explains for those who have never been registered and who may not have the documentation called for that "the Registrar *now* [author stressed] has the authority to accept 'hearsay' evidence. This means that you could gain registration by using such things as an oath from an Elder that you are an Indian" (1986:41).

In Section 4, *Grounds for registrations*, applicants are required to include the appropriate category of eligibility as listed in stage one with reference to the appropriate *Indian Act* section.

Stage Three – Submitting the Application for Approval

The third stage in the process to become an Indian involves submission of the completed application to the INAC Registrar's office in Ottawa for approval. Following this submission, as the CAP guidelines to *Indian Act/Bill C-31* explains the applicant can expect one of three responses: successful registration, request for additional documentation, or denial of application. This explanation is absent from the INAC application form thus failing to give potential applicants an idea of what to expect. INAC commissioned the AFN, NWAC and CAP to inform and provide guidelines to their respective membership. NWAC and CAP both created guidelines

to *Bill C-31*, including a section on how to apply for Indian status. Both NWAC and CAP have status and non-status membership. The AFN has status membership, only. During the time of this research, no guidelines for application were available through AFN online resources. Nevertheless, CAP's inclusion of these three expected responses does reflect the kind of assistance required by many to complete the application form.

Therefore, as unexpected as INAC Registrar's office was by the floods of applications, people were equally unprepared for the process itself. Many knew they were Indian; they were not so sure how to prove it. For some, proving it involved facing historical and personal trauma.

The Individual Experience of Applying for Registration as an Adult under the *Indian Act*

The degree to which an applicant was able to complete Part 3 had a direct, sometimes considerable, impact on the length of the waiting period. The further removed an individual was from Indian status, meaning status was lost in previous generations, the lengthier the application process proved to be. Without previous band numbers, people were required to supplement their applications with additional often unavailable documentation. The emotional stress experienced by some individuals left many questioning their efforts (Lawrence 2004). It is recognized that the implementation of the *Indian Act* has caused considerable damage or trauma to Indigenous people's ways of knowing and being (Fiske, Newell & George 2001). For some, the application process "peeled the scab off the wound" resulting in re-

traumatisation. Many were forced to confront personal and historic trauma alone. Despite INAC's commissioning of the AFN, NWAC, and CAP to distribute and assist in the distribution of information, considerable stress began for some individuals as a result of the demand for competency in what I refer to as Indian Language skills.

Indian Language Skills

For some, a degree of assistance was available for filling out the application form. It can be argued that assistance was needed because the paperwork required more than a fluency in English. It required a fluency in INAC language, for example words such as entitled, references to specific sections of the *Indian Act* (s.12(1)(b)', (s.109(2)), (s.12(1)(a)(iv)), phrases such as "grounds for registration" all listed in the application form are not the language commonly used to define kin based concepts of identity. In my research I came across one case in particular involving a woman who acquired English literacy so that she could complete the application form. While I was unable to secure her story for this research, I feel it remains necessary to raise this issue of literacy as a barrier or challenge to registering for Indian status. Furthermore, it strikes me as slightly ironical that a high degree of literacy is now needed to become an Indian when the *Indian Act* once enfranchised individuals who acquired a university education. Therefore, I call this language 'Indian language.' It is a bureaucratic language. It is a foreign language that requires knowledge of Canadian law and legal jargon because it does not easily relate to the English language we use on a day-to-day basis.

The barrier created by bureaucratic language highlights not only the oppression of Indians with little formal education it also further manipulates notions

of legal identity as a precedent for cultural affiliation. While it is argued that Indian is a legal term developed by a colonial Eurocentric worldview, it is an unmistakable racial term used to categorize Indigenous people. It has been applied to Indigenous people regardless of status. Therefore, while it may be argued that one must separate their legal identity from their cultural affiliation the fact remains that all Indigenous people are recognized as in some way as fitting within the racial category of Indian. *Bill C-31* did not adequately address this reality. Instead it mistakenly led others to believe they have the power to define others by using this language.

The Opportunity to Register: I'm an Indian

The process of colonization experienced in North America has had a devastating impact on the identity of many Indigenous people (Duran and Duran 1995:36). Some have been more comfortable claiming a false cultural identity than an Indian one (label). Some have been more comfortable ignoring or denying the issue of identity, culture and race. Yet still others have never recognized any other identity but their own Indigenous identity rooted in a culturally strong environment. Nevertheless, all of the participants in this research knew they were classified as Indian in the day-to-day worlds that they live(d).

For those individuals who married and remember losing status, there appears to have been little struggle in getting the application completed and approved. All those who were stripped of status through marriage remember receiving notice that they no longer had status. Many, therefore, knew from which band they lost membership. In fact, for them there was little question about claiming Indian status because again, "it should have never been taken in the first place" (Bjorklund 2005).

However, for those individuals who were more than one generation removed from status this was not the case. For many there was no memory of having status or membership in any specific reserve. As a result I assumed that a degree of self-reflection on why they wanted Indian status was required before filling out an application form.

As it turns out, out of the eight participants who completed the application forms, seven were personally notified by a kin member. Therefore, they were informed by someone else who also believed that they were eligible.⁹¹ Jessica⁹² however, was not notified by family, instead she read about it in a newspaper.

Jessica is a member of a local of Prince George, BC Elder's Society. She is an enrolled band member of a people of who refer to themselves as Dakelh (Carrier) people and who follow matrilineal lines of descent. Jessica describes how she first learned about the opportunity to apply.

I was living in Richmond British Columbia at the time. And there was a federal government ad about non-status Indians to have permission to apply for their status. No matter where you came from in Canada. So I applied. I went under section where you could claim Indian status on your grandmother's or your mother's side. So I used my grandmother. I don't even know...I don't think I was talking to my mother then but if I used my grandmother's...cause in the form it stated that. So I filled in all the information they wanted, except my father. My father's, I left all that blank. Only my grandmother's and my mother's name even so that took...I think it took five years because it went to Ottawa and back and forth and then I would have to go and find living relatives that could confirm that my grandmother was my grandmother (Jessica 2005).

I found Jessica's recollections of coming upon an ad interesting. While many were notified by kin, an informal process of communication that many rely on, Jessica learned through a newspaper. Therefore, I was interested in her

understanding that the ad was applicable to her. I asked, “What made you decide to apply?”

Well when I decided, it took me a long time to figure out why do I want to be status what does that mean because on the card it says, I’m certified Indian. (laughter) But I’m certified Indian of the Indian band [name omitted] Band. But I didn’t know that at first. It is whatever the ad outlined and um one of the things... and of course when I went to find the application I took several applications to read and try and fill it out and send it to Ottawa. That’s what started it all right? The thing was, one of the little clauses in there is matriarchal. I can get my status. I thought, “Well, hmm?” I wasn’t looking for any particular benefit because it really doesn’t give you any benefits per se. I think it’s the way they make it out. The Indians have to struggle because what it was, was that (Jessica 2005).

Though Jessica did not discuss her thoughts as they occurred on that very day, she was aware that her identity and that the right to belong to her mother’s Band applied to her. So while the manner in which people were notified played some factor in the submission of an application it is certain there existed little doubt that they did not qualify. While this research argues that a person’s sense of Indigenous identity was a strong motivator in the pursuit of Indian status, the issue of benefits is a large component of the *C-31* discourse. There are accusations that those interested in Indian status were/are after it solely for the resources available, thus implying that those reinstated post *Bill C-31* have no interest in community development or well-being.

The Issue of Benefits

Many in this research had never benefited from Indian status. They had never lived on reserve. Some people though understood themselves as applicable and that something called benefits existed in consequence. Mabel Sidaris was aware of possible benefits. Mabel is a member of the Dakelh Elder’s Society in Prince George.

She lost status after marrying her husband. As the story was relayed to Mabel by her father-in-law, the family lost status during a homesteading dispute with local officials who argued that status Indians were not allowed to own private land but must live on reserve. He was informed they would have to move. Mabel's father-in-law explained to her that he refused to leave. He was then later informed that status Indian children must attend residential school. Mabel's father-in-law gave up status. After a number of years in the Telkwa, Bulkley Valley region of British Columbia Mabel, her husband and their family relocated to Prince George, BC. Mabel explains how and why she applied for status.

My husband and I, I have no sisters, no brothers, we decided to bring the kids to Prince George. That way they'll be able to find jobs, which they did too. We put them in the private school here. Quite a few Native people in there; Natives and non-natives going to school there. Still I got a job. I was working for Indian Affairs, in the education unit. People didn't like it. They were saying I couldn't be there. Some chiefs didn't like it that I was not status and I got that job. Working in it for years. To work with their children. I was liaison between the parents and the teachers... ..Anyway, a lot of people said some not nice things to me but I enjoyed working there because those people I was working with I went to residential school with and it was really, it was really...everything. Some of them had their grandchildren some of them still had their children at home. I really enjoyed meeting those people, over again like a family. In 1985 we were told to go and get our status back. We couldn't afford to put our kids through college and we thought...we were thinking well maybe now we were going to get a chance. The youngest one did. She got her teaching certificate (Sidas 2005).

The possibility of acquiring benefits was attractive for some. However, this was only the beginning, in order to receive Indian status and any benefits they had to fill in the application form and prove they were Indians. Therefore, despite implications post 1985 that depicted those seeking reinstatement as interested solely in the financial benefits the length of time and amount of money it took for some

individuals to complete this process suggests other motivating factors. Proving to a government that implemented and stripped status from their families that now they were eligible for Indian status was a challenge. The following section will discuss one of the major challenges for those who sought Indian status. As a consequence of INAC's demands for written documentation some found themselves involved in a process that forced them to document fragmented kin ties.

Facing Historic Trauma: Proving Kinship

The application form did not simply require an individual to check a box stating: Yes, I am an Indian. It required proof. It required INAC recognized documentation. As Jessica commented at the beginning of this chapter, individuals were required to prove kinship links to “find living relatives that could confirm that my grandmother was my grandmother.” These kinship ties had to further be linked to a specific reserve. As NWAC's explanation earlier of ‘hearsay’ illustrates, this documentation has rarely been consistent or even available. INAC eventually accepted hearsay documentation such as affidavits from Elders who could attest to the information. However, the NWAC passage suggests this came to light through the application process, not before. The emotional stress of finding and approaching, in some cases, relative strangers to prove your family heritage has only been experienced, rarely explained. Being aware of one's family history is not enough and proving it could be impossible. This family history requirement immediately eliminated many potential, if not all, applicants who were adopted out, such as those in what is commonly referred to as the “60s scoop” when Aboriginal children were

forcibly reallocated to non-Aboriginal homes. In many cases, adoption records have remained sealed or lost thus automatically disqualifying many of those who were victims of this practice (Frideres & Gadacz 2005). This would be even more likely for children sent to the United States.

As I mentioned in Chapter Three, I was willing to share my own story with those I interviewed; however, no one asked. Yet our stories were similar. Most of the participants in this study when speaking about why they wanted Indian status spoke about events in their lives in which their race was an issue. They recounted memories of racial violence experienced first hand. Many remember witnessing the racism experienced by family members. Bonita Lawrence describes these memories or rather stories as “a meta-narrative about encounters with genocide” (2004: xii). In some cases the process of registration resulted in confronting the internalisation of this racism as family members were less than eager to identify themselves as Indian. The need to reflect on Indian identity often brought painful memories of oppression and racial violence to the surface. Some of us who witnessed a parent’s efforts in applying for status experienced these memories through our parent’s narratives during and after this time. Therefore, their narratives reflected their place within a grander narrative prior to *Bill C-31*, much of which has been fuelled by a history of past grievances that have never been resolved.

Gathering Records

This grander narrative prior to *Bill C-31* has involved a history of written documentation that is poor, in part, due to inefficient/inappropriate methods and standards used to compile a registrar list: the very list that people were applying to be

on. Individuals were required to go to great lengths to find the necessary INAC recognized documentation. Laverne Contois, as I mentioned in the introduction to this thesis, acquired additional maternal documentation for her application (Contois 2003). My mother was raised by her mother and grandparents in the Gimli Manitoba region until her mother died in a car accident. Shortly after, my grandfather took my mother, aged nine, and her two siblings to Winnipeg to live and work. Eventually though she was sent to live in foster homes. My mother had little contact to her maternal family and their records. Ultimately, she returned to the Gimli region looking for these records. The distance she travelled from her residence in Montreal, far surpassed the distance she covered in her own family history. While in many ways it was my own mother's struggles to provide this documentation and the painful areas she relived while getting them that inspired this research, Jessica exhibited a similar story.

Jessica was born in Ontario far from her grandmother's home in British Columbia. Her father died before she was born. Jessica describes what the process was like for her and the reasons why sometimes it was necessary to take a break.

I happened to drop it [the application] for awhile, because I lived in Richmond. Travel up here was kind of expensive...to go and find [records]. Now all my aunts have passed away. There's nobody alive, just my mom. But these people had the family tree and some of them [the records] came from the church. I think Sai'Kuz or maybe Fraser Lake church. Roman Catholic church eh, they kept records. So after I finished all the pertinent information on this form send it off with this extra paper work that they need...back up, back up paper work. A few more questions I guess...because we'd write back and forth. I'd always be writing back and forth to Ottawa. To confirm this or confirm that. I guess this is not relevant but the thing was after that they compared notes compared family history. Then it was...ok because I was born in Toronto Ontario. That's another story. It has nothing to do with my status but it affected it in a way because, "Why

was I born there when my grandmother was here?” So it sort of put a roadblock in there. If I didn’t have...If my mom wasn’t alive or my aunties weren’t alive or if people didn’t keep their records I probably never would have gotten my status (Jessica 2005).

Gathering and paying for the documentation, traveling to distant places, visiting distant family, extended the application process. Temporarily taking respite from it was required. As the following section will discuss, some of this need for respite came through recognizing the reality as to why this documentation and the people attached to it were so distant, not just literally but figuratively as well.

Respite from Issues of Lateral Violence

As I stated in the previous section while some individuals were eager to complete this process they were not always supported along the way. Family members while looking for necessary documents often notified each other of the amendments. However, many met with resistance. Everyone shared a history of racial violence that has many wondering why anyone would want to be Indian. JT, who indicated a preference for the use of initials in this research, grew up in a small community in Manitoba. She describes how and why she obtained Indian status and how part of this process involved her uncles:

I learned about it through my first cousin. She told me that she got her treaty number. She told me that I should get mine and ah...I thought it was a good idea because...our uncles got on my case to get me theirs too. All of a sudden they changed their mind. They wanted to be treaty and so I did theirs as well and I was...I didn’t think it would help me really because I didn’t live on a reserve but I thought it would help my children down the road somehow, so I just thought...I would get it. It did take about two years mind you all the hard stuff was done by my cousin already so she had already established everything and when I did mine I put my children down as well. I married a non-native. We don’t live on the reserve so it hasn’t helped me much but it’s helped my children (JT 2003).

Making sense of Indian status has been an ongoing dilemma. For those, such as JT, who live in areas where treaties were signed, treaty and status is interlinked. Like JT's uncles, many were at first apprehensive of the idea because of the lived experiences of what it means to be considered Indian. JT explains her own experiences.

It was the same way when I was growing up and you could just look at our family. You could just see they're Native but nobody was ever status and nobody would ever admit that they're Native. Even the grandfather and the uncles, Oh no, they weren't Indian, you know. They were French Canadians or something else. You know they were Indian, but growing up in a mostly Icelandic community there was lots of families that...uh...I wasn't allowed to go into their house even to play with the kids...play in the yard that was about it and even though I don't look Native but still everybody knew the family you came from. That they were Native and they drank. So of course you know "people-and-their-kids" sort of thing. So I don't know why it was such a big issue that insisted we weren't Native. I'm sure some people did. I'm sure it was something long ago (JT 2003).

While JT's uncles were at first apprehensive, some people encountered far more resistant attitudes and actions. Though, Sandy Tymoschuk inherited status through her own mother's efforts, she describes some of the attitudes still prevalent around the issue of identity. At the time of the interview, Sandy was living and working as a teacher on the reserve of which she is currently an enrolled member which is not far from the Manitoba Interlake region she grew up in.

I don't think anyone ever, ever questioned that I wasn't Ukrainian until high school when an Icelandic girl noticed I was getting a Princess Anne Wales bursary through the Friendship Centre. She made a big stink about it. The first and only time anyone ever questioned I was, [that I] had any Native blood in me. Of course I knew mom was still "hush hush" about it at the time so I didn't say anything. I find to this day people on the reserve go "You're native? You're status?" and I'm like "Yeah". It's a big shocker to them. Whatever. Didn't even question I had a part.

I also find they...all of a sudden start inviting you for coffee...Way more open and friendly to you.

My friend's dad will never get his status card. He is adamant Métis. He will never. Don't ask him too if he wants to get his status card. He'll get mad at you. He's really adamant (Tymoschuk 2003).

As Sandy's friend's Métis father illustrates, historical grievances, historical attitudes are alive and strong.

For some, like John Favell, discussing a parent's struggle with the application process evokes strong recollections. John Favell's father William Favell spent over ten years accumulating documentation dating as far back as the first Favell to arrive in Canada and the intermarriages that established Indian status under the Favell name. In the end, he amassed records that have garnered considerable admiration from not only his son a student working towards a degree in First Nations Studies and History but of many around him. The following is an excerpt from our conversation.

Laverne: Do you remember how he had found out about it? How he had found out he would be eligible to pursue this or eligible to apply for it?

Jon: I'm assuming it was something that my family had discussed previous to him going on this journey. I remember talking to him after he got it. He was very angry with his siblings because they wouldn't support him. So I'm assuming that they probably figured they had the right to be status somewhere along the line. He stepped up to bat and said "Ok well I'm going to go for it and see if I can get it." And they didn't support him. They said, "look you're uneducated" like most of my aunts and uncles are. I have a couple that are a little bit educated and most of them were working. The males were and had fairly well paying jobs where as my dad was mostly unemployed because of his sickness. He didn't have much money and he was spending \$3-400 on phone bills a month. Contacting people and getting letters and stuff sent. His siblings basically turned their back on him and laughed... He asked a couple of my uncles to support him monetarily. He said, "Look at the amount of money that I am spending. Look at the documents that I am coming up with I think I'm going to do this." And they just laughed at him again and said, "Yeah whatever. I'm not

going to waste my money on you doing this"... He passed away six months later [after receiving status]. Then some of my aunties and my uncles they strutted around like peacocks going, "Look it we're status now"...

Sometime later in our conversation I returned to the question of this change of mind.

Laverne: It sounds like, in terms of your aunts and uncles who were kind of unenthusiastic about going into the process at the beginning but now quite proud it must have had some effect on how they identified themselves then. There is this great pride that developed then, right?

Jon: Well it's different times now. My family was the only native people in Canoe, where I'm from, that lived off reserve. Everybody else was living on reserve. My mom said, "When I was going to school they were the only Indians in the school system." My dad told me, "When I first went to grade one this white girl came up to me and said, 'what are you doing here? You're not supposed to be here. You're supposed to be in the Indian school.'" And that crushed him. The guys like 50 something years old and I can see tears welling up in his eyes and I can feel his pain from something that happened when he was six years old. He was afraid, by the time he was nine years old. He'd go hide in the ditch when he saw white people coming because they were so mean to him (Favell 2004).

Unresolved and unaddressed historic trauma resulted for some in a process that was in many cases re-traumatizing therefore, taking respite from this history extended the process, if not altogether halted the process. What motivated a person to complete it however, was complicated.

Motivation

Most of those who were actively involved in completing the application form justified their pursuit on their children and in some cases grandchildren attributing them as their motivation behind engaging in this process. It was the desire to provide something for their children; something to pass on; something of value. Most believe

that their children should continue to have the choice. For others it was their own desire to understand themselves and the need to heal from this historic trauma that enforced the process.

Strong links are made to legal identity and culture. Losing status is strongly linked to an awareness of having simultaneously lost language and ceremonies, and therefore “should’ve never been taken in the first place.” In some cases a sense of healing came through gathering historical documents that showed ancestry and heritage - where they came from. While most of those interviewed were people who successfully completed the application form, I included those who inherited their status through these efforts; People like myself, Sandy Tymoschuk (2003), and John Favell (2004) who in many ways are witnesses to this struggle. To a certain degree I believe we all witnessed an empowerment and healing as our family members removed the shrouds over their identity.

One participant named Katherine⁹³ spoke about how she did not complete the application process until she knew what she wanted. She wanted legal recognition of her identity as an Indigenous person.⁹⁴ Katherine spent considerable time prior to receiving Indian status examining this issue of Indigenous identity. As a strong social activist, she reflected considerably on how Indigenous identity was never acknowledged or revealed in her own family and how she believes this impacted her sense of self. After attending an inspirational book reading by an Indigenous author Katherine in a sense found a missing piece of her identity.

I began reading everything I could find about Native cultures in general. I subscribed to Akwesasne News, re-learned history (again), visited sacred sites, and most importantly, I followed up on my Bill C-31 application, which actually meant something to me by then! It

turned out to have been delayed because of something very minor, and the fact that my brother and one sister had already been reinstated eased the way for me. Within a very short time, my status card arrived in the mail and I was never so proud in my life! Although my mother had died in 1978 without witnessing our pride in who we were, I was going to honour her somehow – I didn't yet know how (Katherine 2005).

Therefore, in addition to the efforts of other family members such as Katherine's brother and sister who eased the way, individual self-determination became an important step in applying for Indian status. For Katherine years of silence within her family regarding Indigenous blood/heritage resulted in her applying for status in order to cease the silence and celebrate her Indigenous identity. Furthermore, as Katherine and Jessica earlier described, getting Indian status was a connection not just to an identity but to family (Jessica 2005). However, family was not always so equally supportive or eager to be legally defined as Indian. Some of this lack of support reflects the racial tensions that have existed within some families.

Katherine continued our correspondence by identifying the Oka crisis of 1990 as having an impact on her thoughts of identity. However, our email correspondence illustrates how influential obtaining status was to people's sense of identity and a healing process. Jessica (2005) and Laverne Contois (2003) spoke about creating links to grandmothers and mothers who had passed away long ago, successfully obtaining Indian status played some role in a healing process through this historical trauma.

It is apparent that through this "meta-narrative of genocide" (Lawrence 2004), many families have been fragmented to the point of no repair. Researching into family lineages and histories resulted in remembering loved ones that have been lost.

Many are left to continue to struggle with this historic trauma and are deeply embedded in a cycle of violence in which anger and violence has been directed inward and towards those who should be closest to us. Jessica describes the sensation as looking into a void (2005), for some whole families are missing. Understanding that trauma continues. Mourning it is necessary however not getting stuck in it is tricky. The people in this research successfully received Indian status. All are committed in some way to community and cultural development. They are addressing that history and that loss. In part as a result of this process, they have acquired a legal voice and with it some degree of power to feel like agents of change towards building healthier communities – to re-fill the void.

The *Application for Registration of an Adult under the Indian Act*'s language and content is misleading. Its bureaucratic language does not reflect either an Indigenous concept of identity or a history of racial violence that is attached to that identity. Furthermore, it does not attempt to address this history by enabling individuals to check a box stating: Yes, I am an Indian. Instead it led individuals back into this history. However, in so doing it underestimated the strength of First Nations people to get back what should have never been taken in the first place. Some, who embarked upon the application process, may now be questioning their efforts due to the discourse that arose post-1985. However, I have yet to find any who is willing to forget this history and their efforts to confront it.

Conclusion

A Nation is not conquered until the hearts of its women are on the ground. Then it is done, no matter how brave its warriors nor how strong their weapons.

Cheyenne/ Tsistsistas proverb

The above proverb exhibits the basic tenet of First Nations activists⁹⁵ and women's social movements.⁹⁶ It is an inspirational proverb that reminds us how influential the status of First Nations women is to a healthy community and a culture. It inspires First Nations women to believe there was a time when their world was not wrought with the violence of poverty, racism and sexism brought on by hegemonic colonial policies; that First Nations women had a power which was recognized and respected. It also implies that if First Nations women continue to live and work from a perspective of responsibility to their community, motivated by their love for themselves and their people, then this status will once again be achieved. However, the second half of this proverb is alarmingly threatening. It reminds/suggests that First Nations cultures are under constant threat of assimilation and/or extinction and that a woman plays a vital⁹⁷ role in preventing either from occurring.⁹⁸ First Nations women see themselves as active players.

However, Canadian social policies via the *Indian Act* do little to alleviate this stressful notion that First Nations cultures are under constant threat. In fact, the current *Indian Act* promotes an assimilation policy that is predicted to result in the extinction of status Indians. While this was once attempted through section 12(1)(b) it is now prevalent in section 6(2) -- the second generation cut off rule.⁹⁹ As explained in the Introduction of this thesis, registering for Indian status now depends on the

categories 6(1) and 6(2). An individual defined as 6(1) signifies that both parents are/were Indian. An individual defined as 6(2) signifies that one parent is/was Indian. For an individual to be eligible for Indian status one parent must have at least 6(1) status or two parents need to have 6(2) status. An individual with only one parent with 6(2) status does not qualify for Indian status.

Furthermore, this new *Indian Act* has created four new classes of people – those with Indian status and band membership, those with status but no band membership, those with band membership and those without either Indian status or band membership. Indian status alone does not qualify an individual to the right to live on-reserve or in community. In order to reside, affiliate and assert themselves as First Nations citizens individuals are dependent in many ways on band membership. However, the development of band membership criteria is currently ongoing and now predominately rests in the hands of band councils while many of those reinstated remain on the margins of this process. Meanwhile, until a consensus is reached as to what to do about the *Indian Act*, the population with Indian status will likely decrease and eventually INAC will have achieved its goal. There will no longer be any status Indians and therefore, no lands reserved for Indians.

In the old *Indian Act*, it was once possible for a woman to preserve her Indian status by not marrying, thus ensuring the future Indian status of children.¹⁰⁰ In fact, some women, such as Minnie Bjorklund, have humorously stated that had they known then what they know now about Indian status they would never have gotten married in the first place (2005). As Minnie's comment reflects, not many people were or have been aware of Indian legislation or policy. Therefore, it is questionable

how many individuals are well informed of the colonial laws and all the amendments. Furthermore, though no data exists in this area, personal knowledge allows me to surmise that as a result of section 12(1)(b) many did not marry precisely because they wanted to maintain Indian status for themselves and their children. Meanwhile some women such as Jeanette Lavell and Yvonne Bedard knew the consequences. Instead they also chose to live their lives and to challenge the *Indian Act*'s power to determine their status in it. Either way, through the new *Indian Act* women's options have yet again been narrowed. Therefore, little has changed in this regard. First Nations women continue to struggle against oppressive policies that have little interest in their self-determination.

First Nations women continue to navigate their lives through and past *Indian Act* legislation that fails to recognize First Nations women have their own knowledge. Contributing to this barrier are attitudes such as "Marry your own kind," which when enforced by a government legislation that believes it has the right to determine the identity of a First Nations person does nothing more than enforce oppression. When this attitude is promoted by First Nations people it represents a questionable method of promoting a pride in one's own culture, history, one's own skin. It's a racial notion of cultural superiority that does not support the marrying of those with other "status" or pedigree. In fact, it perpetuates a concept of marriage as a political institution. However, this method of forming political and economical bonds has failed and continues to fail to recognize women as political bodies in these bonds. It fails to promote the growth of a culture. It also continues to perpetuate a notion that one's own identity is attached to Indian status; that we are devoid of human emotions of the

heart; that women are only worthwhile if they are producing babies with men of the nation-state because men make the nation. It does not reflect the myriad of roles women have in communities. It does not reflect an attitude that “the world always needs more aunts.”¹⁰¹ Let’s face it, currently the only way a child can be ineligible for status and therefore ineligible to the right to live in community/on-reserve is if one of their parents is non-status. The vicious cycle continues.

Those seeking reinstatement through *Bill C-31* know the consequence of this forced separation or exclusion from community. We have felt the impacts of hegemonic control of a legally recognized political voice on our identities. Sheila, a member of a local Prince George Elder’s society, told me a story which I believe sums up this dilemma best.

When I lost my status like, I couldn’t live on the reserve eh? So anyways we were here and we were not that far out of town but I didn’t have no contact with other Natives. So I already lost my language. I went to Lejac, the residential school...I don’t know you just kind of lose...you lose things and ah...sometimes somebody would say something to me and I would think and think and think you know it would take me awhile. Maybe I would have to get them to talk some more before I understand what they’re getting at you know. I don’t want to sound ignorant and ask, “What did you say?” You’re losing all your culture. It took me a long time to even find out which clan I am from. I don’t know. I don’t really understand the potlatch system because I’ve never ever been in a potlatch. I mean I was a couple years ago but that’s the only one eh? I went in there and I got seated in the wrong place and then my sisters were sitting in the different place there. I couldn’t figure it out. I was thinking we should be all together. So I went and spoke to somebody and they said...They were talking among themselves...we are supposed to be stemming from my mother’s clan and they told me to, “go sit someplace else. You’re sitting in the wrong place and go get your sisters, too.” So I went and got them and I told them, “You guys are sitting in the wrong place.” And they said, “What are you talking about we’re sitting in the right place.” I said, “No you’re not. We have to go up and go back to the door and get seated by this guy with a figure and he seats you in

the right clan. So we had to do that. I think that we were still in the wrong place (2005).

Years of oppressive control over our identities has left us questioning our own knowledge of where we should be.

Finally, in addition to the continued enforcement of legislative policies such as *Bill C-31*, the amendments were not equally applied. The children of a man with Indian status prior to 1985 are defined as 6(1). The children of a woman reinstated post 1985 are defined as 6(2). Therefore, the loss of status will happen earlier in the case of a woman who married out prior to 1985. The overall result is that grandmothers and grandfathers must now campaign on behalf of their grandchildren's rights. Furthermore, despite the fact that there were a number of ways in which people were involuntarily enfranchised such as soldiers, only women appear openly stigmatized by the label C-31er. While war veterans are finally venerated, women are not. Gender discrimination continues.

“...no matter how brave its warriors...”

Furthermore, though the proverb is inspirational, the use of the term warrior is a gendered term compounded by stereotypical representations of the buck-skin clad stoic Indian male. An understanding of this traditional role warrior within a contemporary context has yet to be fully developed. Some have identified that part of this dilemma faced by First Nations people has a lot to do with leadership - leadership that has been “assimilated/co-opted” (Boldt 1993; Adams 1989; Alfred 1999). There may be a lack of leadership, but we have leaders. Many are women. I have searched for revolutionaries and have found, like Métis film director Christine Welsh (1991), warriors in a number of women. I believe people who fit under these terms “warriors”

and “leaders” exist among Indigenous women because they demand and live change while learning, practicing and teaching culture. In my world, they are revolutionaries and through their efforts in this phenomenon described as *Bill C-31* First Nations women have written themselves into a history that would rather forget that they exist.

“...nor how strong their weapons...”

In short, Canadian social policies and the *Indian Act* continue to challenge and prevent First Nations women from “keeping their hearts off the ground.” First Nations people did not design the *Indian Act*, therefore, it can not reflect Indigenous ways of knowing as described in the Cheyenne tenet that opened this chapter. Consultation with First Nations women has been minimal and Indigenous women’s social movements continue to make this recommendation their mandate.¹⁰² It is here that this thesis is concerned. This thesis is situated in the knowledge that First Nations people will design more self-determined policies and programs such as those currently being practiced in various educational programs, such as Aboriginal Head Start¹⁰³ and the Children of the Earth High School.¹⁰⁴ Greater First Nations involvement needs to continue to “keep hearts off the ground.” To keep the culture and community alive, First Nations women must be involved in the process at all stages. I am not referring to token positions either, restricted to political portfolios entitled Women’s Issues, but any position women themselves acknowledge as necessary. First Nations women must be encouraged and supported in their on-going efforts as political agents.

The phrase *Bill C-31* continues to touch upon important issues, such as how First Nations people view themselves, their rights, their history, and their future. This

is where this thesis' interest lies, because if we look at the future under the old and new *Indian Act* things look pretty bleak. Old or new it remains the *Indian Act* and First Nations women are demanding recognition and inclusion in this discussion while paying close attention to the development of any oppressive policies that are being masked as tradition (Green 1997).

Therefore, I agree that much of the “solution” to *Bill C-31* and the *Indian Act* relies on the ability to begin looking at issues impacting First Nations women specifically as a people's issue. Gender analysis in First Nations related research can assist in this area because, as the history of *Bill C-31* exhibits colonial policies have impacted women and men differently. Looking at gender differences in different areas of First Nations related research may help in the struggle to bring balance to First Nations communities that have been offset by a colonial patriarchal state imposed system (adopted or otherwise). Until men speak as fathers, sons, brothers, then the question remains when is a people's issue a gender issue?

Deconstructing a Colonial Language to Understand a Colonial Power

Furthermore, deconstruction of the Cheyenne tenet is not disconnected to the language of *Bill C-31* and the term C-31er. The latter continue to fascinate me. Language frames the world we live in. It allows us to communicate our reality. In fact many would agree that language in and of itself is an organic entity that is not static. It is as dependent on how we use it as we are dependent on it for its use. Therefore, the damage on First Nations cultures through the regulation and abolition of First Nations languages is a field of intricate speculations, though it could be argued that

the proof is in the state of the people. Indigenous scholars have been making stronger and more visible links to show how detrimental the loss of language is to a culture, to a people, thus illustrating how important efforts to revive language are.

Marie Battiste and James (Sa'ke'j) Youngblood Henderson have argued that the reality of a culture's world is inaccurate when it is forced to use the language of another culture and that it is the illusion of translatability that enforces cognitive imperialism (2000: 73-85). People therefore become confined within the limitations of the imposed language. Some of this restriction has involved sanctioning semantics within a legal system. Patricia Monture-Angus, a legal scholar, has examined the language used in the Canadian legal system and pointed out how words such as justice do not exist in her own Indigenous language of either Haudenosaunee or Cree (her adopted community) (1995). Using this comparative approach she argues that there was no need for such a word because the concept differs so greatly within those Indigenous communities. Monture-Angus therefore argues that the solutions to what ails Indigenous communities are already within the communities, within the culture and within the language because the language expresses the worldview that uses it (1995). Janice Acoose an english¹⁰⁵ professor points out how the very structure of the dominant english language and its use of upper case to denote concepts such as a "proper" noun is reflective of the culture that uses it and that, in this case, english, inherently promotes a patriarchal hierarchy that conflicts with Indigenous notions of egalitarianism (1995). Linguist Marie Battiste has argued that we have further evidence of this by the very gender based nature of the English language that forces us to dichotomously identify a person's gender as either he or she in order to

communicate. This is evidenced in the degree of conscious effort it takes to change simple phrases that commonly follow the order he or she into she or he. Finally, English language scholar Emma LaRocque has argued the “[p]urpose is not to ‘solution’ but to re-contextualize”(1999:29).

In their conscious effort to examine and reconstruct the language used in the discourse on human rights, First Nations women have not only resisted an oppressive colonial presence whose worldview of them differs greatly from their own, but have attempted to redefine themselves using the lexicon of the dominant culture. While some may argue how ridiculous it is for people to even consider themselves C-31er, as ridiculous as it would be Indian (Angus, 1999: 71), the fact is people do. The question remains: Why? I believe that it is because we are in a liminal state of understanding. As my own understanding has grown I have no use for this term, yet I understand my links to it.

While efforts are ongoing to strengthen and in some cases revive Indigenous languages the fact remains that a large population of Indigenous people are now restricted to the English language, as I stated earlier it has become lingua franca. However, many are also mastering the language to a degree that they are forcing change, more than asserting political corrective-ness, they are restructuring the semantic parameters. They are defining their families, their communities, and their identities in an Indigenous way.

It may be argued that the contentious debate on Indian-ness may be narrow minded thinking which “means that the cost far outweighs the benefits under the Indian Act system” (Angus 1999: 71). It is my belief that there remains a sense, in

some instances, of an equally contentious yet unquantifiable benefit in relation to the empowerment of having a legal cultural identity status. Applying for status in some ways not only has reconnected some to their family heritage, it has re-engaged a political voice. It is also my belief that understanding this particular benefit, which may have resulted during the phenomena of *Bill C-31* may in some way continue to assist First Nations people in making policies that are more reflective of First Nations women's needs in keeping their hearts off the ground.

Stronger First Nations Community Connection

As for those that I interviewed, each participant spoke about this label "Indian". Each exhibited that a clear effort had been made to distinguish this legal status from an Indigenous cultural identity. They spoke about their connection to various Native urban organizations if not their own reserve based community. Apart from one male participant, who was attempting his first effort at running in band council elections (Bjorklund, S. 2005), most had little contact with their respective bands of which they are now members. Many expressed feelings of exclusion and outright rejection (Sheila 2005) from bands. Yet, attempts to create and maintain links are ongoing. In fact, many are involved with Indigenous urban organizations in their areas that focus attention on culture.

It was beyond the scope of this research to examine the financial expense incurred by individuals to complete the application process. Yet, addressing demands for additional documentation was not only time consuming it was expensive. The lengths some people were willing to go and the amount some people were willing to

pay for something from which they had never benefited suggests that status meant something more. One has to question whether a need for services never before accessed could motivate an individual's years-long struggle for Indian status. None of the participants in this study grew up on-reserve. While some expressed that a desire to live in community or on reserve was attractive, most are aware of the poor housing conditions on reserve. Furthermore, many expressed an overwhelming sense that there is no room for them. Nonetheless, for many, money had very little to do with applying for Indian status. It is this personal toll that needs to be acknowledged and further examined.

Through the process of applying many found themselves active within an Indigenous community/organization, such as Elders Societies, Friendship Centres, Aboriginal Women's Organizations, and First Nations Student Centres. People were motivated by a strong desire to have a legal Indigenous identity while, of course, expressing interest in the benefits which assist in basic needs. While the data suggests 10 years as the average time for an application to be processed (INAC) one has to understand that within this length of time was a process which required a person to determine her or him self to be entitled to Indian status. Furthermore, while efforts to distinguish legal status from a concept of cultural identity continue to be stressed, the two remain linked. In consequence to suggest that those who are reclaiming status are too consumed in the legalities of a colonial law and that they need to separate their cultural identity from a legal one is to imply that they have no real right to speak as Indigenous citizens. Indian status imposed or otherwise is a legal socio-political document. It is power.

However, it is necessary to understand this power by examining the language it uses. The use of terminology such as entitled to in the application makes reference to a notion of belonging. Those who belong are entitled to the privileges therein accorded to members. The use of the term Indian throughout colonial history has left little confusion that race is in the blood. It is reflected in the colour of the skin. Yet all it does is perpetuate a series of stereotypes. Indian language has encouraged people to assume a forced identity and a false sense of being.

Still Indian status is insulting; acquiring it is an offensive process, but it means something to people. In general, people have gone to extraordinary lengths to obtain Indian status, because it is proof of who they are in a Canadian society that would rather they disappear. It is something they have every right to and one of the few areas in which they have had the opportunity to express themselves as Native/Indigenous/First Nation citizens within a socio-political environment.

As I stated in the Introduction of this thesis, I have a need to understand this piece of plastic called an Indian Status card or Certificate of Indian Status. I have made concerted efforts to try and avoid the brutal attack of racism and sexism that exists in my world, which has left me with nothing more than a continuous sensation of resistance. In people's quest for status, for which I have been known to refer sarcastically to as the "holy grail" people have exhibited the degree to which the lost are willing to travel; to which people will go to survive; to earn an existence; to which people have been fooled into believing the illusion that they do not belong. Yet all the while they were home.

The application process was an offensive process. Yet even for those who claimed obtaining status was a relatively straightforward task, especially those who had advocates, one thing is for certain, “It should’ve never been taken in the first place.” Furthermore, while this study did not ask, “Knowing all that you know now would you give up your Indian status?” I am certain most if not all would reply, “No”. But it is not “No, I do not want to give up oppressive colonial government laws and regulations” but rather “No” to giving up their opportunity for an education and insured medical benefits for themselves and their children; “No” to giving up their right to live and participate in their community; “No” to silencing their Indigenous sense of self – their healing – their identity.

For some there was no stress. However, in the ongoing struggle with the impacts of *Bill C-31* and the focus being on Indigenous women and their historiographical relationship with a hegemonic colonial government a multitude of voices continue to be left out. They are the ones who did not have status stripped from them through marriage but were able through the efforts of Aboriginal women’s human rights efforts to reclaim part of themselves. For some, acquiring Indian status was a way to break the silence of abuse, the cycle of systemic racism, and was the beginning of a return to Indigenous notions of family and community. All those interviewed were people who actively engaged in community development in one shape or another. Working from a stronger sense of identity they have become part of a cultural learning cycle.

As I mentioned in the Introduction, this thesis is very much my perspective as C-31er 6(2)er. However, as a result of my time among the aunties, the women of

NWAC, QNW and AWM and my own efforts to understand how “what I am thinking influences what it is that I am doing?” I have come to believe that the only course of action I have is to continue my journey. Learn what it means to be an aunty. Learn the language. Learn more about my culture, the stories, and the ceremonies and eventually pass on what I can. Most importantly, I must live my life and challenge anyone who tries to stop me.

The Last Flight

...boom...boom...boom...boom, boom, boom, boomboomboomboomboom...

As the Elder’s drum beat quickened, I tried to force my thoughts to Winnipeg. Yet, my thoughts went every where else: to London, to Laos, to Thailand, to Bali, to the ocean, to the Red River, to Mont Royal, and on and on.

...boomboomboomboom...

Eventually the fast paced rhythm of the drum caught my attention again and suddenly I heard wings...thrumthrumthrumthrum...The movement of my thoughts flying from country to country and place to place reminded me of the dragonfly at Shane Lake. Back and forth, left and right over water and land with no seeming predictability.

“How can I appreciate the dragonfly so much and myself so little? How can I admire the agility and power in its wings and its movement but not respect my own experiences, my own ways of being?”

From that point on I began to see the dragonfly as a guide.

So while I continued in my struggle of decolonization, I went back to the internet and found this:

Dragonfly's wings are transparent suggesting that change can be an illusion. In other words, if you remain stuck in your ways believing that it is right and safe route, you may be missing the wonders of another way of thinking or being. Dragonfly does not fly in a rut, nor should you. Don't get caught up in the façade of trying to prove yourself to your detractors. Never underestimate what you inherently know, everybody knows something, and all knowledge is valuable; believe in yourself. Take action, the sanctity of who you are as a child of the universe depends on it.¹⁰⁶

I am uncomfortable with the above “new-agey” words yet I have learned to challenge my discomfort.

The process of decolonization is complex as is the topic itself.¹⁰⁷ There are those who believe it is an illusionary process that suggests we have forgotten who we are as First Nations people and that we need to remember ‘where we come from’ (Angus 1999). Still others suggest that there is no possibility of decolonization as we are still being colonized. In all cases it is a process. A process in which one needs to challenge the one history imposed through colonialism and recognize one has their own history (Smith 2001). As I wrote in Chapter Three, my interpretation of this led me to approach my thesis by attempting to ignore all non-Indigenous theory and scholarly research. A difficult task considering that this work was completed in a predominantly non-Indigenous environment. This environment remains suspicious of the Indigenous work that is available. Things are changing. Decolonization is a slow creative process.

More and more Indigenous work is available however it remains a struggle to maintain a healthy balance between world views in what has essentially been the

aftermath of cultures coming together and the hegemonic domination of one over the others. Therefore, the above quote and the illusion of change made me realise that decolonization for me is all these things including the illusion of change. My experience is a real Native experience though slightly unique; it is no less unique in an Indigenous world as it is in a white world. It is simply one experience in this world: my experience.

This realization has forced me to question the importance of the decolonization process. I have since come to understand that this process was integral to my degree in First Nations Studies because in order to work within an environment that is attempting to halt some of the damage caused by non-Indigenous academic standards it is necessary to acknowledge where you come from.

As for the dragonfly, my guide, I have since come to find that there are a number of perceptions of the dragonfly. Some view them as dangerous and even evil. Some view them as beautiful and harmless. Some don't even see them at all. Only a dragonfly understands what it means to be a dragonfly.

I have been told that "everything has a story" and that before the introduction of colonialism, the *Indian Act* and residential schools Indigenous cultures had stories for everything around them (Michel 2005).¹⁰⁸ Stories explain who we are, where we come from and what we have to learn from those around us. Therefore, my search for dragonfly stories continues with preference sought for Anishnabe specific stories. However, taking into consideration that if in fact the damage caused by colonialism may have buried those stories beyond my reach...then I will write my own.

So I listened...I listened to the boom as the Elder beat the drum...I heard...I heard the flap of the dragonfly's wings...I felt...I felt boomboomboomboom, boom, boom, boom, BOOM.

Appendix A A Brief Background on the *Indian Act*

The *Indian Act* is Canadian legislation that has been amended many times. It was passed in 1876 “as a consolidation of previous Indian legislation” (Royal Commission on Aboriginal Peoples 1996): the Gradual Civilization Act and the Gradual Enfranchisement Act. It was devised for a segment of the population based on their race as Indian peoples. It was passed under the premise of protecting a small portion of the land base as Crown land for the use and residency of Indian people, and to clearly define who was an Indian.

However, the dominant attitude behind the *Indian Act* has been that others, such as government appointed officials, are more knowledgeable and competent at determining the destiny (Royal Commission on Aboriginal Peoples 1996: i. 4) of Indian people as well as having the very right to determine who these people are. Therefore, while some consultation with and protestation by Indian people has occurred over the years final decisions regarding any amendments to the *Indian Act* then remain under the complete control of the state.

Historically, there have been three phases of the *Indian Act* - protection, civilization and assimilation: guided, for the most part, by a notion that there is an “Indian problem.” Since its implementation in 1876, First Nations people have seen the quick progression and in some cases success of these three phases. The implementation and complexity of the *Indian Act*, with its Victorian roots, has allowed government interference in all areas of First Nations day to day lives. People have been “protected” and made dependent on state rule; civilized/educated to the

point that they do not know their own culture/heritage enabling easier assimilation into the dominant society.

The *Indian Act* has been and continues to be heavily criticized by both First Nations and non-First Nations. It has been deemed offensively intrusive into what many believe are First Nations inherent rights to self-governance. It has been criticized (and often resented) for separating a segment of the population and allocating special privileges such as tax exemptions and “free” housing. To date one of the most popular “solutions” to the problem has been abolition of the *Act* (See White Paper 1969), yet the *Act* remains. First Nations people are the strongest critics of the *Indian Act* yet attempts to have it removed have been thwarted by Indian leaders. As the *Royal Commission on Aboriginal people* argues, understanding First Nations reluctance to remove the *Indian Act* is paramount if a relationship between First Nations people and other Canadians is to be renewed. One thing is for certain, there is a strong association between the *Indian Act* and the land. In many cases this is what motivates First Nations people to live with its oppressive presence as there are important rights to and on the land that many believe need to be protected (For more on the *Indian Act* see Royal Commission on Aboriginal Peoples 1996).

Appendix B Developing an Open-ended Question

The following shows the development of my main interview question from its original set of ten to three to the final two:

First

- How did you obtain Indian status?
- How familiar are you with Bill C-31?
- Tell me your experience with Bill C-31.
- As an Aboriginal person, how do you identify?
- Are you familiar with the term “C-31er”? Are you a “C-31er”?
- How has receiving status affected you?
- What has been your experience with the status card?
- Are you familiar with the second generation clause?

If Yes: _____

If No: Explain. Then ask them what they think

Second

- Describe how (& why) you obtained Indian status?
- How do you identify?
- Are you familiar with the term “C-31er”? Are you a “C-31er”?

Final

- How and why did you obtain Indian status?

Appendix C

A Call for Participants

The following is a sample of the poster used for recruitment.

BILL C-31



**Did you get Indian Status after 1985, after Bill C-31 was
implemented?**

**Would you be interested in sharing your experience with
getting your status?**

*My name is Laverne. I am researching Bill C-31. I am looking for women AND
MEN who would be willing to share their experience with getting Indian status
through Bill C-31. If you are interested or would like some more information,
please call me at (250) [phone number deleted] or email me at gervaisl@unbc.ca*

Laverne	Laverne	Laverne	Laverne	Laverne
Phone Number	Phone Number	Phone Number	Phone Number	Phone Number
gervaisl@unbc.ca	gervaisl@unbc.ca	gervaisl@unbc.ca	gervaisl@unbc.ca	gervaisl@unbc.ca

Appendix D: Application for Registration of an Adult under the Indian Act

	Indian and Northern Affairs Canada Affaires indiennes et du Nord Canada	Page 1 of 2 PROTECTED WHEN COMPLETED
APPLICATION FOR REGISTRATION OF AN ADULT UNDER THE INDIAN ACT GUIDELINES FOR COMPLETION OF APPLICATION		
<p>The information you provide on this document is collected under the authority of the <i>Indian Act</i> for the purpose of registration under that Act and will be stored in personal information bank number INA/P-PU-110. Personal information that you provide is protected under the provisions of the <i>Privacy Act</i>.</p>		
<p>Adults wishing to register under the Indian Act should complete the following form to the extent possible using these guidelines.</p>		
<p>If you fall into one of the following categories, you are entitled to be registered under the Act.</p>		
<ol style="list-style-type: none">1. Persons entitled to be registered prior to April 17, 1985.2. Women who lost status through marriage to a man who was not a status Indian (s.12(1)(b)).3. Children of women referred to in 1 who were enfranchised upon their mother's marriage (s.109(2)).4. Children whose mother and whose father's mother did not have status under the Act before their marriage, who lost status at age 21 (s.12(1)(a)(iv) - referred to commonly as the double-mother rule).5. Illegitimate children of women with status under the Act whose registration was successfully protested on the ground that their father was a man who did not have status under the Act.6. Persons enfranchised upon application by the head of the household (s.109(1) or its predecessor section).7. Children of persons listed in 1 to 6 above.8. Illegitimate daughters of status Indian men and women without status, born before April 17, 1985.		
<p>PART A Applications are to be completed by persons 18 or over. Parents or guardians applying on behalf of minor child or mentally incompetent persons are to use the form APPLICATION FOR REGISTRATION OF CHILDREN UNDER THE INDIAN ACT 83-044AE</p>		
<p>PART B If you are from categories 2 to 6, you should include the former band number if known and the name of the former band.</p> <p>If you were never registered, your LONG FORM BIRTH REGISTRATION on which your parents's names are indicated is required.</p>		
<p>PART C If you do not know your band number or the numbers of your parents, leave it blank. It is important however to name the band with which each person is affiliated.</p>		
<p>PART D You should refer to the categories listed above for the wording. Details such as dates of marriage, enfranchisement order or protest should be included, if known. Indicate surname by which you are to be registered.</p>		
83-044 E (01-2001)		



APPLICATION FOR REGISTRATION OF AN ADULT UNDER THE INDIAN ACT

Please communicate with me in: ☐ English ☐ French

A I request that I _____ if eligible, be registered in the Indian Register and, if applicable, that my name be entered in a Band List, as provided under the *Indian Act*.

Signature _____ Date _____

If more space is required, enter additional information on a separate sheet of paper and attach it to this form.

B Family name of applicant _____ Given name(s) _____

Mailing address _____

Mailing address _____ Postal code _____ Telephone no. (daytime) _____

Date of birth _____ Band no. _____ Band name _____
YYYY MM DD

C Family name of father _____ Given name(s) _____

Date of birth _____ Band no. _____ Band name _____
YYYY MM DD

Maiden name of mother of child _____ Given name(s) _____

Date of birth _____ Band no. _____ Band name _____
YYYY MM DD

Family name of paternal grandfather _____ Given name(s) _____

Family name of paternal grandmother _____ Given name(s) _____

Family name of maternal grandfather _____ Given name(s) _____

Family name of maternal grandmother _____ Given name(s) _____

D Grounds for registration _____

Note: If you have a child under the age of 18, and wish to have this child registered, please use the form: APPLICATION FOR REGISTRATION OF CHILDREN UNDER THE INDIAN ACT 83-044AE.

Mail to: The Registrar
Indian Registration and Band Lists
Registration, Revenues and Band Governance Branch
Ottawa, Ontario K1A 0H4

83-044 E (01-2001)

Canada

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J.T. Personal Interview. Winnipeg, MB, December 28, 2003.

Sheila (pseudonym). Personal Interview. Prince George, BC, February 1, 2005.

Jessica (pseudonym). Personal Interview. Prince George, BC, January 26, 2005.

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¹ Though a bill is not italicized in referencing, I have done so to maintain its link to the *Indian Act*, which is commonly italicized for being a government document.

² Please note that this is only one part of the whole story.

³ I am using the Western liberal politico-philosophical notion of citizenship in which citizenship includes a reciprocal relationship of state rights and obligations both to individuals and communities (Green 2001: 718-719). Simply put, citizenship refers to the recognition of an individual as a member of the state.

⁴ I am using Indian here in its legal context.

⁵ Kanienkeha (gun-ya-geh-haw-ga) is translated into “People of the Flint” referring to the Mohawk people. Also Kanienkeha (gun-ya-GEH-ha), refers to the Mohawk language (Alfred 2005: 288).

⁶ For more on this relocation visit Peguis website <www.peguis.ca>. For more historical background on this region and Chief Peguis, read *Peguis a Noble Friend* by Donna G. Sutherland (2003).

⁷ He was a POW in the Omine Camp during WWII. See George Palmer.

⁸ It is interesting to note that in Pitawanankwat’s article, Aboriginal men’s experiences of serving in the war and returning to reserves is attributed to the development of the first pan-Indian organization, the League of Indians of Canada. While working to improve the lives of Indian people the League helped “to achieve the repeal of a federal bill in 1920 which had established compulsory enfranchisement” (Dempsey 1999:81). Though the federal government eventually re-introduced the clause, this event is nonetheless described as a victory.

⁹ The use of the languages of my grandparents –French, Ojibway, Cree, and Dakota Sioux- was briefly halted in my parent’s generation. However, some efforts have been made to reacquire ourselves.

¹⁰ In relation to the Charter, Bill C-31 is hesitantly viewed as a “Victory” (Borrows 1997: 171).

¹¹ I have a poor knowledge of the Ojibway language; therefore; I am borrowing this word from the Maori language. As a non-Maori speaker I appreciate its definition of power. This power encompasses a spiritual, emotional, intellectual, and physical wholism that is reflected in a healthy human being (Anishnabe). While I am aware that there are a number of Indigenous terms here in Canada that may also reflect this such as mntu (Mi’kmaq), manitou (Anishnabe) and wakan (Dakota) (Battiste, Henderson 2000: 76) it is my own limitations that hinder my ability to incorporate them into this text. Therefore, I use the term “mana” as a form of recognition of where this understanding gained clarity for me.

¹² Sojourner Truth was an American Abolitionist whose question, “Ain’t I a woman?” became iconic in feminist discourse. While I am aware of bell hooks’ own work, *Ain’t I a woman?* I did not come across this text until the completion of both this thesis and its title.

¹³ For a breakdown on the population figures post-1985 see Clatworthy 2001.

¹⁴ See annotated Bibliographies by Erik Anderson 2005, NWAC date unknown, Fiske, Ginn and Paturel 1996.

¹⁵ For some during the 1970s “rights” debates, women protesting the stripping of Indian status were viewed as challenging First Nations governing authority. This resulted in a false dichotomy of Indian rights versus women’s rights. However, it has since been argued that this debate is founded on unstated assumptions associating Indian-ness with a fraternity or “brotherhood” of citizens against which women are explicitly positioned as the other (McIvor 1995; Fiske 1996).

¹⁶ I recently gave a presentation on Bill C-31 to a First Nations Studies 100 class (2005). Afterwards one young man commented that he had never understood nor questioned why he had status but other members of his family did not. There have been times in this research when I have felt like a fool that I have been “tricked.” Tricked into believing I am inherently flawed because of my Indian blood, that the violence that has taken too many of my family is inherently our fault. We made the wrong choices from the choices on offer. Therefore, when I read the work of those who have a strong understanding of their culture, their heritage, their history, I have been overwhelmed by the sensation that I am the last to figure out this cruel joke. Comments like those of the young man, remind me I am not alone. Yet, I am angered at the understanding that for me it has been through the privilege of education that I have finally had access to this knowledge and that it has taken this post-secondary institution for me to “get it.”

¹⁷ Unfortunately I have been unable to locate the exact title of this piece. It was part of an exhibit on Tattoos.

¹⁸ I use this term liminal as it best reflects my image of this state being similar to events such as rites of passage in which an individual embarks upon a journey that marks the end of one identity in to the next.

¹⁹ Indian policy has been ongoing since 1840. The *Indian Act* was implemented in 1876.

²⁰ For a time, the passing of *Bill C-31* divided the *Indian Act* into two states: the Old *Indian Act* and the New *Indian Act*. It has since become abundantly clear that old or new it remains the *Indian Act*.

²¹ For a more detailed look at Jeanette Lavell and her case see Weaver 1993.

²² A book on the life of Mary Two Axe Earley would assist in clarifying inconsistencies in the information currently available on the Internet. However, for a general overview on the achievements of Mary Two Axe Earley see 'Woman of Vision: Mary Two Axe Earley.' R. John Hayes. *Windspeaker*, (<<http://www.ammsa.com/classroom/CLASS2WOMAN.html>>) accessed June 2006; 'Mary Two-Axe Earley: Crusader for Equal Rights for Aboriginal Women. Wayne Brown. Elections Canada, (<http://www.elections.ca/eca/eim/article_search/article.asp?id=29&lang=e&frmPageSize=&textonly=false>) accessed June 2006; and, 'Bill C-31.' Deanna Reder. Indian: Re:ACT(ions), (<http://research2.csci.educ.ubc.ca/indigenation/Indian_ReACTions/Indian_ReACTions/BillC-31.htm>) accessed June 2006.

²³ For more on Sandra Lovelace-Nicholson see Silman (1997). An excellent book that looks at the efforts of the women involved in Indian rights for women on the Tobique reserve. Also website Front Line: Defenders of Human Rights Defenders. Author Unknown. (<<http://www.frontlinedefenders.org/manuals/151>>), accessed in June 2006

²⁴ Numerous works mention Mary Two Axe Earley when describing the struggle of Indian women for equal rights. She has received numerous recognitions for her efforts including a 1996 National Aboriginal Achievement award see (<http://www.naaf.ca/html/m_earley_e.html>) accessed June 2006.

²⁵ See Brown 2003.

²⁶ Appointed to the Senate in 2005 by Prime Minister Paul Martin, Sandra Lovelace-Nicholson (current) is recorded as Sandra Lovelace in *Lovelace v. Canada*, and has also been recorded as Sandra Lovelace-Sapier (Silman 1997).

²⁷ For more on the discussion of Country marriages see Van Kirk 2002, Backhouse 1991.

²⁸ See *Connolly v. Woolwich*, Superior Court, July 9, 1867 (Backhouse 1991: 9-20).

²⁹ For more on red ticket holders see Jamieson (1978); Borrows & Rotman 1998: 617; and this website 'Red Ticket Holder Goes Home.' Author Unknown. *Saskatchewan Indian*. (<<http://www.sicc.sk.ca/saskindian/a92jan01.htm>>), accessed May 2006.

³⁰ After lengthy pressure from 32 women's voluntary groups including activists such as Laura Sabia and Judy LaMarch, PM Lester Pearson initiated the Royal Commission on the Status of Women in 1967. (<<http://www.thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=A1ARTA0007674>>), accessed September 2006.

³¹ Previously known as Equal Rights for Indian Women, IRIW formed in 1972.

³² NWAC formed in 1973.

³³ For more on the role of the AFN in the events that led up to the 1985 amendments see, Krosenbrink-Gelissen, 1991; Green, 1993; Weaver 1993.

³⁴ Over time we have seen distinctions made to correct this misnomer. The definition of Indian had been so successful that non-Indian meant non-Indigenous. It has implied a concept of "white." However, non-status makes this distinction that a number of those married were Indigenous people without status.

³⁵ U.N. Doc. CCPR/C/DR/[XII]/R6/24 (31 July 1983).

³⁶ See Hayes (2006).

³⁷ For another example of this see Alfred 'Blood Lines' (2006).

³⁸ This is a play on Kim Anderson's book *A Recognition of Being: Reconstructing Native Womanhood*. In this text, "Native women describe how they are reclaiming their cultural traditions and creating positive and powerful images of themselves true to their heritage" (2000).

³⁹ For more information on Aboriginal storytelling see Jo-ann Archibald (1997) and Greg Sarris (1993).

⁴⁰ I have interviewed family for this thesis and have benefited from their stories. Each assists in understanding my own context, my own history, my own story. I will follow in the tradition that only my story can I tell and let the others tell their own; however, I am aware that we are linked and telling my story tells part of theirs. It should be further noted that not all these recollections have been examined in consultation with “those who were there.”

⁴¹ Pamela Paul has made reference to identity growth and Bill C-31. She suggests the 1990 Oka crisis may have had more of an impact on identity (Paul 1990). Two of the participants in this study referenced Oka as having an impact on their identities. To date, there has been no research that has looked at the impact of Oka on people outside of the eastern provinces. Nor has any research been conducted on the impact Oka had on racial tensions between First Nations and non-First Nations people in other communities across Canada.

⁴² As seen through the growth and development of a number of national First Nations organizations such as NWAC, NIB and Native Friendship Centres.

⁴³ For more on personal perspectives of racial violence in Winnipeg during the 1970s see Marvin Francis 2004 and Beatrice Culleton 1992.

⁴⁴ To protect individuals initials have been used in place of names.

⁴⁵ I use the past tense here to reflect that specific period.

⁴⁶ In fact, it was in Quebec that I could no longer avoid face to face prejudiced behaviour. My family name is French. My entire name implies French heritage. However, as with my Anishnabe family, the French language was “lost” in my parent’s generation. I was often viewed suspiciously and rudely, due to what I believe was a notion that I was not a proud “Quebecoise.” I was another shamed faced French person trying to be the “superior” English. I was the enemy: I was an Anglophone. I have only come to sympathetically believe this after learning of the Quebecois history, especially through the work of Pierre Vallieres who wrote about Quebecois identity in *Negres Blanc d’Amerique* or *White Niggers in America*. The phrase “White Niggers” is used to describe the oppressive condition of French people in Canada.

⁴⁷ However, I am not suggesting that racism based on physical attributes does not exist in Quebec.

⁴⁸ I also became heavily involved with what has been defined as a sub-culture: a Mod. A group of youth who aspire to live by their own definitions based on a life style inspired and developed by British youth during the 1960s. We debated each others validity as Mods. We chose “Ace Faces” (most popular boy and girl). We scorned Rudies for being simple and skinheads for being “bone heads.” We believed we lived in a separate world (Hebdige, 1979).

⁴⁹ Hooks speaks about the impact of choice within feminism. She argues that increased choice results in a level of privilege that causes people to forget the greater overall feminist struggle (1984). Initially, receiving Indian status caused me as a feminist to see loss as in a loss of privilege. However, my ever-developing perspective as an Anishnabe woman as a result of the challenges of receiving status and my involvement with First Nations women’s groups has been a considerable gain to finding a balance in my life. Therefore, I wish to be clear that this reflects cultural gains versus oppressive legal dominance.

⁵⁰ I only intended by sharing my experience with racism to illustrate the intricate nature of oppression that Marilyn Frye (1983) describes as a bird cage. You can remove one bar but there are still a number of bars that keep the bird in. I hope not to offend those who experience the brutal reality of physical violence and of being literally and figuratively spat in the face on a daily basis. While racial physical violence remains an issue it is the “silent” or “the infrastructural and superstructural expressions of oppression” that allow and encourage all forms of violence to flourish that I wish to illuminate (Farmer 2003:18). The structures “that conspire to constrain agency” (Famer 2003:10).

⁵¹ Though I could insert what INAC stipulates are my “rights” as a status Indian, what is said, or in this case written and what is actually available are two differing matters. For example, it appears in Ontario one can use a status card towards tax exemptions when purchasing goods in a retail outlet and leave with those goods; however, this is not the case in other provinces such as British Columbia where one has to have goods delivered to an on-reserve site.

⁵² I would like to note that while efforts have been made through this research to fully understand *Bill C-31* and my legal rights, there remains a general confusion and uncertainty as to how and who is

eligible and what is applicable. Like many First Nations people I rely heavily on oral communication even more so when these issues are inadequately discussed in the general media. Internet chat forums are another popular method of obtaining information in regards to obtaining status and status rights and was examined briefly in this research. According to the INAC brochure "You Wanted to Know: Federal programs and services for registered Indians" my confusion could be due in part to the fact that I do not live on the reserve of which I am a member. During my research, a woman shared with me that her reasons for not applying for status was due to fear. As a mixed blood she identified strongly as First Nations. However the idea of legally being told she is not was too stressful. I can relate because I believe my own status is questionable with my band. I may be categorized, as others have been, that I am considered a quarter blood though my brother is 50%. He almost became a quarter blood due to "clerical error." Though many (not all) understand the ludicrous nature of blood quantum, and completely protest against its usage as well as the requirement to identify paternity, it is unclear as to why some members have received full "blood" status and others are deemed 50%. There are many baffling stories and most of the participants interviewed have at least one. A case study of a person/people applying for Indian status would make an interesting contribution to this area of knowledge.

⁵³ It may be argued that I am taking this far too seriously not to mention my "biological time" is running out, which may be why I am aware of my seriousness in this matter as my "choice" is (if it hasn't already) running out. However, I am fully aware that if I DO NOT take child birth seriously that I risk raising children and myself in a world of poverty and while money does not buy happiness it does reduce a level of stress and violence that is debilitating and often a direct consequence of poverty. And while traditionally it is common for members of a family to adopt or assist in raising children I am not certain that this is something available to me either. Furthermore, living in poverty often makes advocating for your own rights and achieving the dreams you possess for yourself and your children extremely difficult. Yes, the ideal situation is to raise a child among a strong support system as those who are the richest are those with the strongest families but if the government supports only heterosexual unions as family?

⁵⁴ Patricia Monture-Angus has argued that we should be more concerned with "responsibilities" as opposed to "rights" (1995). She has argued that focusing on rights reflects an attitude that is too individualistic and self-absorbed and does not reflect a community based perspective: One that shows concern for all those in the community. While I'd like to ascribe to this as well and in some ways do, I think it is far too idealistic a notion. I believe these two concepts of responsibilities and rights must correlate and coexist reciprocally.

⁵⁵ I am well aware of the impact of colonialism and oppression on a culture's language. While I have had some education in the French language I am interested in supporting the growth of the Anishnabe language.

⁵⁶ What will be interesting is to see how this changes or if it changes when and if I return to Winnipeg.

⁵⁷ I am growing increasingly proud to be a "Winnipeg Indian." Though I left my "home" at a young age, my roots can not be removed. It would be impossible to sever my history from this territory. Nor do I want any longer to try. With each return I make to this city, I am overwhelmed by the creative strength of the First Nations people. First Nations people, artists, entrepreneurs, social activists etc have been consistently creating a healthy Indigenous space within this urban environment. (For more insight, read "Community Development in Winnipeg's Inner City" Jim Silver 2004) I left Winnipeg in an era that was painfully raw for Native people and to a certain degree remains so. However, numerous signs of growth have appeared; the Anishnabe language is growing more visible; attention to spirituality through the development of the Thunderbird house; art galleries such as the Urban Shaman gallery whose focus is on promoting the voice of Aboriginal artists; Children of the Earth high school that has a curriculum with aboriginal teachings; and probably the most profound has been the claiming of The Occidental a notorious bar that has been at the heart of the "hood" no longer serves drinks but job trains and entertains. As a little girl I dreamed of the spots I wanted to live along the Red River. I envisioned warmth and happiness here. So while I may not have had a hand in the development and accomplishments as they currently are I am none the less proud to call it a "home."

⁵⁸ I was also involved at the time with the Concordia Native Students Society and occasionally with the Montreal Native Friendship Centre where identity discourse was also popular.

⁵⁹Established in 1974, the Quebec Native Women's Association, referred to as QNW, represents "the First Nations in Quebec and Aboriginal women living in urban areas." (<http://www.faq-qnw.org/english_main.htm>) During my involvement the QNW was situated in the city of Montreal. It now resides in the Mohawk community of Kahnawake just outside of Montreal. The QNW is a member of the Native Women's Association of Canada and sits at the tables of numerous political forums. For more information on the QNW visit their website at (<www.faq-qnw.org>).

⁶⁰ As mentioned, to my knowledge the AWM is no longer available; it sat as a representative of the urban areas, along with Quebec city and Hull/Gatineau, within the QNW. While the AWM was responsible for some research on Native women, see "Women call for culturally rooted remedies" (<<http://www.cwhn.ca>>) and "Aboriginal Women" (<<http://www.cesaf.umontreal.ca>>), there is relatively little recorded evidence left of their presence. However, the AWM was a grassroots organization and as such may be functioning today.

⁶¹ I have switched to the term Native here as it was the term that was popular at the time.

⁶² The concept of divide and conquer is one that Indigenous (and Canadian) people know well. We are constantly under its influence; we know too well the damage it has caused in our communities, in our selves; we are weary with its continued presence. Using this notion of divide and conquer as an argument against the inclusion of First Nations women at the national negotiation tables, the legal discourse on *Bill C-31* has revolved around the issue of collective versus individual rights. From a non-legalese perspective this argument sounds like: Indigenous ways of being are different from colonial ways of being. Indigenous people place greater importance in the well-being and support of the collective. Whereas, Colonial people promote and support the hierarchal superiority of individualism that results in a class system of haves and have nots; in which, Indigenous people are racially determined to be the "have-nots" unless of course we assimilate. Therefore, collective rights are Indigenous, individual rights are not.

The NWAC report entitled "Our Way of Being", identifies the individual-collective debate as a barrier "we needed to stop talking about what our individual rights are and what our collective rights are" (p.10). NWAC, during the Aboriginal Governance talks in Halifax talks, stepped aside in support of AFN. As a result the National Aboriginal Women's Association formed, thus leading to speculation that not everyone is comfortable in this "united front" with the possible expense of women not being heard. Furthermore, it shows that Indigenous woman's views are not always in consensus. See '37th Parliament, First Session Standing Committee on Aboriginal Affairs, Northern Development Natural Resources', (<<http://cmte.parl.gc.ca/cmte/CommitteePublication.aspx?SourceId=4504>>), accessed March 2002.

Indigenous women campaigning for the elimination of sexual discrimination within the *Indian Act*, (the set of laws and rules used to govern Indian people often successfully done so now by other Indian people), have been accused of being too focused on individual rights as opposed to using litigation as a means to an end. An implication that arises when women take what some argue is an "untraditional" role and speak out as a separate/distinct entity and/or as feminists. Women have been implicated for creating a weak link in a pan-Indian chain of unity. The use of feminism by Indigenous women was too easily used against Indigenous women and supported this skewed argument. *Bill C-31* was in some ways the last straw. Over a hundred years of divide and conquer, have left us suspicious of everyone.

⁶³ Patricia Monture-Angus has published under the names Patricia Monture, Patricia Monture-Okanee and currently Patricia Monture-Angus.

⁶⁴ As retold by Paul Michel August 29, 2005, UNBC First Nations Centre. In late December 2006, I contacted Hee Whelst Joe Stanley Michel regarding this quote and received confirmation of my understanding and usage.

⁶⁵ Wheeler describes it as transdisciplinary (2001: 100); Kulchyski describes it both as interdisciplinary as well as not "disciplined" (2000: 20).

⁶⁶ This presents an additional interesting factor that may be reflective in this work. While traveling has allowed me the opportunity of meeting first hand the diversity of Indigenous people in Canada, it has also complicated this study in that I may have "mis-located" my context. The development of my identity has been influenced in many ways by the areas in which I live and study. During an interview with an Indigenous individual from this region, who is also well versed in the area of law, I realised that many of the questions I am dealing with may be the direct result of my time spent living in Montreal near Kahnawake and may therefore have been approached differently here in BC, which at

present is concerned with issues regarding treaty negotiations. Considered a leading scholar, the work of Taiaiake Alfred reflects strongly many of the concerns from his home region of Kahnawake; however, it is questionable to what degree these same concerns regarding citizenship and membership are shared within this region.

⁶⁷ For more information on the UNN visit their website at (<www.unns.bc.ca>).

⁶⁸ An additional number of stories were heard during my brief visit. Individuals who were accessing services spoke to me regarding their history in relation to the struggles with Indian status but were unable to participate in an interview.

⁶⁹ On a recent trip to New Zealand I was inspired to continue pursuing this area after reading both a speech and autobiography by Maori politician John Tamihere. In his autobiography Tamihere says "I would like to see meaningful debate about the role of Kiwi males in society; at present, men are seen as the perpetrators of all the problems just because they have penises. I'd like us to find ways of affirming the male contribution to the new family and new community that has evolved, rather than benchmarking men against tired historical role models that no longer exist" (2004:167). In his speech Tamihere publicly defines himself as a Kiwi male and speaks as a father, husband, son and brother about his dreams and hopes for his family and people. Assembly of First Nations chief Phil Fontaine has publicly spoken out about his residential school experiences, (CBC 1990) an excruciatingly personal revelation for which he is respected, however, I have to this date rarely if ever heard a Canadian Indigenous man speak about himself in relation to his role within a family structure like Aboriginal women tend to do and which Tamihere has attempted.

⁷⁰ While it is arguable that most individuals found "support" in varying degrees from different individuals in their lives in many cases this included non-family members such as those who participated in AWM and QNW or a friend, the bulk of their research into their own heritage and lives was dependent on where and who they were willing to pursue.

⁷¹ Appreciation goes to Tom Ley for this insight.

⁷² All those participants quoted in this study signed an approved UNBC ethics form; however, this topic is of importance to many of the people I live among. Therefore, many of the people I know and meet have strong opinions and ideas regarding *Bill C-31* that they are willing to share. So while 11 people signed the ethics form for this study a number of people sat beside me and just spoke about it.

⁷³ INAC. '2005 Entitlement Workload Summary', October 5, 2005.

⁷⁴ Tolley, A. Personal communication, September 6, 2005.

⁷⁵ Acquiring consistent statistical data such as this has been difficult. However, this inconsistency of statistical data does not deter from the findings illustrating this unique phenomenon.

⁷⁶ At one point, one of the two men interviewed declined when he found out that due to being born out of wedlock he had always been "full status." Therefore, at the time of our interview he admittedly was still making sense of the news that he had never really been a "C-31er."

⁷⁷ For more discussion on this see Lawrence 2004.

⁷⁸ Terminology used by author.

⁷⁹ See *Delgamuukw v. British Columbia* and *Woolrich v. Connolly* case of 1867.

⁸⁰ See Howard Adams 1989.

⁸¹ See Beatrice Culleton 1992.

⁸² See Lawrence 1999 for more in depth discussion on how parental lineage impacts self-perceptions or experience.

⁸³ The spelling of Dr. Nahanee's name varies throughout her publications. She has spelled her name both as Theresa and Teresa. I have chosen to use the spelling used in the references cited for this work.

⁸⁴ In its brief history only two women have been elected as tribal chiefs Mavis Erickson and Lynda Prince. Each of whom served only a single term.

⁸⁵ According to this online site, 'History of Friendship Centre Movement' (<<http://www.mifcs.bc.ca/movement.html>>) date unknown, out of the 2,140 people the Canadian Friendship Centres employ 35% are male, 65% are female. Accessed October 31, 2006.

⁸⁶ This work sets the stage for future research that includes the varying experiences in the history of *Bill C-31* to include those who advocated on behalf of and/or those who were responsible for processing the applications may lead to a stronger understanding in this area. Furthermore, a series of case studies that would document the lives of those during that period of applying for status may also prove revealing.

⁸⁷ One day while recruiting I met a woman from Edmonton who was in Prince George because her father was in hospital refusing treatment that doctors believed would prolong his life. She was in the process of getting a food hamper to feed her children. She needed to do so because she lived in another province and was on social assistance. She took a few minutes to talk to me about her own struggles with status. Her father was First Nations and had status yet none of his children had status. She was not eligible either as her mother was non-status. She complained about the issue of dealing with the racist notions that come because of the illusive status benefits, most particularly accusations that she must get everything for free because she's an Indian. She was visibly Indigenous but she did not have status.

⁸⁸ For an overview of Aboriginal woman's perspectives on feminism see Ouellette 2002.

⁸⁹ INAC. '2005 Entitlement Workload Summary, October 5, 2005.

⁹⁰ Congress of Aboriginal Peoples. 'You have to Apply to be Registered.' <http://www.abo-peoples.org/programs/C-31/c-31-4.html#How>, accessed July 2006.

⁹¹ Please note that while the following is written in the past tense, reflective of the experience as it relates to those who have successfully completed these three stages (or witnessed a parent's success) there exists a number embroiled in the process currently.

⁹² Jessica is a pseudonym. While originally this participant agreed to the use of her full name, I was unable to secure her feedback and confirmation before the presentation of this thesis as stipulated in the Informed Consent Package. Therefore, I have used a pseudonym.

⁹³ This participant preferred the use of a pseudonym.

⁹⁴ To suggest that those who are reclaiming status are too consumed in the legality that they need to separate their cultural identity from a legal one is implying that they have no real right to speak as Indigenous citizens. Indian status imposed or otherwise is a legally recognized document.

⁹⁵ Monture-Angus, Mary Crow Dog, and numerous other scholars who have quoted this proverb in their own work.

⁹⁶ Taken from the Mothers of the Red Nations website (M.O.R.N.) as well as <http://www.law.unsw.edu.au/centres/ilc/ilb/vol3/may/atkinson.asp> an Australian law site. Jaimes (1992), Mary Crow Dog's book, *Lakota Woman*; <http://www.unpac.ca/economy/awe.html>

⁹⁷ This discourse between Aboriginal women and Feminists has included responsibility versus dogma. Many Aboriginal women view this as their undeniable right and responsibility. However, feminists might argue that this dogmatic responsibility is almost oppressive.

⁹⁸ In some cases the second half is not present.

⁹⁹ These are only two within the confines of the Indian Act. There are others both within the Indian Act and in general Canadian social policy which also impacts women heavily including current Income Assistance policies towards motherhood, on-reserve matrimonial property rights and paternity. It must be remembered that Aboriginal people, especially those within an urban environment, are governed by two rules of law, the Indian Act and the Canadian constitution not to mention their own cultural and community "obligations".

¹⁰⁰ To understand better what this also needs to be talked about.

¹⁰¹ This understanding came from the work of Lee Maracle.

¹⁰² National Aboriginal Women's Association (NAWA) has this as their mandate. To examine policies

¹⁰³ Aboriginal Head Start Program is an early childhood education program that instructs pre-school children in the Indigenous language arts. Here in Prince George, the languages currently available are Carrier and Cree.

¹⁰⁴ Located in Winnipeg, Manitoba, Children of the Earth is a "school of choice" in Winnipeg's North end.

¹⁰⁵ To illustrate her argument Acoose uses the lower case for the term English, a proper noun which grammatical rules stipulate must be started using the uppercase therefore, enforcing a hierarchal ideology of importance within the English language itself.

¹⁰⁶ <http://www.shannonthunderbird.com/Stories.htm> - accessed - January 2006.

¹⁰⁷ Numerous scholars have written on the topic of decolonization, including most listed in this thesis.

¹⁰⁸ Personal correspondence. Elder's Room, First Nations Centre, Prince George, BC., February 2006.