



# native women's association of canada

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## NEWS LETTER

On the Subcommittee on Indian Women and the Indian Act

## NATIVE WOMEN'S ASSOCIATION OF CANADA

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Ottawa, Ontario



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## PRESIDENTS MESSAGE

### Native Women Betrayed

OTTAWA, Ontario - (October 6, 1982) - The Assembly of First Nations has betrayed the native women of Canada by asking a Parliamentary Committee to give the women a token place only on a new Subcommittee on Indian Government.

A past friend of the Indian people and former Minister of Indian Affairs, Warren Allmand, agreed with the Assembly of First Nations that the women had no place on this Subcommittee as an ex officio member which will continue its study of sex discrimination against Indian women and other band government issues.

Dave Ahenakew, President, Assembly of First Nations, wrote to Chairman, Keith Penner, of the Standing Committee on Indian Affairs and Northern Development on September 29, 1982, saying N.W.A.C., like the Native Council of Canada, had no right to have an ex officio member on the Subcommittee on Indian Government.

Ahenakew said there is no logic to giving the women such a seat.

The Native Women's Association of Canada, representing some 100,000 registered Indian females and some 15,000 non-status Indian women, agreed in early September, 1982 with the Assembly of First Nations to pass over the first Subcommittee in a tight timeframe so that this second subcommittee could begin its hearings before Parliament is recalled October 27th.

The Native Women's Association of Canada had been assured a seat on the Subcommittee on Indian Government by Mr. Ahenakew and some of his assistants. Because representation was expected on the second Subcommittee, the N.W.A.C. agreed to deal with two major issues in the second Subcommittee, namely, reinstatement and band control of membership. We thought we would be there to protect our rights.

We are worried about the outcome of the Subcommittee because Chief Ahenakew in his address to the Subcommittee on Indian Women and the Indian Act said the Charter of Rights should not apply to Indian Governments. The discrimination we now suffer under the federal

Government will simply be transferred to the band level.

The Native women of Canada began their fight without friends. We began in 1970 by taking on all of the male-dominated Indian organizations in this country who lined up against Jeanette Corbiere Lavelle when she asked the Supreme Court of Canada to end sex discrimination under section 12.1.b of the Indian Act. We have been unpopular. We have lost some battles - including the Lavell case - but we intend to win with or without the Assembly of First Nations.

President  
Jane Gottfriedson

### PRESIDENTS PRESENTATION TO SUBCOMMITTEE

Presentation to the Subcommittee on Indian Women and the Indian Act-Standing Committee on Indian Affairs and Northern Development by Ms. Jane Gottfriedson, President, Native Women's Association of Canada on Tuesday, September 14, 1982 2 p.m.

Members of the Standing Committee, ladies and gentlemen... I am pleased to have this opportunity to appear before you to respond to some of your previous questions, and to make some concluding remarks based on presentations which have been made.

Let me comment first on the Minister's request that you continue these hearings for a longer period of time - extending beyond September 20th. The Native Women's Association of Canada agrees with the Minister that more time should have been devoted to this issue, certainly more than five days of hearings. In our deliberations with the Members of the Standing Committee and with the Assembly of First Nations, however, we all agreed that a speedy report was desirable to deal specifically with discrimination in federal legislation against Indian women and with the issue of reinstatement. The Native Women's Association of Canada believes you have heard from a good cross-section of the Native population on this issue, and we are confident that you will make recommendations that Native people can live with and agree with. Certainly, throughout these deliberations and hearings you have gained a better understanding of the complexity of the issue confronting Indian people and your Government.



The Assembly of First Nations is anxious for the Standing Committee on Indian Affairs and Northern Development to begin the second round of hearings on Indian Government. We fully support them in this regard. It is their belief that if the Standing Committee does not begin its second round of hearings quite soon after September 20th, the terms of reference dealing with Indian Government may die on the order paper. The Minister of Indian and Northern Affairs gave a commitment to this subcommittee that his Party would be agreeable to an extension beyond October 27th provided there was an all-Party agreement. We would hope that this kind of commitment can be made by all Parties in the House.

The Native women of Canada have come before you and have made concrete recommendations with respect to ending discrimination on the basis of sex, and with respect to reinstatement of Indian women and their children. Yesterday, some members expressed confidence that this subcommittee could, and was prepared, to make recommendations on ending sex discrimination against Indian women. Further commitments were made to make recommendations on reinstatement of Indian women who have lost status. We believe the subcommittee has received more than enough detail to make recommendations to Parliament on these issues which are of vital concern to Native Indian women. As we told you in our first presentation our priorities are to end sex discrimination against Indian women for the future, and to have our non-status Indian women reinstated. While the solution can be simply stated in one sentence, we realize there are many ramifications to what we are asking. We have agreed with other presenters that more land and more money may be required, and we would like to see the Minister of Indian and Northern Affairs study this issue and make recommendations to Parliament. We believe, however, that we can take the necessary steps in phases. It is possible to take incremental steps to achieve the changes Indian people require. You will have to realize as Parliamentarians, however, that you are embarked on an historical process which gives us hope.

Listening to comments made by the audience as these hearings have progressed has been an educational experience. For example, yesterday some gentleman asked why native women thought today's Parliamentarians could be any different than those of 1869, or 1921, or 1951.

After 150 years one would think Indians would have learned to distrust Parliamentarians who have given them unacceptable laws throughout the history of this nation. We are not yet that cynical. We have come before you to make our case, to ask you to change discriminatory legislation, and to give us back our Indian nationality. If we did not think you were different from your ancestors, we would not be here today.

Of course we have listened to all of the other presentations and we appreciate the concerns. There are larger issues to be addressed, and some will rightfully be addressed here, and others will rightfully be addressed at the First Minister's Conference on treaty and aboriginal rights. Still others will more properly be addressed by the second subcommittee on Indian Government and the Indian Act. All other parties who have addressed you agree with the Native Women that sex discrimination is no longer tolerable among Indians or other Canadians. I don't believe we heard anyone say that section 12.1.b should not be eliminated from the Act. You could conclude that there is broad agreement among native people that section 12.1.b is discriminatory and should be deleted from the Indian Act. Other groups have asked for the deletion of other sections and I hope you will take this into account.

You have also heard from other national groups that reinstatement of Indian women who have lost status should occur, and some Members of Parliament on this subcommittee agreed that it should be recommended along with deletion of section 12.1.b. That is certainly our position.

You asked Indian Rights for Indian Women if you should wait for the second subcommittee to make a recommendation on reinstatement. Our answer is that you should not wait. This subcommittee should recommend the deletion of sex discriminatory sections of the Indian Act, and also recommend reinstatement of Indian women who have lost status.

It is obvious that there are still many questions you cannot answer, and others that we cannot answer without further study. We therefore recommend the following:

First: that this subcommittee recommend the deletion or amendment of any section of the present Indian Act which discriminates against Indian women on the basis of sex;



Second: that this subcommittee recommend the reinstatement of all Indian women who lost Indian status because of section 12.1.b. and delist all non-Indians who gained status through marriage. We are not asking that all those women who lost status be placed automatically on the band lists. This should be a voluntary process whereby Indian women apply to the Registrar of Indian Affairs for reinstatement for themselves and their first generation children. The criterion for reinstatement is essentially that the woman was formerly a person who was born Indian and was previously a member of a band and one whose name was struck for intermarrying under section 12.1.b. It would clearly be the choice of the woman whether she wants to be reinstated;

Third: that this subcommittee recommend that first generation children of women who lost status, regardless of whether the mother is still living, be placed on the band list of the mother's band. This will treat the children of Indian women who married non-Indians equally with the children of Indian men who married non-Indians.

These recommendations are obviously limited, and certainly do not encompass the whole range of issues brought before you. These are the minimum recommendations we would like you to make. You may go further if you wish but these recommendations are the least we can live with in these circumstances. On Section 12.1.a.iv. we recommended that this be deleted and not be replaced. You must remember that "non-Indian" in this context could also be a non-status Indian. There may be cases where in fact the person affected by Section 12.1.a.iv. may have more than 1/4 degree Indian blood. Further, as Nellie Carlsen said yesterday you are imposing a double standard on us because you are delisting young Indian people who have 1/4 degree Indian blood. Yet, you turn around and place people on band lists who have absolutely no Indian blood, namely the white women who marry Indian men. You will want to remember this when you make your recommendations.

You will have to make recommendations on land and financial resources, and whatever recommendations you make will have to be satisfactory to the Assembly of First Nations which represents the Indian bands in the country.

The Native Women's Association of Canada reminds you that in our first presentation we said we want an end to sex discrimination, and we want reinstatement regardless of your decision on additional land and financial resources. As Doug Saunders said this morning, there are many Indian Bands which have taken back non-status Indian women. More than 50 percent of the bands, he said, have allowed these non-status women to reside on the reserves. If he is correct, we do not see why you cannot recommend reinstatement first and now, and deal with land in the second subcommittee. On additional financial resources, you can recommend it or leave this as a policy decision of the government. Chief Bob Manuel this morning, when questioned, said he would accept back his women band members if reinstated tomorrow. If you give us the three recommendations we have asked for here, we have already told you that we support band control of membership. So that you may understand this issue more thoroughly we are presenting you with a study from the United States entitled: Tribal Enrollement. It answers everything you ever wanted to know about tribal control of membership. You also asked me about the Martinez Decision in the United States and I am submitting the U.S. Supreme Court decision and the policy developed by the Bureau of Indian Affairs, U.S. Department of the Interior. If you want to know what tribal control of membership is all about you will take time to read and study these documents. We believe, however, that band control of membership will more properly be addressed by the second subcommittee. We, therefore, urge you to begin those hearings immediately.

When we asked for the removal from band lists of all non-Indian women who gained status through marriage to an Indian man, you asked if a special case could be made for widows, especially those raising children. This is not something which is easily answered. For the future, when you make recommendations for the second committee on Indian Government this is an issue you will want to consider. The rights of non-Indian spouses will fall, in future, under the jurisdiction of Indian governments and they will make the determination. This is a question that you will want the Assembly of First Nations to deal with in the second subcommittee.

Many of you were appalled by our recommendation on non-Indian women. It may have



helped you to appreciate our dilemma as Indian women when we are removed from band lists for marrying a non-Indian. It may have helped you to feel the deep pain and sense of loss we have felt for a century.

Some discussions have taken place here on the Charter of Rights and whether it would apply to Indian Governments - you wanted to know if Indian Governments would come under the Canadian Constitution. Firstly, this is an issue which should be dealt with by the second subcommittee on Indian Government and we hope you will begin those hearings on September 21st. Secondly, you may wish to ask this of the Assembly of First Nations since they have had more time to study this issue, and have more expertise in the field of Indian Government. If you want our recommendation, we are not overly concerned with at which level our civil rights and human rights are protected - whether it is at the federal or Indian government level, provided it is there.

Mr. Manley wanted to know how far back the Government should go with reinstatement. I replied that this is an area which requires more study. However, while that is true, for purposes of your recommendations on Indian Women and the Indian Act we would settle for a minimum recommendation which includes reinstatement of all Indian women who lost Indian status under section 12.1.b. and first generation children of these women, who should be placed on the band list of the mother.

This leaves out many other Indians who might be eligible for reinstatement, but except for those I have just mentioned, the Native Women's Association of Canada would be willing to deal with this in the second subcommittee. The second subcommittee can more rightfully deal with second generation children, other Indians who lost status, and a broader definition of "Indian" for the future. We believe it is in this broader context that you will also need to deal with additional financial and land resources, and mechanisms for reinstatement.

Other women's groups who have appeared before you have said that all of those women who regain status may not return to the reserves, but they will want federal programs and services. In this context you should also

recommend to the Government that it provide off-reserve programs and services. Not only will this accommodate the non-status population which now lives off the reserve, but the 35 percent of the status population which lives off the reserves right now. You must recognize that economic development and employment opportunities just do not exist on the vast majority of Indian reserves in Canada. Indian people are forced to leave the reserves to find everyone returning in great hordes to the reserves. If, however, the federal Government continues to tie Indian programs and services to the requirement of residency on the reserve, you are encouraging over-crowding and the accompanying problems of unemployment. If you cannot recommend additional lands in this first subcommittee, you could recommend additional financial resources for Indians living off reserves.

Mr. Manley wanted to know if it would be possible in future for bands to have different criteria for membership. This question should more properly be directed to the Assembly of First Nations which represents Indian bands, and should be dealt with by the second subcommittee. I would also ask you to read the study on Tribal Enrollement. You will see that it is the practice for tribes in the United States to all have different criteria for membership. For certain tribes you need a certain percentage of tribal blood - Cree, Sioux, Chippewa, for example. You may also be required to have a certain percentage of Indian blood, for example one-eighth Cree, one-eighth Sioux, and one-fourth Choclaw which together equal one-half Indian. You might also be required to live on the reservation to receive tribal benefits, or federal benefits. A tribal benefit, for example, would be receiving oil royalties. If you live off the reservation you are entitled under the Indian Citizenship Act of 1924 to receive state programs and services anytime you live off the reservation. In Canada, provinces bill the federal government for services and programs provided to registered Indians living off reserves. But, you can get more details on the U.S. situation by reading the document I have submitted.

You also wanted to know about appeal procedures. Should these be put in place by the federal or band governments to deal with band control of membership? I will agree with the Indian Rights for Indian Women recommendation on this, but caution you to remember



that this will be dealt by the second subcommittee on Indian Government. I believe Dr. Ahenakew already assured you that such appeal mechanisms would be put in place by Indian Governments and you will want to discuss this with him in more detail.

In concluding, the Native Women's Association is looking forward to being involved in your study on Indian Government. It is our recommendation that this second subcommittee begin its important task on September 21st, and hold hearings across Canada so that as many of our people as possible can be heard. As I mentioned earlier, this is an historic occasion, and one which we treat seriously. We are confident that through this consultation process Parliament, and the people of Canada, will begin to appreciate what Indians have meant when they have advocated Indian self-determination and Indian self-government.

Finally, the Native Women's Association of Canada wishes to inform this subcommittee of its desire to be represented at the First Minister's Conference in March, 1983, on aboriginal and treaty rights. As you may have noted from the presentations over the last two weeks, native women do have serious concerns which affect their day-to-day lives. I am submitting for the record an article entitled Native Women and the Constitution written by one of our attorneys, Mr. J. Richstone, of Ottawa. It outlines issues which are of concern to us as Indian women. We ask you in your capacity as Parliamentarians concerned with Native Women to recommend to the Prime Minister and his Cabinet that Native Women be represented in their own right at the First Minister's conference on treaty and aboriginal rights, and that the Native Women's Association of Canada receive equitable funding to prepare themselves for these important deliberations. We suggest that this would be a giant step forward in the relationship between the Federal Government of Canada and its Native/Indian Women.

I would be pleased to entertain questions. I do ask you to remember that Indian Government will more rightfully be dealt with in your second subcommittee and questions related thereto should be dealt with at that time.

## CANADIAN HUMAN RIGHTS

Extract - 3.2.2. Section 12(1)(b) of the Indian Act.

### 3.2.2 SECTION 12(1)(b) OF THE INDIAN ACT

Under Section 12(1)(b) of the Indian Act, Native women who have Indian status under the Indian Act lose their status if they marry men who are not status Indians. Along with their status, they lose the right to band membership and the benefits that accrue to it. Similarly their children are denied Indian status and band membership. Status Indian men, however, do not lose their status if they marry non-status women; their wives acquire status and band membership, and their children are status Indians.

Recent federal governments have declared their intentions to do away with this discriminatory feature of the Indian Act, although no definite decisions as to how status and band membership will be determined under a revised Act have yet been made.

The Commission explored the implications of amending S. 12(1)(b) during 1979, with emphasis on the problems surrounding the reinstatement under a revised Act of those Indian women and their children who lost their status in the past. After study of a research paper prepared by the Research and Special Studies Branch, the Commission recommended that:

- a) under a revised Indian Act status and membership be determined in a way that does not discriminate on the basis of sex or marital status
- b) women who would be eligible for Indian status under the revised Act, but who had formerly been denied status because of Section 12(1)(b), be reinstated, upon application, to full Indian status, along with their children and grandchildren
- c) and that procedures be established to ensure that persons applying for reinstatement be equitably treated in the matters of status and band membership
- d) the current economic restraint program of the Government
- e) the fact that a First Ministers' Conference will be held for the purpose of identifying rights of the aboriginal peoples.
- f) That it be an instruction to the Committee that it appoint a sub-



committee for the purposes mentioned in paragraphs 1 and 3 respectively.

- g) That each sub-committee, where it is deemed necessary, travel to major centres to hold hearings.
- h) That each sub-committee be empowered to employ administrative and clerical staff as may be deemed necessary.

Ordered

1. That a Sub-committee on Indian Women and the Indian Act be appointed, consisting of four (4) members of the Liberal Party, two (2) Members of the Progressive Conservative Party and one (1) Member of the New Democratic party, to be appointed by the Chairman after the usual consultations with the whips of the different parties.
2. That the Sub-committee on Indian Women and the Indian Act be empowered to study the provisions of the Indian Act dealing with band membership and Indian Status, with a view to recommending how the Act might be amended to remove those provisions that discriminate against women on the basis of sex.
3. That the Sub-committee on Indian Women and the Indian Act report to the Standing Committee at 4:00 p.m. on Monday, September 20, 1982.
4. That the Sub-committee on Indian Women and the Indian Act be empowered to send for persons, papers and records, to sit while the House is sitting, to sit during periods when the House stands adjourned, to print from day to day such papers and evidence as may be ordered by it and to authorize the Chairman of the Sub-committee to hold meetings to receive and authorize the printing of evidence when a quorum is not present.
5. That the Sub-committee on Indian Women and the Indian Act be instructed to consult, at all stages, during the engagement of support staff and consultants, the leader of the three recognized national Indian organizations, namely the Assembly of First Nations, the Native Women's Association of Canada and the Native Council of Canada.

**SUMMARY OF TESTIMONY  
MARY TWO-AXE EARLEY**

Quebec Equal Rights for Indian Women  
13 September 1982

Basic Position

- Personal experience of being exiled from reserve.  
"My eyes have seen enough suffering among the women and their families, my ears have heard only the words of despair, as can be told only by one who experiences the pain and the anguish, my senses have been numbed as I am told by widows, mothers and daughters of the experience and depth of their exile".
- Advocates action.  
"I feel, I must cry out, as a voice in the darkness of despair, I share every day of my life with this message - we need you to reach out with your heart, your support, your strength as we begin to weaken. Our only hope is that the Parliament of this great democratic society, reared in an atmosphere of freedom and justice, dedicated to the eradication of injustice toward Canadian women, will heed our cry".
- Advocates
  1. Entrenchment of bill of rights in the constitution guaranteeing the inalienable rights of native men and women, status and non-status, Métis and Inuit peoples.
  2. Repeal s. 12 (1)(b).
  3. Restoration of birthright (reinstatement).
  4. Entrenchment into the constitution of treaties.

Enfranchisement

- We thereby call on the federal government to rectify this injustice by declaring section 109 to be null and void and to return their nationality as Indians to all women and their children who have been victims of this injustice under section 109.

Reinstatement/Retroactivity

- That the Canadian government rectify the injustices done to Indian women in the past by returning their inalienable right to their own nationality as indigenous people of Canada and that their children be



recognized as descendants of the original people. That Reinstated posthumously, all women affected by 13 (1)(b) be that non-Indian women who gained status, in violation of their human rights, be given back their nationality.

#### Registration

- There are numerous Indian people living in the north country who are traditional Indian people who have either lost their status because they were never registered or because one of their ancestors married a prospector, trapper or explorer. We call on the Canadian government to take immediate steps to register these unfortunate people.

#### Indian Wife and Non-Indian Husband (s. 12 (1)(b))

- Remove s.12 (1)(b).

#### Indian Husband and Non-Indian Wife (s.11 (1)(f)).

- Non-Indian wife who gains status in violation of her human rights be given back her own nationality.

#### Band Control of Membership

- Criticized government of Canada's reply to the U.N. that it was preparing legislation to give Indian bands power to pass non-discriminatory by-laws concerning membership.
- "This action was nothing more than a "buck passing" manoeuvre to place the onus of responsibility on Indian men who most often have their own bias' and allows individual interpretation by untrained minds."

#### Suspension

- There has been great misunderstanding about Minister's proposal for suspending s. 12 (1)(b) and "double mother clause"; few bands applied for suspension from 12 (1)(b).

#### Timing

- Concerned about time-frame "less than two weeks to prepare possible solutions to the 113 year old injustice".

#### Funding

- Criticized lack of funding for women's groups.

"Our organization for years has continually requested the resources necessary to deal with the proposed changes to the Indian Act. We have received responses such as "go home and talk to your men", "talk to the chiefs and get their support" and "you are represented through the men's organizations at the provincial and national levels" and "to get the resources you need for your consultation amongst the native women you must get those resources through your men's organizations".

"We do not appreciate the government taking the position that because there are national Indian organizations they automatically represent the voice of our women. This erroneous position, by the government, is further compounded when these national male dominated organizations get all the funding and women's organizations such as ours, which deals directly with native women, are not funded."

#### NATIVE WOMEN ENDORSE THE REPORT OF THE SUBCOMMITTEE.

OTTAWA - (September 22, 1982) - "The Native Women's Association of Canada endorses the report of the Subcommittee on Indian Women and the Indian Act".

"The report adopted the bottomline position of the Native Women's Association of Canada to delete section 12.1.b and section 12.1.a.iv, and reinstate to band lists those women and their first generation children who have been denied Indian status and band membership under section 12.1.b. When Ms. Jane Gottfriedson, President of N.W.A.C. made her final remarks to the Subcommittee she stated that this is the bottomline which would meet with the approval of Canada's native women who have lobbied for these changes since 1970".

"While we recognize and support the position on band control of membership (citizenship) taken by the Assembly of First Nations, we believe it is the responsibility of the Federal Government to give back the Indian status and band membership which it took away from Indian women".



"When we initially appeared before the Subcommittee, the Native Women's Association of Canada made a long list of recommendations. In our final presentation, however, we recognized that some issues would be better dealt with in the second subcommittee on Indian Government or in the upcoming First Ministers' conference on treaty and aboriginal rights. So that we could achieve some degree of success which would meet with the expectations of Indian women across the country, we asked the Subcommittee to recommend our minimum position."

"In this process, the Native Women's Association of Canada appreciates the support of the Assembly of First Nations, and intends to work with them to achieve band control of membership as envisioned by bands and Indian associations across the country."

"It is our hope that as the second committee on Indian Government travels across the country to solicit the views of Indian bands and Indian organizations, we will be encouraging our provincial and local native women's associations to become actively involved in protecting their own rights at the band level."

"There is a crying need for the Indian people of this country to be unified in their struggle to achieve recognition of Indian Governments, and to work towards the entrenchment of aboriginal and treaty rights in Canada's Constitution".

"We have made the first step towards achieving this unity by securing the right of Indian women and their first generation children to be reinstated into their bands. Together, the 325,000 registered Indians and the reinstated women and their children can work towards achieving a better way of life for Canada's Indians."

"The Subcommittee is to be commended for achieving in two weeks what the Government has been unable to do over the last 12 years. We are pleased that the decision was made not to extend these hearings beyond September 20, and that they have made a number of recommendations which will meet with favorable response from the majority of women we represent."

"Many of our affiliate associations were unable to appear before the Subcommittee because of the self-imposed deadline, but we will be

encouraging these groups to appear before the Subcommittee on Indian Government to express their views on band control of membership."

"Now that the Standing Committee on Indian Affairs and Northern Development has endorsed this report of the Subcommittee, and Indian women have this assurance that the Government is prepared to give back the rights they have taken away under the Indian Act it will make it easier for Indian women to deal with this second issue."

#### **SEX DISCRIMINATION IN THE INDIAN ACT DENIES WOMEN INDIAN RIGHTS**

OTTAWA, Ontario - (September 9, 1982) - "Discrimination on the basis of sex is contrary to the Charter of Rights of the Constitution Act 1981, and against many international covenants signed by the Government of Canada, and yet it has been systematically practiced against Indian women for more than 100 years, "Ms. Jane Gottfriedson told the House of Commons Subcommittee on Indian Women and the Indian Act today. Gottfriedson is President of the Native Women's Association of Canada, which represents the interest of Indian, Inuit, and Metis women across Canada.

Gottfriedson made the point that while sex discrimination is the issue before the Subcommittee, Indian women are also concerned about a larger issue, and that is the denial of Indian rights to Indian women through sex discriminatory federal legislation.

"The bottom line for Indian women in the country is that by birth and by blood they are 'Indians' and will not accept any proposal which continues to deny Indian women this recognition," Gottfriedson told the Subcommittee.

"We are not going to accept any kind of proposal at the federal or band level which in future, denies Indian women the right to be, and remain Indians purely because they were born women instead of men," she said.

Gottfriedson recommended the deletion, or amendment, of sections 10, 11.1.b, 12.1.b, 12.1.a.iv, 14, 109.1 and 109.2 which discriminate against Indian women on the basis of sex. Some of these sections, she said, are repugnant to the Indian people of Canada.



### Discrimination

Gottfriedson urged the Subcommittee to recommend the reinstatement of Indian women and their children immediately rather than waiting for the Federal, Provincial, and band governments to define Indian, aboriginal and treaty rights. This is a process which could take five to twenty years, she said, and Indian women are not willing to wait this long.

"While there will be costs involved in reinstating those Indians women who have been discriminated against by the Federal Government, the cost to the Indian women involved has been immeasurable. They have paid psychologically, economically, socially, culturally, and politically, and if that is not enough, they have also been denied hundreds of millions of dollars in lost federal programs and services, loss of their share in band assets, and loss of homes and property on their reserves," Gottfriedson, a status Indian woman told the Subcommittee.

"Regardless of the present size and situation of Indian reserves in Canada, the ending of discrimination against Indian women must include reinstatement for Indian women who have lost status," Gottfriedson said realizing that some bands might object to reinstatement because Indian lands may not accomodate these women.

Supporting those Indian Chiefs and Indian leaders who have asked the Federal Government to provide additional lands for Indian reserves to accomodate reinstated Indian women, Gottfriedson told the Subcommittee, "we recommend that the Minister of Indian and Northern Affairs be charged with setting up some kind of commission to study the size of Indian reserves, the populations of reserves, and make recommendations to Parliament on which reserves need more land."

### Discrimination

Recognizing that Indian women who have been discriminated against cannot reside on reserves, Gottfriedson recommended that the reinstated Indian women and their children "enjoy access to all federal Indian programs and services regardless of their place of residence."

The Native Women's Association of Canada recommended that "the children of Indian women who intermarried be placed on the band list of the mother."

Also referring to the rights of children, Gottfriedson recommended that the Subcommittee "propose that in future the children of mixed marriages be treated equally regardless of whether it is the mother or father who is Indian."

On non-Indians who marry Indians, Gottfriedson said "if the Federal Government is concerned with the amount of expenditures allocated for federal Indian programs it should recognize that it has no obligation to provide Indian programs and services to non-Indians who have married Indians. These people are, and remain, a responsibility of the province in which they reside," she said.

Gottfriedson said, "we are not going to accept a solution which merely transfers sex discrimination from the national level to the local level," meaning it will not be acceptable to continue to be discriminated against on the basis of sex by the federal or Indian government.

"Once reinstatement has been achieved," Gottfriedson said, "we support Indian government control of land, people, and resources."

She added, however, "if band control of membership means Indian women must suffer under federal, discriminatory legislation for another five or twenty years while you hash out the meaning of Indian government, we will not accept this."

### **FIRST MINISTER'S CONFERENCE**

Re: First Minister's conference on Treaty and Aboriginal Rights

Dear Mr. Ahenakew:

As you are aware, the N.W.A.C. has withdrawn itself from the Board of Directors of the Native Council of Canada.

This is directly related to our desire to seek representation at the First Minister's conference on Treaty and Aboriginal Rights. We are requesting funding equal to that accorded to the other three national native organizations to prepare ourselves for that meeting.



We are asking you to write to the Prime Minister supporting our request for two seats at the First Minister's Conference. We also ask that you impress upon the Prime Minister the need of N.W.A.C. for constitutional funding.

President  
Jane Gottfriedson

### **BOARD OF DIRECTORS MEETING**

The Board of directors met in Ottawa on September 24-26-1982. The women, set out a plan of action in which an outline of a proposal was developed: to Develop Position Papers on Issues Before Sub-Committee on Indian Government, Standing Committee on Indian Affairs and Northern Development and to Consolidate a National Position after Consultation with Affiliate Organizations.

The purpose was to prepare position papers on sex discrimination in the Indian Act in the framework of band control of membership; federal programs and services for off-reserve Indians; additional lands for reserves; powers and responsibilities of Indian Governments of concern to Indian women; Charter of Rights; and the rights of non-Indian spouses on reserves.

To disseminate position papers to affiliate organizations so that they may consult with their membership and make recommendations for changes to position papers; and

To consolidate feedback in the form of final, and firm, recommendations to the Government of Canada on these issues.

Because of lengthy delays in providing funding by the Government of Canada, the Native Women's Association of Canada was not able to provide definite answers to the Subcommittee on Indian Women and the Indian Act when questioned on the above subjects.

It is still our hope that the Standing Committee on Indian Affairs and Northern Development will soon commence hearings on Indian Government. As agreed earlier some aspects of discrimination against women will be considered, and it is expected that some of the above subjects will be considered in greater detail. The Native Women's Association of

Canada would like to prepare itself and its affiliate associations for this second round of hearings.

The national office of N.W.A.C. will prepare a series of position papers on the above for dissemination to member organizations by December 7, 1982.

It is expected that member organizations will hold workshops in their provinces or territories to consult their membership on the position papers.

The member organizations will provide feedback to the national office to consolidate the positions.

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