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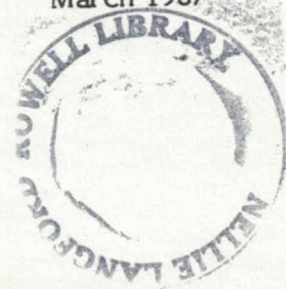
BACKGROUND PAPER

BILL C-31
EQUALITY OR DISPARITY?

THE EFFECTS OF THE NEW INDIAN ACT ON NATIVE WOMEN

by Joan Holmes

March 1987



Prepared for the
Canadian Advisory Council on the Status of Women
P.O. Box 1541, Station B
Ottawa, Ontario
K1P 5R5

This document expresses the views of the author and does not necessarily represent
the official policy of the CACSW.

Cette publication est aussi disponible en français.



**Canadian Advisory Council
on the Status of Women**
Box 1541 Station B, Ottawa K1P 5R5

**Conseil consultatif canadien
de la situation de la femme**
C.P. 1541 Succ. B, Ottawa K1P 5R5

RECEIVED MAY 8 1987

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TABLE OF CONTENTS

ACKNOWLEDGEMENTS

INTRODUCTION

Methodology

1

3

HISTORICAL BACKGROUND

Discrimination in the old Indian Acts

4

The Canadian Constitution and the Charter of Rights and Freedoms

6

Who has lost status?

8

The lives of native women

10

BILL C-31

Who is eligible for Indian status?

12

Who is being registered?

14

What does it mean to have status?

16

Who is entitled to band membership?

16

What does it mean to have band membership?

18

Band control of membership

19

Challenge to Bill C-31

21

THE IMPACT of BILL C-31 on WOMEN and THEIR FAMILIES

Discrimination and difficulties contained in Bill C-31

22

Gaps in the legislation

26

Difficulties in applying for status

28

Applying for band membership

32

Why are some bands reluctant to accept members?

35

Creating new bands

36

Women fear for family unity

36

Equality for native women

37

CONCLUSIONS

40

APPENDIX A - Summary of status eligibility rules

42

APPENDIX B - Summary of band membership eligibility rules

44

APPENDIX C - Bill C-31 interview schedule

46

APPENDIX D - List of people interviewed

50

NOTES

53

BIBLIOGRAPHY

59

ACKNOWLEDGEMENTS

The author would like to thank the many people who took the time to be interviewed, especially those women who talked so openly about their own experiences. Their knowledge, insight, and expertise contributed greatly to this paper. I would also like to thank the Native Council of Canada for the invitation to attend its conference on Bill C-31. The many useful comments and suggestions offered by the reviewers who read the first draft were much appreciated.

A special thanks to Christine Guénette, who conducted the French-language interviews.

INTRODUCTION

For over a century, the membership sections of the **Indian Act**¹ have specified who is and who is not recognized as an Indian by the federal government, thereby determining who could benefit from use of reserve lands, belong to Indian bands, and receive special services and benefits. Recent amendments to the Act made significant changes to the membership rules, which will have a profound effect on the right of native people to be recognized as Indians, and the right of Indian bands to determine their own membership.

Bill C-31, An Act to Amend the Indian Act, was passed in June 1985 and back-dated to April 17, 1985 so that the **Indian Act** would be in compliance with the equality provisions of the **Canadian Charter of Rights and Freedoms**, which came into effect on that day.

The Canadian Advisory Council on the Status of Women commissioned this background paper on the impact of **Bill C-31** to help women's groups, both native and non-native, to understand how the changes to the **Indian Act** will effect Indian women. The paper focusses on the impact on women because the majority of Indians who lost their status were women, and because the day-to-day reality of women's lives is different from men. Consequently the legislation will have a different impact on them.

The new **Indian Act** allows many Indians who formerly lost their status to be reinstated (i.e., receive their status back) and for their children to be registered for the first time. They will now be able to enjoy the benefits associated with registered Indian status, such as post-secondary education grants, uninsured health benefits, hunting and fishing rights, treaty and aboriginal rights, and the emotional satisfaction of having their Indian identity recognized and affirmed. The right to pass Indian status on to one's children, however, will not be the same for all status Indians. Some will be able to transmit Indian status to their children only if the child's other parent is also a status Indian; others will give their children status regardless of the other parent. This inequality among status Indians applies to both women and men.

In the past, registered Indian status and band membership were linked together. In the vast majority of cases, a status Indian was also a member of an Indian band. Indian bands now have the option of controlling their own membership, which is considered to be a key element of self-determination and autonomy for the Indian First Nations.

The separation of status and band membership under **Bill C-31** will, in effect, create three groups of Indians:

- those who have registered Indian status only;
- those who have registered Indian status and band membership;
- those who have band membership but are not registered Indians.

In addition, there will still be a large number of native people (non-status Indians and Métis) who are not eligible for registration as Indians or accepted into Indian bands. **Indian Act** membership provisions do not apply to Inuit.

While the provisions of the new Act apply to both men and women, new rules for transmitting status perpetuate past discrimination against women. Also, separation of status and band membership causes new divisions by creating categories of Indians with different rights and benefits. Many women who lost their status under the old Act have been reinstated but are having difficulty getting access to important rights and services for themselves and their children.

Almost two years after **Bill C-31** was passed, implementation of these amendments has only begun. Applications for registration continue to pour into Indian and Northern Affairs Canada (INAC) and only a small proportion of those who have applied have been reinstated or registered for the first time. A small number of names have been added to band lists, and very few people who were registered under **Bill C-31** have returned to their reserves. Consequently, it is premature at this point to discuss the full impact of **Bill C-31**. It is possible, however, to examine the difficulties that women are experiencing when they apply for status and band membership, and the rights and benefits that flow from status and band membership. The concerns expressed by these women and Indian bands raise questions about continuing discrimination and the long-term effects of the new **Indian Act** on the unity and strength of Indian families and communities.

Methodology

Information for this paper was gathered from position papers presented by native organizations, published articles, interviews with government officials, academics, lawyers, **Bill C-31** implementation workers and coordinators, representatives of native organizations, and individual women affected by the new **Indian Act**. The author also attended the Native Council of Canada's three-day conference on **Bill C-31**. Most of the people interviewed are listed in Appendix D; the interview questions are contained in Appendix C.

Most of the women personally affected by **Bill C-31** wanted their stories to be told, but were reluctant to have themselves or their communities identified. They have already endured criticism from their families, friends, and communities and do not want to call further attention to themselves. Their names do not appear in the list of those interviewed, and the information they shared is incorporated into this paper without crediting the source or identifying the community. While it is necessary to examine the problems these women are encountering, their identities and the communities to which they belong are immaterial. The fact is that legislation, government policies, and the conditions of reserve communities allow these problems to exist.

Because these changes are politically sensitive, several government officials who provided information on programs and policies requested that they not be identified by name. Again, the author has used some of the information they provided without naming the sources.

HISTORICAL BACKGROUND

Discrimination in the old Indian Acts

The infamous Section 12(1)(b) of the old **Indian Act** discriminated against Indian women by stripping them of their Indian status if they married a man without Indian status. Furthermore, any children born to these women and their husbands were not eligible for Indian status, and any children born before marriage usually also lost their status. When a man with Indian status married a woman without status he retained his own status and gave his wife and their children Indian status. Under Section 12(2), "illegitimate" children of status women could also lose status if the alleged father was not a status Indian. Section 12 (1)(a) (iv), known as the "double mother" clause, stripped status from children when they reached the age of 21 if their mother and paternal grandmother did not have status before marriage.²

The Act also allowed Indians to give up their status voluntarily. This process, known as enfranchisement, was chosen by many individuals in order that they could, for example, join the armed forces, vote in federal elections, or prevent their children from being sent away to residential schools. When an Indian man chose (or was coerced to accept) enfranchisement, his wife and children under the age of majority were automatically enfranchised along with him, without regard for their possible wish to retain their status.

Historically, Indians have also lost status through Indian and Northern Affairs Canada practice or policy, rather than through **Indian Act** legislation per se. For example, some Indian families and whole bands were left off band lists when registration was first carried out, or band lists reorganized. Others lost status because they accepted half-breed land or money scrip.³ The cumulative effect of the membership rules of the old Indian Acts and the practice and policies of Indian and Northern Affairs Canada has been to create a large number of native people who are not recognized as Indians by the federal government.

In 1971, Jeannette Lavell and Yvonne Bédard, two Indian women who had lost status through marriage, successfully challenged the discriminatory sections of the **Indian Act** in the Canadian courts. The courts' decisions in favour of Bédard and Lavell were appealed by the Minister of Justice and heard jointly before the Supreme Court of Canada in January 1973. The Native Council of Canada⁴ intervened on behalf of the two women, and the National Indian Brotherhood⁵ intervened against them. The Supreme Court ruled that the **Indian Act** did not discriminate against Indian women who married non-Indian men. The decision was seen as a defeat by those fighting for equality for women, but as a victory for those who defended the **Indian Act**.

The federal government then took the position that it could not alter any of the membership sections of the **Indian Act** until the entire Act was revised. Because of this position, and the controversial nature of the Act's membership rules, the **Indian Act** was exempt from the application of the **Canadian Human Rights Act**, which was passed in 1977.

The Canadian Advisory Council on the Status of Women and the group Indian Rights for Indian Women published Kathleen Jamieson's **Indian Women and the Law in Canada: Citizens Minus** in April of 1978. For the first time, the impact of institutionalized discrimination on Indian women, their families, and communities was documented by a single study. Jamieson's book was widely used by both native and non-native women to call attention to the unequal laws for Indian women and Indian men.

In the same year, Sandra Lovelace, another Indian woman who had lost her status through marriage, took her case to the United Nations Human Rights Committee. Lovelace argued that Canada was in violation of the International Covenant on Political and Civil Rights, which it had signed in 1976.

Much to the embarrassment of the Canadian Government, the United Nations Human Rights Committee accepted Lovelace's case and ruled in July 1981 that Canada was violating international law. The Committee ruled that Lovelace had been denied her full cultural rights under Section 27 of the Covenant because she was barred from living in her ethnic community.

In the meantime, an interim policy was instituted in July 1980 to allow Indian bands to request the suspension of Sections 12(1)(b) and 12(1)(a)(iv). Approximately 19 per cent of all bands chose to suspend Section 12(1)(b), thereby allowing a woman who "married-out" and her children to retain their status. On the other hand, 53 per cent of all bands requested suspension of Section 12(1)(a)(iv), the double-mother clause, which affected both males and females.⁶ The discrepancy in these figures suggests a general reluctance on the part of bands to support and protect the rights of Indian women.

When Canada ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women in December 1981, the government stated its intention to amend the discriminatory sections of the **Indian Act** after a process of consulting with Indians.

The Canadian Constitution and the Charter of Rights and Freedoms

Two sections of the **Charter of Rights and Freedoms** guarantee equal rights for women in both the substance and the administration of the law. Section 15(1) and Section 28 state:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on, race...or...sex.

Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

The issue of equality for native women was discussed at the Constitutional Conference in 1983. While government officials, non-status, and Métis representatives, and the Inuit appeared to support the entrenchment of equal rights for native women, the Assembly of First Nations emphasized that membership or citizenship matters were the prerogative of the First Nations and could not be dictated by the federal government. It was agreed to amend Section

35 of the Constitution, which guarantees existing aboriginal and treaty rights, to apply equally to men and women.⁷

Some groups, especially native women, wanted stronger equality guarantees because the current wording did not protect women against the discrimination contained in the **Indian Act**. Many amendments were proposed by the federal government at the 1984 and 1985 Constitutional Conference, but no consensus was reached. Therefore, no amendments regarding sexual equality were made at this conference.

Several months later, in June 1984, the Minister of Indian and Northern Affairs Canada introduced **Bill C-47**. With the stated goal of ending discrimination against Indian women, **Bill C-47** proposed reinstating both status and band membership to all enfranchised Indian women and their children.

The government held three days of hearings with aboriginal peoples to discuss the proposed amendments. All witnesses, including native women's organizations, the Native Council of Canada, and the Assembly of First Nations, criticized aspects of the Bill. The Committee approved the Bill but it was blocked in the Senate on June 29, 1984.

The following year, **Bill C-31, An Act to Amend the Indian Act**, was introduced. It was tabled in the House of Commons on February 28, 1985 and sent to the Standing Committee on Indian Affairs and Northern Development for a series of hearings. Changes were made by the Standing Committee and by the House. It was passed on June 12 and given royal assent on June 28, 1985. The Bill was backdated to April 17, 1985 in order that the **Indian Act** would conform to the equality provisions of the **Charter of Rights and Freedoms**, which had come into effect on that day.

Who has lost status?

Between 1876 and 1985, approximately 25,000 Indians lost their Indian status.⁸ The descendants of these enfranchised Indians, generally speaking, were also unable to be registered. A large number of non-status native people was therefore created in Canada. Estimates of the number of non-status natives vary considerably, but it is probable that there are twice as many non-status Indians and Métis as there are status Indians. There were 350,000 status Indians before Bill C-31 was passed in 1985.⁹

During the last 30 years, it has been women who have been most strongly affected by loss of status. Table 1 shows the number of adults and their unmarried dependent children who lost their status upon the man's application for enfranchisement, compared to the number of women and their unmarried dependent children who lost their status because of the women's marriage to non-status men.

While voluntary enfranchisements have dropped dramatically during the last 30 years, the number of women marrying-out has remained relatively constant. The proportion of enfranchisements (of both women and children) because of marriage jumped from 70 per cent in the period 1955 to 1965, to 98 per cent between 1976 and 1985.

TABLE 1: Loss of Status Because of Marriage, Compared to Voluntary Enfranchisement 1955 to 1985

Fiscal Year	Enfranchisements Upon Application		Enfranchisements/ Loss of Status* Because of Marriage		TOTAL
	Adults	Children	Women	Children**	
1955/56 to 1964/65	1,313	963	4,274	1,175	7,725
1965/to 1974/75	263	127	4,263	772	5,425
1976 to 1985	49	10	3,768	3	3,830
TOTAL	1,625	1,100	12,305	1,950	16,980
Per cent of those who lost Status 1955-85	9.5%	6.5%	72.5%	11.5%	100%

Source: Figures compiled from Indian and Northern Affairs Canada, **Annual Events**, 1976 to 1985, and published figures in Kathleen Jamieson, **Indian Women and the Law in Canada: Citizens Minus** (Ottawa: Canadian Advisory Council on the Status of Women, and Indian Rights for Indian Women, 1978), p. 64.

Notes: * After 1976, women who married non-status men were no longer enfranchised through an Order-in-Council. They still lost their status, however, and their names were removed from the Indian Register. Figures for the period from 1976 to 1985 reflect the number of reported marriages of status women to non-status men. These figures are probably low because many women who married-out did not report their marriages. Figures for the period from 1955 to 1975 show numbers of women formally enfranchised. The numbers for the earlier period do not reflect the number of women who lost status through marriage but were not enfranchised through an Order-in-Council.

** Since 1974, the enfranchisement of the dependent children under the age of majority of women who married non-status men ceased. This change in policy did not affect children born after the marriage, who were still not eligible for registration.

The lives of native women

All of the native women interviewed for this paper stressed the fact that in their societies it is women who transmit culture to the next generation, and their role as mothers is vital to continuation of the First Nations. Indian women who were forced to leave the reserve because of the membership rules of the old Indian Acts tried to pass their language and traditions on to their children. Their job was made very difficult, and there are many aspects of family life that they could not show their children because they were alienated from their families. Non-Indian women who had gained status and lived on reserves as band members did not have Indian backgrounds and their children tended not to learn their Indian language and cultural values.¹⁰

It is well-known that women are the ones who raise the children, educate them and pass on cultural values and traditions. This is particularly true for the many Indian female single parents. Most children of Indian women have retained their identity as Indian people perhaps to a greater extent than those children with non-Indian or white mothers. It should also be noted that not all Indian women who lost status married white men. Many married Métis or Non-Status Indian men and the whole family retained their identity as native people.¹¹

Generally speaking, native women have more children than do non-native women and they often have to raise them alone on very low incomes. They are also more likely than are native men to live away from their reserves and families. Statistics taken from the 1981 Census (which used self-identification to identify native people) demonstrate the stressful reality of native women's lives.

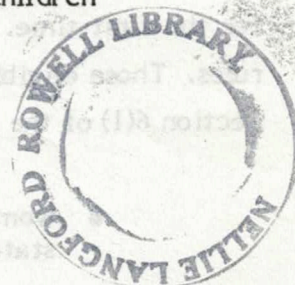
While all Canadian mothers have a much higher chance of raising children alone than do fathers, native mothers are more likely to be single parents. In 1981, 20 per cent of native families were headed by a lone parent, who, in the vast majority of cases, was a woman. In contrast, just over 10 per cent of non-native families were headed by a single parent and a slightly lower percentage of those lone parents were women.¹² Native mothers raising children alone are particularly prevalent in urban areas,¹³ in comparison to the situation of single-parent native mothers on reserves.

Furthermore, the average income of native women in 1981 is the lowest in the country, followed by that of non-native women, native men, and non-native men, in that order. The average income of native lone-parent families was \$9,074, in 1980. The average income of two-parent families was \$20,426, compared with the average family income of all Canadian families, of \$28,186.¹⁴

Native women who worked for pay experienced about the same unemployment rates as did native men (which was nearly twice as high as for non-native women, and up to three times as high as for non-native men). Although they tended to work in the same job areas as did non-native women, they made less money and suffered higher unemployment.¹⁵ Native women on the average made about 57 per cent of native men's average income.¹⁶

The native population is much younger than the non-native population (50 per cent of natives were under 20 years of age in 1981, compared to only 32 per cent of non-natives).¹⁷ The youthfulness of the native population accentuates the need for services for children and young families, such as education, health services, housing, and income support. It is very often native women who are responsible for providing these necessities for themselves and their children. While recognizing the urgent need for benefits and services for women and their families, native women who contributed to this study were particularly anxious for Indian communities to accept reinstated women and their children, both for the good of the individuals and the future of the First Nations. One woman explained:

Most First Nations were originally matriarchies. Women decided everything about the family: health, education, and were often chiefs. In fact, women are still making decisions within the family about most things, including the future of their children. In rejecting women and children, Indian Nations are wiping out future generations of Indians. It is suicidal for Indian Nations. The exclusion of their children is the greatest insult to Indian women.



BILL C-31

The new **Indian Act** separates Indian status and band membership and creates new divisions among Indians. As a result of **Bill C-31**, some people will be eligible for Indian status but not for band membership, others may be accepted as band members but will not be eligible for Indian status, while another group will have both status and band membership. A further division is created because not all status Indians will have the same ability to transmit status to their children. The majority of non-status Indians and Métis people are not eligible for registration under the new **Indian Act**. Consequently, the legal distinction between Indians and other native people will remain.

Bands now have the right to control their own memberships, and may exercise that right by developing band membership codes and assuming control of their membership lists; they may also elect to leave control over their membership with Indian and Northern Affairs Canada. The federal government continues to define who is eligible for Indian status.

Who is eligible for Indian status?

An Indian woman will no longer lose status by marrying a man without status, and an Indian man will no longer be able to give Indian status to his wife. Furthermore, enfranchisement has been abolished. A person can no longer give up or be stripped of her/his Indian status. These are generally viewed as positive changes to the Act.

Bill C-31 has made it possible for many Indians who lost their status to be reinstated (i.e., receive their status back) and for their children to be registered for the first time. Appendix A contains a detailed outline of **Bill C-31** eligibility rules. Those eligible to have their status restored can apply to be reinstated under Section 6(1) of the new Act; they include:

- women who lost status because they married a man without Indian status and any children enfranchised along with them;

- children born outside of marriage to a status woman, whose registration was protested because the alleged father was not a status Indian;
- women and men who lost status because both their mother and paternal grandmother had gained status through marriage;
- women and men who were enfranchised upon application or under various sections of pre-1951 Indian Acts.

The children of these people, whether adult or minor, are eligible to be registered for the first time. Applicants, **both** of whose parents are or were eligible for status under **Bill C-31**, will be registered under Section 6(1) of the new Act. Those with only **one** parent eligible will be registered under Section 6(2). In most cases, the offspring of women who lost their status through marriage, and those of children who were protested will have only one eligible parent and will therefore be registered under Section 6(2).

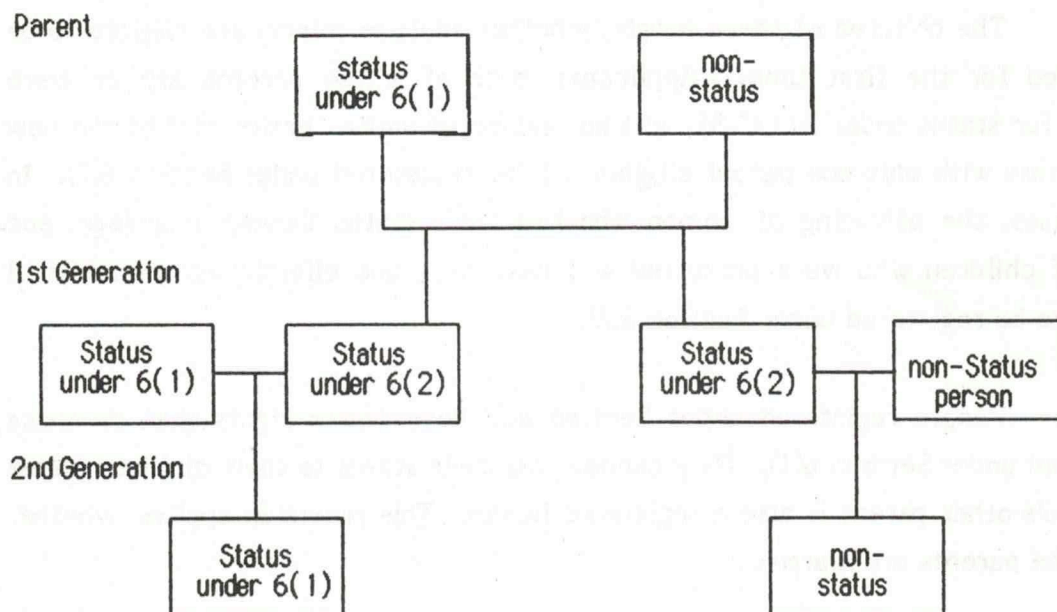
People registered under Section 6(2) have fewer rights than do those registered under Section 6(1). They cannot pass their status to their children unless the child's other parent is also a registered Indian. This provision applies, whether or not the parents are married.

Not all people who consider themselves Indians or have native ancestry are eligible to be registered. The Native Council of Canada estimates that only about 100,000 to 120,000 of the estimated 600,000 Canadians who identify strongly as native people but do not have Indian status are eligible for recognition under the new **Indian Act**.¹⁸ Those not eligible include:

- the descendants of people who accepted half-breed land or money scrip (see note 3), unless entitled under another provision;
- descendants of families or entire bands that were left off band lists or were never registered (The Native Council of Canada urges persons in this situation to apply because a procedure for registration may be developed.);¹⁹
- some women who gained status through marriage and then lost it, for example, by marrying and then divorcing a status man and remarrying a non-status man (as a consequence, their children also lost their status);
- many of the grandchildren of people who lost their status, commonly referred to as the second generation cut-off. The grandchildren of persons who lost their status and are reinstated under **Bill C-31** can be registered as Indians only if both parents have status under Section 6(1) or 6(2), or if one parent has status under Section 6(1).

(The long-term implications of this rule will be discussed later in this paper.) Figure 1 shows the hypothetical case of how some of the grandchildren will be prevented from having status.

FIGURE 1: Second-Generation Descendants



Source: Native Women's Association of Canada, **Guide to Bill C-31: An Explanation of the 1985 Amendments to the Indian Act** (Ottawa: Native Women's Association of Canada, 1986), p. 9.

Who is being registered?

As of January 13, 1987, less than one-quarter of the 79,000 applicants to date had been registered. Approximately 60 per cent of these are people being registered for the first time; the other 40 per cent are reinstatements of people who had lost status, the vast majority of whom are women. Over half of Bill C-31 registrations (54 per cent) have been made under Section 6(2).²⁰

The high number of disallowed applicants (approximately 15 per cent) should also be viewed with caution. This figure includes applications rejected because they were duplicates, or because the applicant had never been removed from the Indian register, as well as those rejected for insufficient documentation or because they were judged not to be eligible. Some of the latter cases may be registered if they can provide strong proof of their entitlement, or if a parent's registration or eligibility to be registered is confirmed. As with the initial application, the onus is on the applicant to follow up or protest a rejection.

It is difficult to draw any valid conclusions at this point regarding who will become registered under Bill C-31, because such a small percentage of applications has been processed, and Indian and Northern Affairs Canada is still receiving 50 to 60 applications a day.

Table 2 shows the breakdown, by region and section, of registrations and reinstatements completed by the end of September 1986.

TABLE 2: Registrations by Section and Region

REGION	6(1)	6(2)	TOTALS	DISALLOWED
Atlantic	328	570	898	103
Quebec	541	1,043	1,584	292
Ontario	1,362	1,350	2,712	554
Manitoba	432	404	836	164
Saskatchewan	421	475	896	159
Alberta	617	787	1,404	219
British Columbia	661	508	1,169	275
Yukon	153	166	319	29
N.W.T.	54	40	94	3
TOTAL	4,569	5,343	9,912	1,798

Source: Membership and Registration Unit, INAC. All figures as of September 30, 1986.

What does it mean to have status?

Many women who have been registered under Bill C-31 feel that they have finally received confirmation and recognition of their rights.

I feel really good about my reinstatement and I applied because of the principle of it. I am now part of my band again and this is important to me - I feel better now that I really belong.²¹

Still, there remains, among these women, bitterness, anger, and sadness at having unjustly lost or been denied their status. Nothing, they say, can make up for the injustice of the past. A new law does not erase years of alienation from their families and communities, deep-seated feelings of rejection and inadequacy, and the struggle to raise their children in a foreign environment.

As well as the psychological and emotional aspects of registration, there are some concrete benefits associated with Indian status. These include: post-secondary education assistance; uninsured health benefits; hunting, fishing, and trapping rights and other treaty benefits; access to some economic development funds; income tax and sales tax exemptions; and Via and British Columbia rail transportation discounts.²² Some of these benefits, such as uninsured health benefits and education assistance, are considered by government to be program benefits that could be discontinued or modified at any time. Indian groups contend that they are guaranteed by treaty.

Who is entitled to band membership?

Indian bands now have the right to control their own membership. The principle that First Nations should control their own citizenship or membership is a key issue in the struggle for self-government and therefore, in principle, is generally viewed as a positive change to the Act.

Indians are now divided into two categories: those who are automatically entitled to be band members and those who are conditional members. Listed below are those automatically and immediately entitled to be band members.²³ Note that all of these people are eligible for registration under Section 6(1):

- women who lost status because they married a man without Indian status, and any children enfranchised along with them;
- children born outside of marriage to a status woman whose registration was protested because the alleged father was not a status Indian;
- women and men who lost status because their mother and paternal grandmother had gained status through marriage;
- children born after the new **Indian Act**, both of whose parents are members of the same band.

Those listed below are granted conditional band membership. Some are eligible for registration under Section 6(1) and some under Section 6(2):

- women and men who were enfranchised upon application or under various sections of pre-1951 Indian Acts, both eligible under Section 6(1);
- children whose parents belong to different bands, eligible under Section 6(1);
- children, only **one** of whose parents belongs to or is eligible to belong to a band. This category will include those eligible under Section 6(1), such as children who were protested; and those eligible under Section 6(2), such as the children born to Indian women and their non-status husbands. (Appendix B contains a more detailed list of eligibility for band membership.)

If the band decides to leave control of membership with INAC, or has not assumed control over their membership before June 28, 1987, people with conditional membership will be placed on the band's list by INAC. If the band decides to take control over its own membership before June 28, 1987, these people **may** be excluded by the band's membership code.

Over a third of the people registered under **Bill C-31** have been added to band lists. These 4,490 people are mostly women who lost their status because of marriage. Most of the remaining 64 per cent are people in the conditional

membership category, who must wait until their bands have passed membership codes or until the freeze on adding conditional names to the band list has passed.

Dependent children now have the right to live on the reserve with their parent(s) or other guardian who is a band member. This means that, in theory, a 12(1)(b) woman could move back to her reserve and bring her dependent children even if they had not been accepted as band members. Bands, however, can pass residency by-laws, which could also control residency rights of band members and others, and determine the rights of spouses and children who live with band members.

What does it mean to have band membership?

A band member has the right to live on her/his band's reserve, to vote in band elections, to seek election as band chief or councillor, to own and inherit property and be buried on the reserve, and to have a share of income from band resources such as timber dues, sale of surrendered lands, and oil and gas revenues. A band member will also be eligible for on-reserve housing, health services, welfare and education assistance, to the extent that these services are available. A small percentage of bands have valuable resources, such as gas, oil, and developed urban land. A band member's share of royalties and rents could amount to a considerable sum of money.

It should be kept in mind that the majority of bands in Canada are very poor, and living conditions on most reserves are far below average Canadian standards.²⁴ Still, band membership is desirable because it allows individuals to live close to their relatives and to enjoy the social and cultural benefits of their own society.

Not everyone registered under **Bill C-31** is interested in immediately returning to their reserves. Implementation workers report that a minority of applicants have expressed a desire to return to their reserves. Many have established themselves off-reserve, but still desire band membership so that they will have a recognized link with their band, and be able to return if their circumstances change, when they retire, or for burial. It is also important to them that their children have rights as band members.

Many non-status Indians live on reserves across Canada. Although these people are not registered Indians or band members, they have often been accepted as members of their communities. INAC and bands have provided many services, such as health care and schooling, to non-status and non-Indian residents of reserves. INAC has no statutory obligation to provide funding for on-reserve services and benefits for non-status people. If large numbers of non-status Indians are accepted as members by bands, this practice could be ended.

Since the controversial band membership provisions of **Bill C-31** were introduced, a few bands have stopped providing these services to newly reinstated women and their children. It is women already living on reserves who are losing services they once enjoyed. For example, women have been denied fishing licences; their children have been refused admittance to reserve schools; medical services have been denied; and bands have refused to grant construction permits or permission to sell land to reinstated women. Reinstated women who hear about this treatment of other women hesitate to return to their reserves.

Band control of membership

Bands can choose to leave control of their membership with Indian and Northern Affairs Canada, or they can follow the process outlined in **Bill C-31** in order to assume control of their membership. A band may develop a citizenship (membership) code that has criteria very different from the federal government's rules for status recognition. A person could, therefore, be accepted as a band member without being a status Indian. Losing or gaining band membership does not affect a person's Indian status.

As of December 30, 1986, only four bands had taken control over their membership: Lubicon and Sawridge in Alberta, Sechelt in British Columbia, and Cumberland House in Saskatchewan. Three Nova Scotia bands – Horton, Afton, and Pictou Landing – have asked INAC to continue controlling their band memberships. Another 22 band codes have been submitted to INAC for comment or action. Of Canada's 592 Indian Act bands, 401 (67 per cent) have received a one-time grant to assist them in developing their membership codes. As of December 30,

approximately 4,490 people have been added to band lists.²⁵ It is clear from these figures that almost two years after the introduction of **Bill C-31**, action on band membership is just beginning.

The four band codes passed at this time represent a range of possibilities,

...from the fairly simple and open systems of Lubicon and Sechelt to very complex and restrictive systems such as that of Sawridge. The Cumberland House Band code represents a middle-ground of complexity, giving the Chief and Council considerable control, setting a blood-quantum rule, and providing for an appeal procedure.²⁶

Band codes have not been published in the **Canada Gazette**, which the Native Council of Canada argues is required in law.²⁷ It is very difficult for native organizations and individuals to be aware of their rights and to respond to band codes if they are not made public.

In Alberta, the Sawridge Band, reputedly one of the wealthiest bands in Canada, has passed a residency by-law which may prohibit reinstated persons, mostly women, who gained automatic band membership under **Bill C-31**, from residing on the reserve, thus effectively preventing them from remaining as band members.²⁸

Similarly, the Montagnais du Lac Saint-Jean at Pointe-Bleue, Quebec, have placed a moratorium on services and rights to reinstated persons, mostly women, until the band's membership code is written and accepted. This moratorium prevents reinstated persons from voting or participating in preparation of their membership code, and denies services to them and their children, including the right to attend reserve schools.²⁹

Challenge to Bill C-31

Six Alberta bands – Sawridge, Sturgeon Lake, Ermineskin, Enoch, Sarcee, and Blackfoot – have challenged the validity of **Bill C-31** in the Federal Court of Canada, based on the argument that the provisions of the new **Indian Act** are in conflict with Section 35 of the Canadian Constitution because they deny the right of Indian bands to determine their own membership. The outcome of this case may not be known until the winter of 1988. INAC's test-case program has provided a small amount of funding to the group Indian Rights for Indian Women and the Alberta affiliate of the Native Council of Canada to follow the progress of the case.³⁰

THE IMPACT OF BILL C-31 ON WOMEN AND THEIR FAMILIES

Discrimination and difficulties contained in Bill C-31

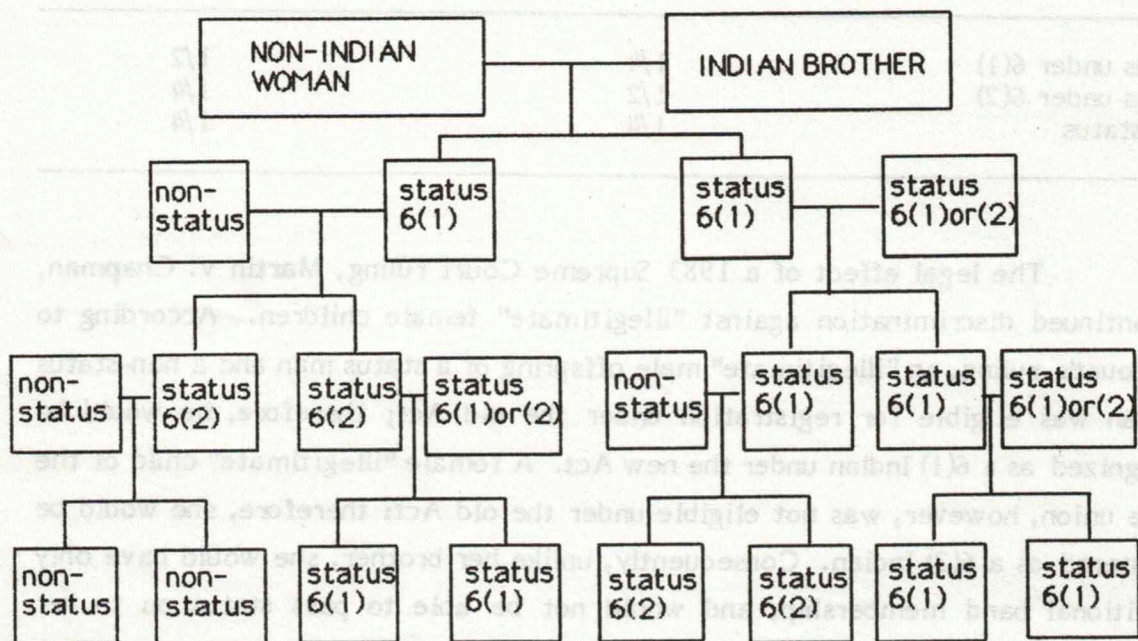
While blatant discrimination on the basis of sex is removed from the Act, the effect of past discrimination persists. A reinstated person is less able to transmit status and band membership to her/his children than is a person who never lost her/his status. The Native Women's Association of Canada gave the following illustration in its **Guide to Bill C-31: An Explanation of the 1985 Amendments to the Indian Act**.

A brother and sister who were both status each married non-Indians before April 17, 1985. The brother's wife gained status, so their children are status and band members. Not so for the sister who married a non-Indian. Under Bill C-31, she will regain status and band membership, but her children are entitled to less. They can gain status only and have 'conditional' band membership.³¹

Thus, children of the Indian woman may not be accepted as band members. Furthermore, children of the brother and his non-Indian wife, as 6(1) Indians, will be able to transmit Indian status to their children, regardless of the status of the other parent. The children of the sister and her non-Indian husband, as 6(2) Indians, will be able to pass status to their children only if the other parent is also a registered Indian. Figure 2 shows three generations of descendants of this brother and sister. In this example, each marriage or informal union produces two children, one who marries another status Indian and one who does not. After four generations, the brother and sister each has 22 people in their family trees, four of whom may have been of non-native descent. The sister's descendants have fewer Indian rights than have those of her brother, despite the fact that their degree of Indian ancestry is the same. Table 3 compares them in the fourth generation:

FIGURE 2: Continued Discrimination Against Indian Women

a. Status of three generations of brother's descendants



b. Status of three generations of sister's descendants

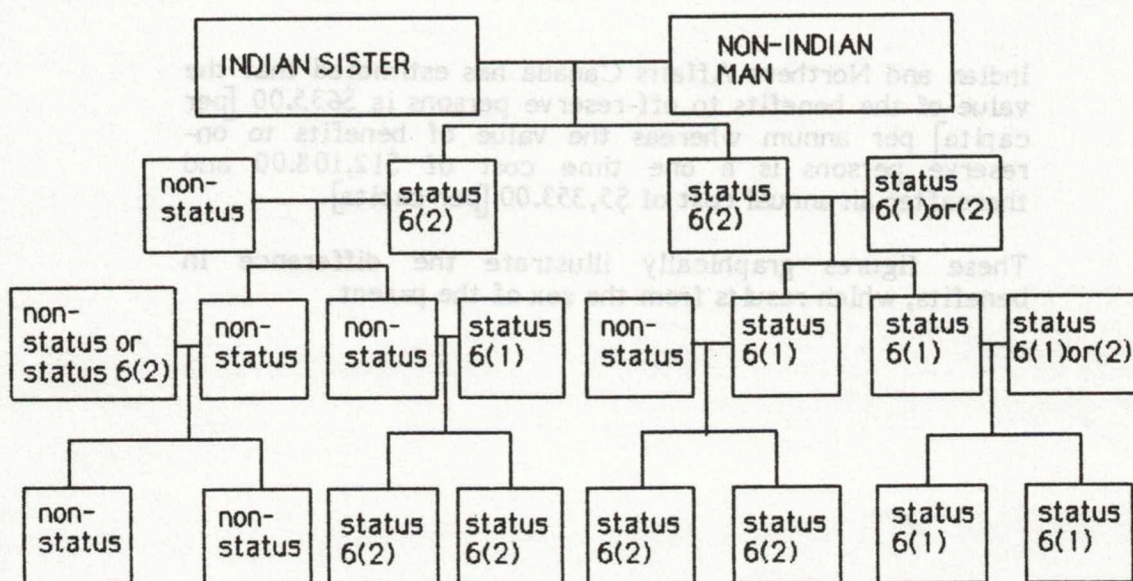


TABLE 3: Comparison of the Fourth Generation

	Proportion of sister's descendants	Proportion of brother's descendants
status under 6(1)	1/4	1/2
status under 6(2)	1/2	1/4
non-status	1/4	1/4

The legal effect of a 1983 Supreme Court ruling, **Martin v. Chapman**, is continued discrimination against "illegitimate" female children. According to the court's ruling, an "illegitimate" male offspring of a status man and a non-status woman was eligible for registration under the old Act; therefore, he would be recognized as a 6(1) Indian under the new Act. A female "illegitimate" child of the same union, however, was not eligible under the old Act; therefore, she would be registered as a 6(2) Indian. Consequently, unlike her brother, she would have only conditional band membership, and would not be able to pass status on to her children unless their father also had status.

The persistence of past discrimination means that many women will pass fewer benefits on to their descendants than will their brothers.

Indian and Northern Affairs Canada has estimated that the value of the benefits to off-reserve persons is \$635.00 [per capita] per annum whereas the value of benefits to on-reserve persons is a one time cost of \$12,108.00 and thereafter an annual cost of \$5,353.00 [per capita].

These figures graphically illustrate the difference in benefits, which results from the sex of the parent.

From a parent's perspective, the Indian male, because of his status, will be able to provide much greater benefits to his children and grandchildren because they will be band members...A female parent will not be able to provide these benefits to her children and grandchildren as the children will just be on the Indian Register. Only if their applications for band membership are granted do they become eligible for the other benefits.³²

Single mothers must now name the father of their child; otherwise, he is assumed to be a non-Indian, the child will be registered as a 6(2) Indian, and s/he may not be able to get band membership. If the father is an Indian from another band, he must sign an affidavit, and both parents must indicate in writing to which band they want the child to belong.³³ Single mothers are often reluctant to name the father of their children, and do not feel that his background should be a factor if he is not an active member of the family. The consequences are viewed as unfair discrimination against women who, without a partner, raise children.

If one does not name the father of one's child, it is assumed the child's father is non-Indian. This is racist, sexist and is directly against women's cultural rights. Culture is transmitted largely through women...and therefore a child with an Indian mother is an Indian regardless of biological paternity. The single parent rate for Native women is very high - in many cases, the father is non-supportive and absent from the lives of both the mother and children. Nowhere in the legislation are Indian men required to name the children they may have fathered.³⁴

The restricted ability of 6(2) Indians to transmit status to their children applies to both males and females. There is a fear that, in the long term, this rule will limit the number of Indians who are eligible to be registered under the **Indian Act**. Indian marriage statistics from 1965 to 1985³⁵ show that about half of Indian marriages are between status people; the other half are between a status man or woman and a non-status person. Indian men tend to marry-out as frequently as do women. If this trend continues, the proportion of Indians who will be able to transmit their status will decrease from generation to generation. Figure 2 shows how the descendants of a woman who married-out are disadvantaged, compared to those of her brother; it also illustrates how marriage to a non-status

person under the new **Indian Act** will affect the Indian population over several generations.

Gaps in the legislation

There are no special provisions for the approximately 100 registered Indians on the General List who did not have the right to belong to any band in Canada under the old **Indian Act**. They must apply directly to a band and be accepted by that band in order to have membership.

Under the new **Indian Act**, a person can belong to only one band whose membership is controlled by INAC, and can transfer into a band only if the chief and council accept her/him. There is nothing to prevent a person from being accepted into two bands, as long as at least one has control of its own membership and its code allows dual membership.

Transferring between bands may be especially problematic for a woman who marries a man from another band. Will the man's band be willing to accept her and any children she may have? Will her band be willing to accept him and any children he may have? If the woman moves to his reserve and then separates or is widowed, will she be able to bring her children home to her own reserve? There is nothing in the new **Indian Act** that addresses these questions or requires bands to consider them.

Some women believe strongly that a woman and her children have an inherent right to reside on the mother's reserve, and fear that the amendments do not adequately protect them.

I am an Indian woman from a band in Southern Saskatchewan who married an Indian man from another band. I was automatically transferred to his band by the Department of Indian Affairs. The marriage did not last but we did have four children. My children and I now belong to a band that we have no ties to whatsoever.

I was anticipating legislation that would enable my children and myself to return to my original band as this is where my family resides and where I feel is "home". Unfortunately, I have no recourse until June, 1987 when my band should have their membership code developed. I will then apply for membership and I believe my children will do the same. I hope we meet the criteria for band membership and that we are accepted.³⁶

The new Act also prevents a woman who was not entitled to status at birth, but who was registered because she married a status man, and later lost status (for example, by remarriage to a non-status man), to be reinstated. Any of her children by a non-status father are also barred from being registered. These provisions, detailed in Section 7(1), 7(2), and 7(3) of the new **Indian Act**, prevent white women and their white children from having and transmitting Indian status. The same rules, however, also prevent women of native ancestry who were not entitled to be registered at birth, but did get status through marriage and then lost it, from being reinstated unless they qualify under some other provision.³⁷

Sections of the old Act excluding from entitlement to status the descendants of natives who were allotted half-breed lands or scrip money have been repealed, but there is no section that makes them eligible for registration. People who took scrip, and their descendants, will be able to get status only if they qualify under other provisions.³⁸

Another area of concern is the lack of family law protection for women under the new **Indian Act**. In March 1986, the Supreme Court of Canada ruled that provincial family laws do not apply on Indian reserves.³⁹ Because provincial laws do not apply on reserves, and the **Indian Act** does not make specific regulations for division of reserve property upon divorce or separation, most Indian women are left with no legal rights to occupy their family home, keep household goods, or bar an abusive partner. While, in practice, a band council may support and assist a woman, she has no legal rights on which to depend. Because reserve housing is so often in critically short supply, a woman may have to take her children off the reserve in order to find shelter for them.⁴⁰

One recently reinstated woman who has worked with battered native women expressed her concern about the lack of protection for women's basic rights:

I don't think the **Indian Act** protects the rights of women and children. Battered women are vulnerable. They don't know what to expect or whether they will get any support. There are no rules about who will get to stay in the house or who will get the children. Mostly they're forced off the reserve or they have to stay and take the abuse.

Bill C-31 does not require that band membership codes or by-laws, such as residency requirements, conform to the **Canadian Charter of Rights and Freedoms**. Some women see this as a lack of protection for the rights of women and children and fear that their only recourse will be to pursue individual cases in court.⁴¹

Difficulties in applying for status

As outlined earlier, the onus is on the individual to apply to Indian and Northern Affairs Canada for registration. Former band members who have lost their status are **not** reinstated automatically by INAC. This policy creates the general problems of information and documentation.

■ **Information**

The Native Women's Association of Canada and its affiliates and the Native Council of Canada and its affiliates received funding for **Bill C-31** implementation projects. They informed the people whose interests they represent about changes to the Act through the native and mainstream media, by holding community workshops and meetings with band councils, and by distributing printed material. Implementation workers helped individuals to complete applications, found needed documents, located relatives, answered telephone requests, provided a liaison between applicants and their bands, followed up on applications, and helped newly registered individuals to get benefits.

Funds for implementation programs have been or are about to become exhausted, and no further funding has been promised. People working on implementation of Bill C-31 feel strongly that implementation has just begun. The number of unprocessed applications supports this view. These organizations cannot continue this work without further funding.

■ Documentation

An individual has to complete an application form and submit it along with documents such as birth registrations, baptismal certificates, marriage certificates, divorce papers, change-of-name records, statutory declarations (in which a person attests to the family background of the applicant – at least two are required), or adoption orders. Documents such as these are required by INAC to prove a link between the applicant and an ancestor with Indian status. Birth registration forms cost \$10 each in most provinces. This cost can be prohibitive for a low-income woman applying for herself and her dependent children. No funds have been provided through INAC's Membership and Entitlement Directorate budget or to native implementation programs to subsidize the expense of making application.

For many people, required documents proving their ancestry are simply not available. Many Indian children were not registered at birth, and Vital Statistics has no record of their existence. This is a problem, particularly for older people and families living in northern and remote areas. Other records are also difficult to find because church and government officials often unilaterally changed people's names, and records have been destroyed or lost.

Native children who have been adopted out of their communities may have a difficult time proving their right to be registered. Adopted children must supply INAC with an adoption order so that it can have a search made by the appropriate provincial authority. If no father was named on the child's birth certificate, the father is assumed to be a non-status person. The child can therefore claim entitlement only through her/his mother, and thus be registered as a 6(2) Indian.

Children who are adopted by Indian custom must present INAC with a written description of customary adoption practices in order to claim status through her/his adoptive parents. Customary adoption is a widespread practice that is not codified or written down. Implementation workers feel that a declaration of customary adoption should be sufficient.

In some cases, individuals and entire bands were never registered. The Native Council of Canada urges these individuals to apply. However, as Bill C-31 does not make specific provisions for these cases, individuals may have a difficult time proving their entitlement.

■ The effect of the backlog on accessing benefits

There is a very long wait between applying for registration and receiving confirmation or rejection of registration.

Applicants attending post-secondary institutions are given priority when applications are processed. If they are registered, they are reimbursed for education expenses incurred since the date of application. This INAC policy softens the inconvenience of the huge backlog of applications. One recently reinstated woman expressed the importance of education benefits to her family:

I'm attending university now and so is my son. It's opened a whole new way of life for us. My teenage daughter is looking forward to going, too. Education is part of the answer to our problems as Natives. We never could have gone to university without this assistance. It means an awful lot to us as a family.

While there is sufficient money in the special Bill C-31 funds to assist newly registered post-secondary students, some INAC regional offices ran out of money in their budgets and instituted a November cut-off date for educational grants to previously registered Indians. This unequal treatment creates resentment among Indians covered by Bill C-31. The root of this problem is that educational grants can be limited or stopped when funding is tight, or large numbers of Indians take advantage of program benefits.

Health and Welfare Canada administers uninsured health benefits, such as drugs, eye glasses, hearing aids, and patient transportation for status Indians. **Bill C-31** applicants cannot get these benefits until they have been registered, no matter how long ago they applied. Implementation workers report that these benefits are particularly critical among low-income Indians who live in provinces, such as British Columbia, where provincial social services have been cut back. The long wait is particularly infuriating for women who feel that the sexual discrimination of the **Indian Act** cheated them and their children of their benefits.

I feel bitter for my mother. My father tricked her into signing the enfranchisement papers. She didn't know English and she didn't know what she was signing. We were kicked off his reserve and her band couldn't help us. She struggled for years raising us in the city with no housing, no help of any kind, and now she's still waiting to be reinstated.

In an attempt to minimize the hardship caused by Health and Welfare Canada's policy, applicants who require medical benefits have priority for processing, along with post-secondary education students.

Although applications from persons 65 years of age and older are also given priority, implementation workers report that people have died before regaining their Indian status. Gaining access to uninsured medical benefits can be especially crucial to older women, who typically suffer from poverty and health problems.

Slow processing of applications will prevent many people in the conditional membership category from being registered before June 1987. It is not known whether the bands' membership codes will have to respect the date of application, or if they will be able to disallow membership to those who were not registered before the deadline established by the federal government for citizenship codes.

■ Why some women are hesitant to apply for status

There is a general consensus among people involved in implementing **Bill C-31** that many eligible people have not yet applied for registration. Some are not aware that the Act has been changed or how the amendments could affect them. Others do not seek registration because, on principle, they do not recognize the federal government's right to determine who is an Indian, or because they identify strongly as Métis and believe that Indian registration is not appropriate for them.

Misinformation has also prevented people from registering. Some women in Saskatchewan, for example, were told that if they were registered as Indians they would have to live on a reserve. There was also a misleading rumour that women who become Indians would not be able to collect provincial welfare. Those depending on welfare to support themselves and their children could not risk losing their provincial benefits. Also, media coverage of the negative treatment received by some women from their bands has discouraged others from applying.

Applying for band membership

The issue of who should receive band membership is politically sensitive and very contentious. The Assembly of First Nations contends that **Bill C-31** does not give bands enough control over membership.⁴² Some women, on the other hand, fear that bands have too much opportunity to block membership of women and their children. Misunderstanding about the impact of **Bill C-31** on bands, and about the intentions of reinstated women, is partly to blame for this situation.

There have been numerous information sessions on **Bill C-31**, but people are still uninformed and they still don't understand. The deadline for citizenship codes is June 1987, but people still don't really know what a citizenship code is. The lack of information has had a terrible effect: it has created suspicions and fears that are groundless.

The Assembly of First Nations has proposed that the June 1987 freeze on adding people to band lists in the conditional membership category be extended another two years, until 1989, in order that bands have more time to thoroughly consider development of membership codes. Some women fear that an extension will be used to prevent the children of reinstated women from acceptance as band members.

Because so few bands have developed codes, it is difficult to predict how many codes will be restrictive and exclusive, and how many will be open and inclusive. The general impression of people working with bands and on implementation programs is that most bands are in favour of accepting members of their communities, and a few are openly opposing reinstated and newly registered persons.

Despite the fact that women reinstated under Bill C-31 are automatically placed on band lists and therefore qualify as electors under the Indian Act, band council resolutions and residency by-laws such as those passed by the Sawridge and Frog Lake Bands⁴³ of Alberta and the Pointe Bleue Reserve in Quebec are preventing reinstated women from taking part in developing membership codes.

Reinstated women feel that they have the right to work on membership codes and that their experience as enfranchised Indians and as mothers gives them a valuable insight into the needs of their nations.

Indian women who have lost their rights have been isolated from their culture and their reserves for a long time. They have always made an effort to provide their children with a strong sense of their heritage so that they could have their own identity.

In many communities, there is a trend toward renewing culture, and a return to roots. It is up to women to carry this through, especially those women who have lost their status. They have firsthand experience of the loss of culture and they have returned to try to build something. They are the ones with the greatest commitment to cultural revival or continuance.

At this time, INAC is reluctant to interfere with matters of band membership.⁴⁴ Women are left with no recourse but to pursue their rights in the courts. Funding is available through INAC's court challenges program, and some native organizations, such as the Alberta affiliate of the Native Council of Canada and Indian Rights for Indian Women, are willing to assist women to fight for their rights. Native women in Quebec have stated that they are prepared to pursue their rights in the courts if necessary.⁴⁵

Generally speaking, individual women are reluctant to protest openly or call upon the courts to uphold their rights. Reserve communities are small, closely connected networks of families and kin groups. There is no way a woman and her children can force their way into the community; they must be willingly accepted or they will have no quality of life. A woman who has been reinstated but is barred from receiving band benefits and services talked about the tensions created by Bill C-31 on her reserve and its effect on her work and her children:

I work in a public place and the public doesn't see me in the same light. Some people don't trust me anymore. There was no such racism before 1985. My children are beginning to ask some disturbing questions. It is very hard on them.

Another reinstated woman fears that if she fights for her rights she will jeopardize her job on the reserve.

I have experienced some strained relations with my co-workers. I think my position at work would be jeopardized if I protested too much or too openly.

Mothers are reluctant to move onto their reserves with their children if the children do not have band membership and therefore can live with them only as long as they are dependent. As soon as they begin to work or want to set up their own households, the children can no longer live on the reserve, nor can they inherit their parents' property, share the band resources, or participate in native political life. One woman talked about how this affects her decision as a mother:

As a woman, I won't ask for residency on my reserve because my children have no rights there. Where is a woman supposed to put her children? They are my children. They should enjoy full Indian rights.

As discussed earlier, women who are already living on reserves have lost some of the benefits they once enjoyed because their bands have imposed moratorias on services to reinstated women and their children until their band codes are passed.

Why are some bands reluctant to accept new members?

Despite establishment of a five-year Bill C-31 fund, and the statement by David Crombie, Minister of Indian and Northern Affairs Canada, that "no community will be worse off as a result of the enactment of Bill C-31",⁴⁶ chiefs and councillors are reluctant to assume the burden of new members without guarantees of increased ongoing funding for their bands.

Reserve lands and resources for the vast majority of Canadian bands are not meeting the basic needs of their current populations. Housing is in critically short supply, infrastructures such as roads, and sewer and water facilities are inadequate or non-existent, unemployment is very high, and health, educational, and recreational opportunities are extremely limited. The fact that on-reserve populations are very young, and quickly increasing, exacerbates this problem.

The potential for tension and conflict between the original members and potential new members is a reality because the bands are being forced to bear the burden as opposed to the federal government. The impact on some bands, especially those with few resources, will be quite dramatic, and could lead to serious conflicts if the needs of the bands to preserve their social and cultural integrity are overlooked.⁴⁷

Although it is estimated that a minority of those registered under **Bill C-31** will move to their reserves, there is a real fear that new members will put an unmanageable strain on band resources and alter the social and cultural make-up of the community. These apprehensions cause resentments and splits between family members. Some band members oppose returning members who have lived off-reserve for many years, fearing that they will compete for scarce resources such as jobs and housing, and exert foreign influence on the political and cultural life of the band. These are concerns that some bands believe can be addressed by combining carefully designed membership codes with adequate funding.

Creating new bands

Bill C-31 allows for the creation of new bands, but some women do not think that new bands will meet their needs.

Women who have fought the battle did so because they have profound ties to their bands. One cannot create another sense of belonging. Ties to a band represent fundamental membership in a nation.

At the same time, some feel this is a viable option for women who belong to bands that refuse to accept them or their children, or for those who do not have a strong connection to an existing band. Toward this end, the Alberta and Quebec affiliates of the Native Council of Canada are investigating means and possibilities of creating new bands through a treaty adhesion or claims settlement approach. In order for new bands to be a real alternative, they must receive reserve land and funding.

Women fear for family unity

Women fought against discrimination in the old **Indian Act** because it alienated women and children from their families and communities and created false divisions between native people. They lobbied for changes in legislation

that would recognize the importance that women, as individuals and mothers, play in passing on and enriching Indian culture and society. They fear that Bill C-31 falls short of achieving this goal, because the provisions of the Act perpetuate past discrimination, and because of the lack of informed discussion about the changes.

The struggle to have Bill C-31 passed was primarily to protect and reunite families. This could be achieved with C-31; but there is so much fear. The bill is creating enormous rifts in families because people are unprepared and not well informed. The women have been prepared, but the rest of the population has not, because they weren't interested before, and now some are not interested in sharing band resources.

Women who lost status are divided against brothers, fathers, and even mothers and sisters who oppose the return home of reinstated women. Brothers and sisters who have married-out continue to have unequal ability to pass on status to their descendants. Cousins, and even children in the same family, have different rights to status and band membership. All of these inequalities contribute to strife and division in families and communities, the results of which can be devastating to adults and children alike.

If Indian women who have lost their rights cannot pass their band membership to their children, it is likely that all their efforts to give their children an identity will be destroyed. It would be very harmful to the children's sense of identity. The majority of the children in question are now adolescents. It is a time in their lives when they cannot easily endure the rejection of their identity by an entire band.

Equality for native women

When asked what equality means to them, native women, like their non-native sisters, identify a range of issues, including political power, employment, and their position in the family and the community.



Equality for Indian women means that we have to have equal rights to employment and political office. Most important, it means we have the equal right to transmit Indian status to our families. There should be no difference between me and my brother when it comes to passing status on to our children and grandchildren, regardless of who we marry.

Equality means that Indian women participate at all levels of decision making in the community; that their voice be heard wherever they have an opinion; and that they participate actively, not only as observers.

Men and women can have different roles and still be equal. Women in the communities may not want to be chiefs and councillors, but they do a lot of important community work. They don't care so much about being chief as long as the chiefs give them respect and pay attention to what they say.

Some women explained how the **Indian Act** and white culture had imposed gender inequality on Indian people and diminished the equality enjoyed by men and women in their aboriginal cultures.

The problem of inequality for Native women developed because there was a lack of support and recognition for the role of women. A belief developed that what women do is lesser and not important. This is the result of the **Indian Act** and white influence. The role of women has always been very important in our cultures. Both men and women have to be re-educated to recognize this.

Several women stressed that gender equality is an essential aspect of Indian self-determination.

We can't speak of self-government and self-determination as long as Indian women and children are not accepted as Indians; because then, we would be speaking of autonomy only for Indian men, not for Indians.

One woman advocated developing an Indian rights code within First Nations constitutions in order to protect individual rights as well as the collective rights of Indian groups.

In mainstream society, Canadians have the **Charter of Rights and Freedoms** to protect their individual rights. The Indian Nations need an Indian rights code to protect every Indian's basic rights. This code should protect individuals from being arbitrarily stripped of rights by arbitrary political actions of the chief and council or by momentary interpersonal or interclan politics. Every Indian should be protected by the same standards.

While section 35 of the Canadian Constitution guarantees aboriginal and treaty rights equally to men and women, there is some concern that other rights for Indian women, under the **Indian Act**, for example, are not clearly protected⁴⁸ and that equal rights for Indian women will take second place to the right of bands to control their own memberships.

The group Indian Rights for Indian Women believes that the **Charter of Rights and Freedoms** could be invoked to protect the rights of women against both inequality in the administration of the **Indian Act**, and the continuing effects of past discrimination allowed by the substance of the Act. For example, the Charter could be used to argue that the creation of two classes of registered Indians under Sections 6(1) and 6(2), together with band membership criteria, perpetuate the unequal treatment of Indian men and Indian women by giving fewer rights to the grandchildren of women who married-out. Indian Rights for Indian Women is concerned that the discrimination of past Indian Acts should not be passed onto bands, and advocates that band membership codes, and review and protest provisions, should all be required to conform to the **Charter of Rights and Freedoms**.⁴⁹

Court challenges to **Bill C-31**, based on equal rights for women, will likely be resisted by status Indian organizations, whose first priorities are self-government for Indians. There is a concern that court cases involving **Bill C-31** and the Constitution will interfere with discussions at the First Ministers Conference, because issues before the courts are not open to political negotiation. The Assembly of First Nations asserts that "reform of the **Indian Act** through **Bill C-31** must not be at the expense of the on-going Constitutional process."⁵⁰

CONCLUSIONS

Bill C-31 has made profound changes to the **Indian Act** that will affect the rights of Indian people to be recognized as Indians and to belong to bands. Although blatant discrimination against Indian women has been removed from the Act, the effects of that discrimination persist, and new areas of inequality arise.

There are now two types of status, one of which is difficult for a parent to transmit to her/his children. At present, it is mostly the children of women who lost their status, who receive this restricted status. In the future, it will affect all Indians, male and female, by limiting the number of Indians eligible for status. A further division has been created because many newly registered Indians will not belong to bands. This will greatly affect their eligibility for rights and benefits. Further, some people accepted as band members do not qualify for Indian status. The Assembly of First Nations believes that the government should recognize these people as having status if they are accepted by their communities. These divisions promote disunity and inequality among Indian people.

While the right of bands to determine their own memberships is generally supported as an important step toward self-government, some women have had difficulties getting services and benefits from their bands or exercising their rights as reinstated band members. They fear that their rights and the rights of their children are ignored by bands, and that they have no protection. The debate between individual rights and collective rights is a contentious one in the native community. Many women feel that the **Charter of Rights and Freedoms**, or a similar Indian rights charter, needs to be applied to all band membership codes, review processes, and protest provisions to assure that no one is unfairly treated. Bands would be in a better position to accept new members if they received a guarantee of ongoing increased funding to match their populations and actual needs.

Treatment of children of single mothers, which is not specified in the legislation but has been developed as an administrative policy, is a strong concern for many Indian women who believe that when there is no father present, children should receive their status and band membership through their mother only.

Organizations and individuals have identified a need for information and assistance programs to help eligible people to follow up their applications and access benefits, and to assist bands to understand the amendments and to develop membership codes.

An assessment of the impact of these important amendments to the **Indian Act** will be possible only after most of the applications for registration have been processed, and more bands have acted on their right to control membership. Organizations that have been working actively with **Bill C-31** should be involved in future impact studies.

APPENDIX A: SUMMARY OF STATUS ELIGIBILITY RULES

The following people are entitled to be registered under the **Indian Act**:

Section 6(1)

- Anyone who was registered or entitled to be registered before the new **Indian Act** came into effect (April 17, 1985); in other words, no one loses status because of **Bill C-31**;
- Anyone who is a member of a band that was newly created or recognized by the government, either before or after **Bill C-31** came into effect;
- Anyone who lost status through:
 - Section 12(1)(b) – marriage to a man without Indian status;
 - Section 12(1)(a)(iii) and Section 109(2) – involuntary enfranchisement of a woman upon marriage to a man without Indian status and the enfranchisement of any of her children born before her marriage;
 - Section 12(1)(a)(iv) – the double-mother clause – loss of status upon reaching the age of 21, if mother and paternal grandmother gained status through marriage;
 - Section 12(2) – children born to Indian women who lost status upon protest because the alleged father was not a status Indian.
- Anyone enfranchised under Section 12(1)(a)(iii) and Section 109(1) – the "voluntary" enfranchisement of an Indian man along with his wife and unmarried children under the age of majority;
- Anyone enfranchised under Section 13 of the **Indian Act** 1927 (in effect from 1880 to 1951) – residency outside of Canada for more than five years, without the consent of the superintendent or Indian agent;
or anyone enfranchised under Section 111 of the **Indian Act** 1906 (in effect from

1867 to 1920) – upon receiving a university degree or becoming a doctor, lawyer, or clergyman;

- Any child, both of whose parents are entitled to be registered under any of the foregoing, whether or not his/her parents are still alive.

Section 6(2)

- Any child, one of whose parents is eligible to be registered under any of the subsections of 6(1), listed above.

People who are eligible under Section 6(1) have a greater capacity to pass Indian status to their descendants than do those registered under Section 6(2).

APPENDIX B: SUMMARY OF BAND MEMBERSHIP ELIGIBILITY RULES

The following are automatically and immediately entitled to be band members:

Section 11(1)

- Anyone who was on a band list or entitled to be on a band list before **Bill C-31** came into effect;
- Anyone who is a member of a band that was newly created or recognized by the government, either before or after **Bill C-31** came into effect;
- Anyone who lost status through:
 - Section 12(1)(b) – marriage to a man without Indian status;
 - Section 12(1)(a)(iii) and Section 109(2) – involuntary enfranchisement of a woman upon marriage to a man without Indian status and the enfranchisement of any of her children born before her marriage;
 - Section 12(1)(a)(iv) – the double-mother clause – loss of status upon reaching the age of 21, if mother and paternal grandmother gained status through marriage;
 - Section 12(2) – children born to Indian women who lost status upon protest because the alleged father was not a status Indian.
- Any children born after **Bill C-31** came into effect, **both** of whose parents are members of the same band.

The following categories of people are granted conditional membership. If a band decides to leave control of its membership with Indian and Northern Affairs Canada, or does not take control before June 28, 1987, these people will become band members. If a band takes control of its membership before June 28, 1987, the band's membership code **may** exclude people in these categories. It is possible that the June 1987 deadline will be extended in response to a request by the Assembly of First Nations.

Section 11(2)

■ Anyone enfranchised under Section 12(1)(a)(iii) and Section 109(1)

- the "voluntary" enfranchisement of an Indian man along with his wife and minor unmarried children;
 - or under Section 13 of the Indian Act 1927 (in effect from 1880 to 1951) – residency outside of Canada for more than 5 years, without the consent of the superintendent or Indian agent;
 - or under Section 111 of the Indian Act 1906 (in effect from 1867 to 1920) – upon receiving a university degree or becoming a doctor, lawyer, or clergyman;

■ A child whose parents belong to different bands, or only one of whose parents belongs to or was entitled to belong to a band. This will include children born to Indian women who married non-Indian men, i.e., 12(1)(b) women.

APPENDIX C: BILL C-31 INTERVIEW SCHEDULE

All interviews began by asking the person to explain their connections with Bill C-31. Questions for interviews were selected from this master list of questions.

OVERVIEW OF BILL C-31

1. In your opinion, does **Bill C-31** make any **positive** changes to the old **Indian Act**?
2. In your opinion, does **Bill C-31** make any **negative** changes to the old **Indian Act**?

STATUS

3. Do you think that there is equal opportunity for anyone of Native descent to get Indian status under **Bill C-31**? If no, who will be left out?
4. Does the Bill allow Indian status to people who, in your opinion, should not be recognized as status Indians?
5. What factors, if any, will prevent or discourage women from applying for reinstatement/status for themselves and their children?

BAND MEMBERSHIP

6. If a band chooses to leave the control of its band membership with Indian and Northern Affairs Canada, how is the band membership of reinstated women and their children affected?
7. If a band chooses to control its own citizenship/membership, will reinstated women be able to participate in developing the criteria for membership?
8. What factors, if any, make it difficult for reinstated women to participate in developing band membership codes?
9. What factors, if any, discourage or prevent bands from accepting reinstated women or people with new status into their bands? How could this situation be improved?
10. In your opinion, do the C-31 rules for bands taking control over their membership give the band sufficient control over determining who will be band members?
11. In some cases, women will not be able to pass their band membership onto their children. How will a woman be affected as an individual and a mother if her children are not accepted as band members?

CASES AND EXAMPLES

12. Do you know of any women having difficulty being reinstated? What type of problems are they encountering?
13. Do you know of any women having difficulty getting status for the first time? What type of problems are they encountering?
14. Do you know of any reinstated women who are trying to take part in their band's development of membership codes? What has been their experience?
15. What kind of problems are women running into when they try to return to their reserves or to be accepted as band members?
16. Do you know of any women who have lost benefits and/or services they and their children once enjoyed because of the changes to the **Indian Act**? Explain their situation.
17. Can you think of any other way that the changes to the **Indian Act** have affected women that we have not already talked about?

LONG-RANGE SPECULATION

18. In your opinion, what will be the long-range effect of Bill C-31:
 - on individual Native people?
 - on the stability and integrity of Native families?
 - on the stability and continuity of Native communities/reserves?
 - on the population of the First Nations and their potential for self-government?
 - on Native cultures, e.g., language, religion, values, lifestyles?
19. **Bill C-31** has created many different categories of Native people (e.g., status with band membership, status without band membership, non-status with band membership) and given differing rights to pass on status and membership to these people. There are also non-status Indians and Métis people who were not affected by the Bill. Do you see any particular problems arising out of these distinctions?
20. The Bill allows for the creation of new bands. Is this a viable alternative for people without band membership who wish to live in a Native community? Are you aware of any attempts to form new bands?

EQUALITY

21. What does equality for Native women mean to you?
22. In your opinion, can the Charter and the Constitution be used to guarantee Indian women any particular rights, such as status recognition, band membership, treaty or other aboriginal rights?

23. Many people have referred to the difficulty of recognizing and protecting both individual equality and collective rights. Do you have any suggestions for achieving equality between men and women **and** self-determination for the First Nations?

INTERNATIONAL EXAMPLES

24. Do you know of any examples of how aboriginal groups in other countries control their own membership? How do they address the issue of individual equality in a collective society?

LEGAL OPINIONS

25. What are the implications of the clause to protect government and bands from court challenges? Will this prevent women from having recourse in the courts?
26. Does the Bill allow adequate appeal procedures for people who are refused status or band membership, or who believe they have lost some rights or benefits because of Bill C-31?
27. What recourse do women have who believe that the amended **Indian Act** still discriminates against them?

STATISTICS

28. Have you made an estimate of how many women are eligible for reinstatement? How many?
29. Have you made an estimate of how many people are eligible to apply for status for the first time? How many?
30. How many people have applied for status/reinstatement to date or as of ____? Break down applications by sex, age, and section applied under.
31. How many people have been reinstated/granted new status to date or as of ____? Break down by sex, age, and section applied under.
32. Have any applications for status been refused? If so, on what grounds?
33. If an application is refused, does the applicant have an avenue of appeal? If so, could you describe the appeal process?
34. On average, how long does it take for applications to be processed (from the time the application is filed to granting or refusal of status)?
35. Have you made an estimate of what percentage of reinstated women will want to return to their reserves? How many women and children does this represent?

36. How many bands have given notice of intent to control their own membership? Break down location of bands by province.
37. How many bands have established membership codes? Break down by location. Are codes available?
38. Have you any indication of how many reinstated people or people with new status have returned to reserve communities?
39. If a reinstated woman is refused band membership, how can she appeal that rejection?
40. If a person who gained status for the first time is refused band membership, how can she/he appeal that decision?

APPENDIX D: LIST OF PEOPLE INTERVIEWED

Marie Daurice Perron
Member, Canadian Advisory Council on the Status of Women
Secretary, Native Women's Association of Canada
Hodgson, Manitoba

Marthe Gill
Member, Canadian Advisory Council on the Status of Women
Pointe Bleue, Quebec

Shanon Louise Cooper
Member, Canadian Advisory Council on the Status of Women
Mayo, Yukon

Lynn Chabot
Bill C-31 Co-ordinator
Native Women's Association of Canada
Ottawa, Ontario

Rita Pratt
Co-ordinator, Bill C-31 Implementation Program
Saskatchewan Native Women's Association

Giselle Marcotte
Research Officer, Bill C-31 Implementation Program
Saskatchewan Native Women's Association

Laura Guiboche
Coordinator, Bill C-31 Implementation Program
Aboriginal Women of Manitoba

Doris Ronnenberg
President, Native Council of Canada (Alberta)
Co-Chairperson, Indian Act Secretariat

Gail Graham
Native Council of Prince Edward Island

Kim Gallant
Co-ordinator, Bill C-31 Implementation Program
Native Council of Prince Edward Island

Bibiane Courtois
President, Quebec Native Women's Association
Alma, Quebec

Jenny Margetts
Indian Rights for Indian Women
Gibbons, Alberta

Kathleen Jamieson
Consultant on Native Issues
Vancouver, British Columbia

Rose-Ann Morris
Bill C-31 Analyst
Assembly of First Nations
Ottawa, Ontario

Chief Pat Madahbee
Sucker Creek Band
Sucker Creek, Ontario

Jean-Yves Assiniwi
Chief Negotiator
Native Alliance of Quebec
Hull, Quebec

Claude Aubin
Native Alliance of Quebec
Hull, Quebec
Maureen Davies
Professor of Law
Carleton University
Ottawa, Ontario

Brad Morse
Professor of Law
University of Ottawa
Ottawa, Ontario

Robert Groves
Consultant
Native Council of Canada
Ottawa, Ontario

Garth Nettheim
Chairman, Aboriginal Law Research Unit
University of New South Wales
Australia

Paul Williams
Lawyer for bands developing membership codes
Toronto, Ontario

Debbie Jetté
Director, Membership and Entitlement Directorate
Indian and Northern Affairs Canada
Ottawa, Ontario

Ron Cameron
Membership and Entitlement Directorate
Indian and Northern Affairs Canada
Ottawa, Ontario

Laura Clow
Acting Director, Legal Liaison
Indian and Northern Affairs Canada
Ottawa, Ontario

Jim Allen
Indian and Northern Affairs Canada
Ottawa, Ontario

Education and Social Development Branches
Indian and Northern Affairs Canada
Ottawa, Ontario

Medical Services Branch
Health and Welfare Canada
Ottawa, Ontario

NOTES

1. According to the Canadian Constitution, the federal government has exclusive authority to legislate regarding Indians and lands reserved for Indians. Many Indian leaders and international law experts challenge the right of the Canadian government to impose laws on aboriginal people, especially regarding the right of individuals to be recognized as band or tribal members. They maintain that Indian people are the members of aboriginal First Nations, which have the right to determine their own memberships, and that relations between the governments of Canada and First Nations must be regulated by treaties and the standards of international law. For an in-depth discussion of the rights of Indian First Nations, see, for example: Eric Robinson and Henry Bird Quinney, **The Infested Blanket: Canada's Constitution - Genocide of Indian Nations** (Winnipeg: Queenston House Publishing Co. Ltd., 1985), or Maureen Davies, "Aspects of Aboriginal Rights in International Law", in **Aboriginal Peoples and the Law**, ed. Bradford W. Morse (Ottawa: Carleton University Press, 1985).
2. For a history and in-depth discussion of the details and implications of the discriminatory aspects of the **Indian Act**, see: Kathleen Jamieson, **Indian Women and the Law in Canada: Citizens Minus** (Ottawa: Canadian Advisory Council on the Status of Women, and Indian Rights for Indian Women, 1978). Jamieson discusses the historical changes to the **Indian Act** as it affected women, and the long-term ramifications for the Indian people.
3. Half-breed land or money scrip was given to Métis in the treaty 6, 8, 10, and 11 areas of western Canada during the 19th century. The scrip entitled the bearer to a grant of land and was intended to compensate people for extinguishing their aboriginal rights. When the treaties were negotiated, Métis were usually offered the option of entering treaty or taking scrip. Many Métis who took scrip were cheated out of their land and left without treaty benefits or a land grant. For more information on scrip, see: Douglas Sanders, "Historical and Legal Perspectives on Claims Research", in **The Forgotten People: Métis and non-status Indian Claims**, ed. Harry W. Daniels (Ottawa: Native Council of Canada, 1979).
4. The Native Council of Canada (NCC), established in 1970, is a national organization representing non-status Indians, Métis people, and those newly registered under **Bill C-31**.
5. Since 1982, the National Indian Brotherhood has become a secretariat to the Assembly of First Nations, the national organization of chiefs who are the leaders/spokespersons of Indian First Nations (i.e., bands and status Indians).
6. Bands stopped requesting suspension of these sections in November 1984, probably because of upcoming changes to the Act. As of that date, 111 bands had requested suspension of 12(1)(b), and 313 had requested suspension of 12(1)(a)(iv). All figures have been provided by the Membership and Reinstatement Unit, Indian and Northern Affairs Canada.

7. See: Norman K. Zlotkin, "The 1983 and 1984 Constitutional Conferences: Only the Beginning", **Canadian Native Law Reporter** 3 (1984): pp. 6-7, for a full discussion of aboriginal rights in the Constitution and the Constitutional Conferences of 1983 and 1984.
8. Calculated from: Kathleen Jamieson, **Indian Women and the Law**, p. 65.
9. The NCC estimates that there are approximately one million non-status Indians and Métis in Canada. The 1981 census counted 491,460 natives (Métis, non-status, and status Indians). This figure is considered very low, since previous projections had estimated 750,000 native people. Prior to **Bill C-31**, there were 350,000 status Indians on INAC's Indian register.
10. Also see: Sally M. Weaver, "The Status of Indian Women", in **Two Nations, Many Cultures: Ethnic Groups in Canada**, ed. Jean Leonard Elliott (Scarborough: Prentice-Hall Canada Inc., 1983), pp. 56-79.
11. Donna Pinay, "Myths surrounding the reinstatement of Indian women", **Saskatchewan Native Women's Association Newsletter - The Indian Status Issue** (June 1985): 7.
12. Pamela M. White, **Native Women: A Statistical Overview** (Ottawa: Department of the Secretary of State of Canada, 1985), p. 22.
13. **Ibid.**, p. IX.
14. **Ibid.**, p. IX.
15. **Ibid.**, p. 17.
16. **Ibid.**, p. IX.
17. **Ibid.**, p. 11.
18. Estimate supplied by R. Groves, NCC, Nov. 12, 1986.
19. For a full discussion, see: Native Council of Canada, Indian Act Secretariat, **Guidebook no. 1: Applying for Status** (Ottawa: Native Council of Canada, 1985).
20. Statistics provided by R. Cameron, Membership and Reinstatement Unit, Indian and Northern Affairs Canada.
21. Saskatchewan Native Women's Association, "Bill C-31 Testimonials from our People", **Saskatchewan Native Women's Association Newsletter: Bill C1-31 Special Issue** (June 1986): 13.
22. For a comprehensive list of benefits, see: Native Council of Canada, Indian Act Secretariat, **Guidebook no. 2: Protecting Your Rights** (Ottawa: Native Council of Canada, 1986).

23. For a complete discussion of band membership rules, see: Native Women's Association of Canada, **Guide to Bill C-31: An Explanation of the 1985 Amendments to the Indian Act** (Ottawa: Native Women's Association of Canada, 1986); or Native Council of Canada, Indian Act Secretariat, **Guidebook no. 2: Protecting Your Rights** (Ottawa: Native Council of Canada, 1986).
24. While over 95 per cent of all housing in Canada had running water and sewage systems, less than 50 per cent of on-reserve housing had these services in 1977. See: Canada, Department of Indian and Northern Affairs, **Indian Conditions: A Survey** (Ottawa: Department of Indian and Northern Affairs, 1980), p. 31. Overcrowding is another serious problem. 1981 census figures show that, while most non-native households had more rooms than inhabitants, over 30 per cent of native households in the northern areas had more than one person per room. See: Pamela M. White, **Native Women: A Statistical Overview** (Ottawa: Department of the Secretary of State of Canada, 1985), p. 29.
25. Statistics provided by R. Cameron, Membership and Entitlement Directorate, Indian and Northern Affairs Canada. The Ermineskin band of Alberta has brought an action to compel the Minister of Indian and Northern Affairs Canada to transfer control of its band list to the band (L. Clow, Acting Director, Legal Liaison, Indian and Northern Affairs Canada).
26. Native Council of Canada News Release, October 31, 1986, p. 5.
27. **Ibid.**, p. 5. The Sawridge and Horse Lake Bands have made a motion for an injunction to prevent INAC from releasing its band membership codes (L. Clow, Acting Director, Legal Liaison, Indian and Northern Affairs Canada).
28. **Ibid.**, p. 6. The by-law states that all Section 11c people, which group includes those who lost status by marriage or because of the double-mother clause, not residing on the reserve, may apply for residency.
29. Letter from Association Des Montagnaises du Lac Saint-Jean to The Honourable R. J. Hnatyshyn, Minister of Justice and Solicitor General of Canada, October 5, 1986.
30. L. Clow, Acting Director, Legal Liaison, Indian and Northern Affairs Canada.
31. Native Women's Association of Canada, **Guide to Bill C-31: An Explanation of the 1985 Amendments to the Indian Act** (Ottawa: Native Women's Association of Canada, 1986), p. 21.
32. Mary Eberts and Beth Symes, "Equality and Bill C-31: A Submission on Behalf of Indian Rights for Indian Women" (March 26, 1985), p. 16.

33. Nova Scotia Native Women's Association, "Bill C-31 Position Paper", pp. 21-22 and SNWA Concerns "Unjust treatment continues under Bill C-31", pp. 19-20. **Saskatchewan Native Women's Association Newsletter Bill C-31 Special Issue** (June 1986). The **Indian Act** no longer distinguishes between children born inside and outside marriage. The treatment of children of single mothers is a matter of administrative practice, not legislation.
34. Donna Pinay, "An Opinion on Bill C-31", **Saskatchewan Native Women's Association Newsletter: Bill C-31 Special Issue** (June 1986), p. 23.
35. See, for example: Sally M. Weaver, "The Status of Indian Women", in **Two Nations, Many Cultures**, ed. Jean Leonard Elliott (Scarborough: Prentice-Hall Canada Inc., 1983), p. 75.
36. Saskatchewan Native Women's Association, "Bill C-31 Testimonials from our People", p. 13.
37. Native Women's Association of Canada, **Guide to Bill C-31**, p. 11.
38. Native Council of Canada, Indian Act Secretariat, **Guidebook no. 1**, p. 6.
39. **Derrickson v. Derrickson** and **Paul v. Paul**, judgement delivered by the Supreme Court of Canada on March 27, 1986.
40. Joan Holmes, "Indian women unprotected by family law", **Breaking the Silence**, vol. 5, no. 1 (Fall 1986), pp. 16-17.
41. See, for example: Mary Eberts and Beth Symes, "Equality and Bill C-31".
42. Letter from Assembly of First Nations to The Honourable William McKnight, Minister of Indian and Northern Affairs Canada, November 18, 1986.
43. Jeanne Lepine, "Woman ready to fight for Frog Lake residency", **AMMSA**, vol. 3, no. 47 (January 31, 1986), p. 3, and interview with Jenny Margetts, President, Indian Rights for Indian Women.
44. Interview with Jenny Margetts, and correspondence from Association des Montagnaises du Lac Saint-Jean to The Honourable R. J. Hnatyshyn, Minister of Justice and Solicitor General of Canada, October 5, 1986.
45. Interview with Bibiane Courtois, President, Native Women's Association of Quebec.
46. Canada, Indian and Northern Affairs Canada, news release, April 21, 1986.
47. Delia Opekokew, "Self-identification and Cultural Preservation: A Commentary of Recent Indian Act Amendments", **Canadian Native Law Reporter** (1986): 4.
48. Quebec Native Women's Association, "**Statement of the Quebec Native Women's Association**" (Federal-Provincial Meeting of Ministers on Aboriginal Constitutional Matters, Ottawa, March 20-21, 1986).

49. See: Mary Eberts and Beth Symes, "Equality and Bill C-31".
50. Letter from Assembly of First Nations to The Honourable William McKnight, Minister of Indian and Northern Affairs Canada, November 18, 1986.

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