



# *Indian Homemakers' Association of B.C.*

201 - 640 WEST BROADWAY, VANCOUVER, B.C. V5Z 1C4

FINAL REPORT

PUBLIC WORKSHOPS

ON ABORIGINAL CITIZENSHIP RIGHTS

"...the white man, they've been ruling us  
all these years...we've been too long on  
the doormat. We've been walked upon. It's  
about time we rise and speak out for our  
children and for the future."

(Sophie Thomas, Stony Creek Reserve)

Mrs. Rose Charlie, President  
Mrs. Dolly Watts, Vice-President

Prepared by Walter Huber

February 28, 1985

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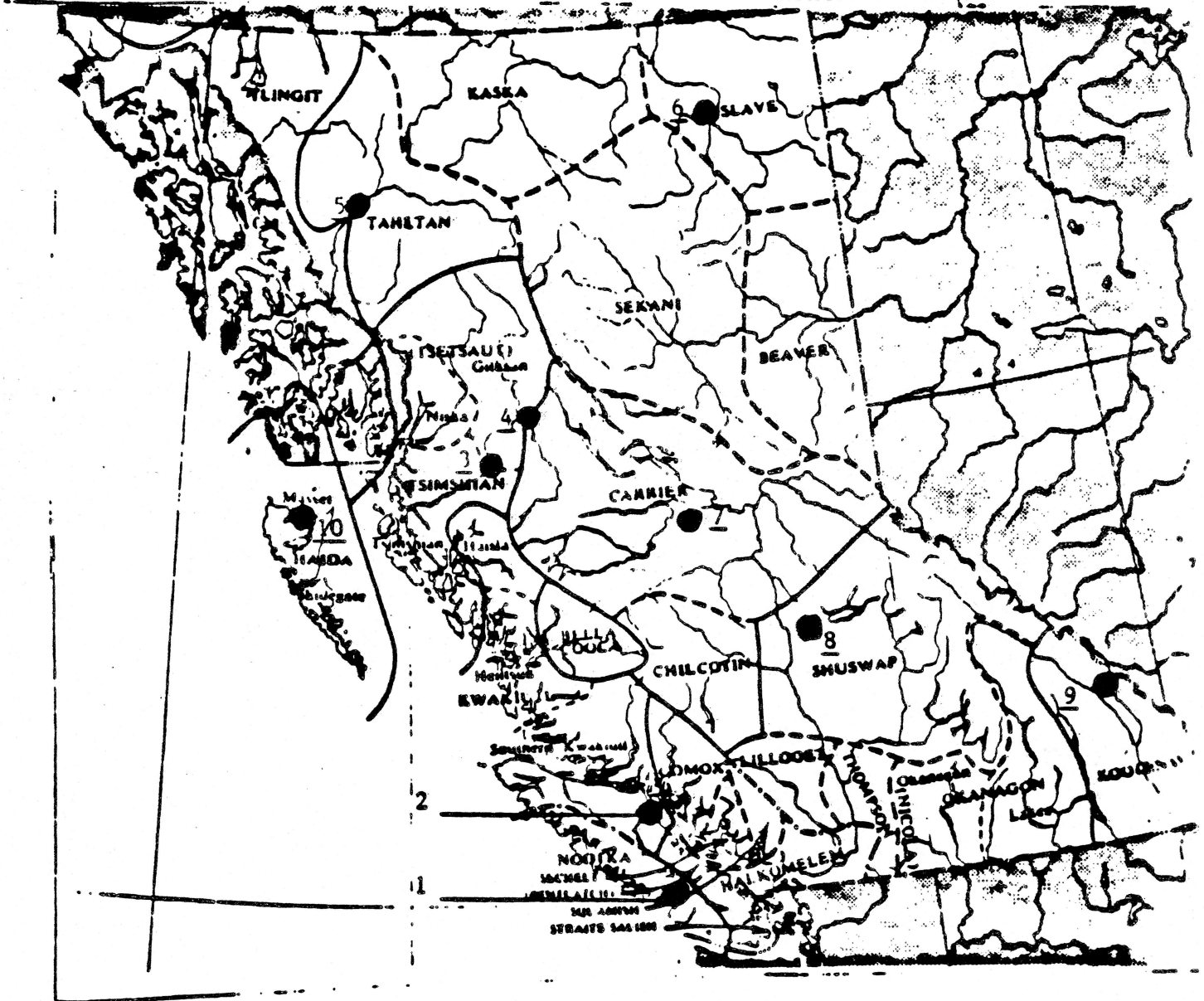


# Indian Homemakers' Association of B.C.

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PUBLIC WORKSHOPS

ON ABORIGINAL CITIZENSHIP RIGHTS



## WORKSHOP LOCATIONS

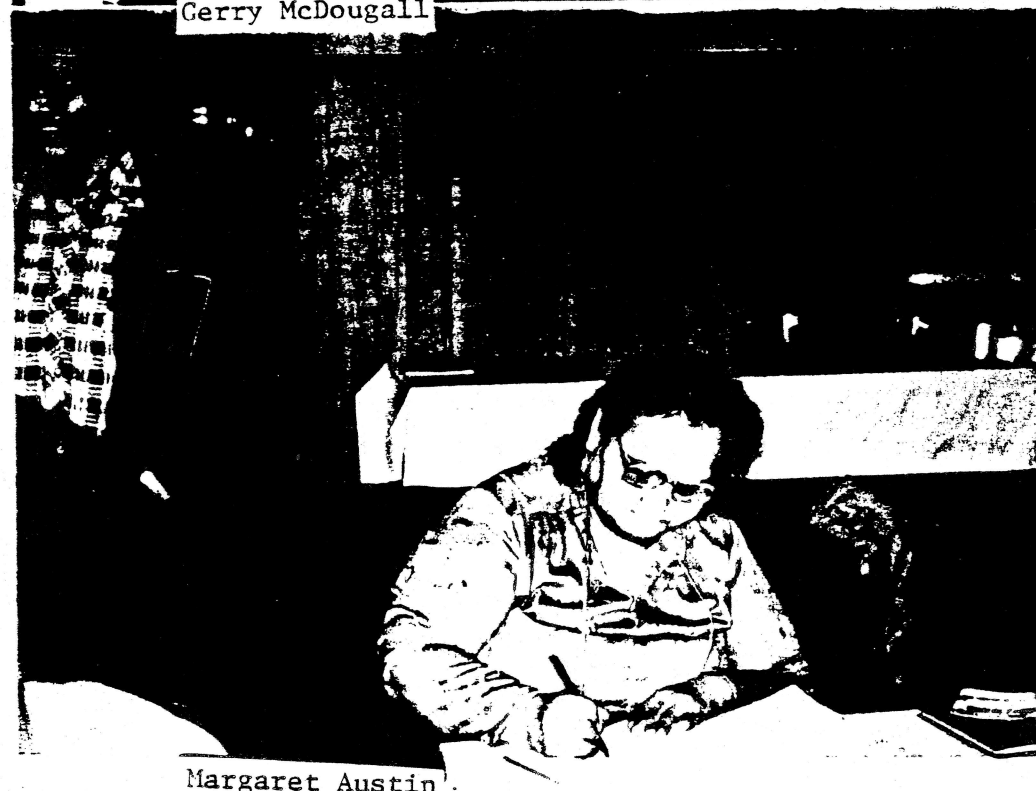
- |                   |                            |
|-------------------|----------------------------|
| 1 Port Alberni    | 6 Fort Nelson              |
| 2 Campbell River  | 7 Vanderhoof (Stony Creek) |
| 3 Terrace         | 8 Williams Lake            |
| 4 New Hazelton    | 9 Invermere                |
| 5 Telegraph Creek | 10 Masset                  |

SOME WORKSHOP PARTICIPANTS



Sandra McKay  
Gerry McDougall

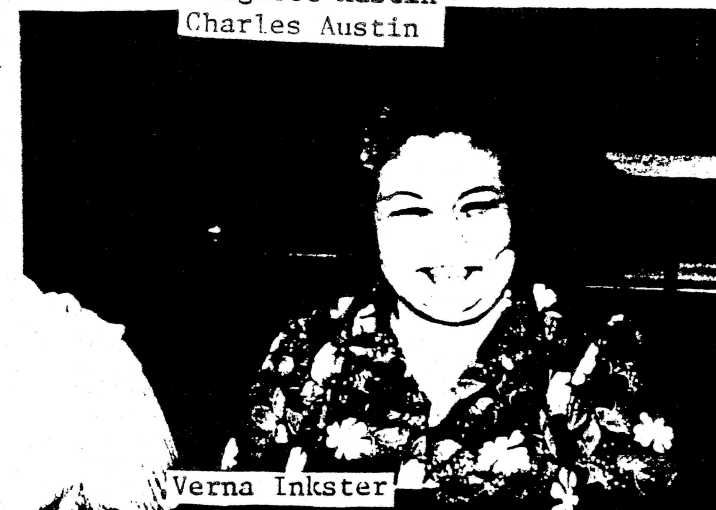
Tina Austin  
Ron Sebastian



Margaret Austin  
Charles Austin



Emsley Morgan



Verna Inkster



Mildred Roberts





## INTRODUCTION

In response to the imminent introduction of a new bill to end discrimination against Native women, the Indian Homemakers' Association of British Columbia held a series of public workshops, from January 3, 1985 to February 12, 1985, on the issue of aboriginal citizenship rights. This report presents the rationale for these workshops, describes their operation, and summarizes the responses from workshop participants in the 10 areas throughout British Columbia in which workshops were held (see map)

The Indian Homemakers' Association of British Columbia was registered in 1972 under the B.C. Societies Act as a charitable organization. With headquarters in Vancouver, the Association has 92 local Homemakers' Clubs located in 32 districts and managed by 32 Vice-Presidents. There is representation for Status, Non-Status and Metis people through the local clubs and District Vice-Presidents. The objectives of the Association include 1) to inform the Native women of current issues which affect them, and 2) to be a representative voice of Native women of the province in order to promote reform in laws and public policies through developing positions and presenting briefs to government, legislators and commissions.

Accordingly, the rationale for the Association's workshops was twofold. Firstly, most band councils have not adequately informed their constituencies of the issues surrounding discriminatory legislation. Secondly, it was imperative to obtain the views of the Native people themselves, and not to rely merely on the untested statements of the leadership. The objectives of the workshops, then, were as follows:

- a) to inform as many Native people as possible, Status as well as Non-Status, of the impending changes to the Indian Act; and to include provision of the opportunity for Native communities to express their individual and collective concerns on the impact discriminatory legislation has had on family and community life; and
- b) to obtain their views, opinions and positions on the anticipated removal of Section 12 (1) b and related discriminatory sections of the Indian Act, 1951.

The present urgency of these objectives, and the urgency to amend the Indian Act, derive from the coming into force, on April 17, 1985, of the Charter of Rights and Freedoms, which renders sex-based and other kinds of discriminatory legislation as unconstitutional.

## BACKGROUND

There is no doubt that the current Indian Act is an "embarrassment", internationally as well as nationally. As of the present time, and until deletions are made and amendments enacted, 12 (1) b and related discriminatory sections of the Indian Act continue socially and culturally to devastate Native communities. Native women and men falling outside the scope of the Indian Act, who are of indigenous ancestry and by that fact assert their aboriginal rights, are largely ignored by the Federal Government.

This situation, with its negative consequences borne mainly by Native women, has resulted over the years in a social and political rift between those persons who consider themselves "Indians" for the purpose of the Indian Act and those who consider themselves "Indian" regardless of governmental decree. The end product is a complex and confusing classification of "Indians" which serves only to deny self-determination and to perpetuate the gratuitous and distintegrative policy of assimilation.

The fragmentation of the aboriginal population has finally led, over the last decade and a half, to such protest that many Native people now insist that they assume, unilaterally or otherwise, primary responsibility for determining who a Native person is for the purposes of membership within their own communities. While previous governments have rejected band control of membership, the present Canadian government has apparently decided to take it into consideration. The Indian Homemakers' Association of British Columbia conducted its workshops in the expectation that the government will also take into consideration the views of the native people themselves on this and related aspects of aboriginal citizenship rights.

## OPERATION OF WORKSHOPS

The workshops as a whole represent direct discussion and consultation with approximately 450 Native people from all corners of British Columbia. All workshops, in varying proportions, included both status and non-status individuals, a preponderance of women, and attendance by all age groups. There was also participation by various Chiefs and members of band councils.

It should be noted that the workshops were planned and carried out under eleventh-hour constraints imposed by delayed funding. There was therefore insufficient lead time adequately to notify target centres of the intent and schedule of the workshops. This, in turn, led to some communication breakdowns. However, once underway, the workshops generated widespread interest, bringing participants from many surrounding areas and reserves, sometimes from as far as 100 miles from the actual venue.

Each workshop was conducted over a two-day period. On the first day a film was shown, entitled "Somewhere Between", and an information kit was utilized in order to present the historical background and contemporary context of the citizenship issue. Proceedings were usually brought to a close after discussion of the responses of various Native organizations to previous Federal attempts to deal with citizenship rights. On the second day, stressing that the new Conservative Government of Canada was in need of input from Native women and men themselves on the topic of ending discriminatory legislation, the workshops concluded by eliciting participants' views by means of a short questionnaire. The questions were as follows:

- 1) How do you feel about the proposed removal of the discriminatory sections of the Indian Act?
- 2) How do you feel about reinstatement of those who have lost their status?
- 3) Who should control membership decisions?
- 4) How do you feel about non-Indian women gaining status by marriage?
- 5) What do you feel about the financial and resource implications of reinstatement?

6) What should be the status of children of mixed marriages?

Responses to these questions came in two forms: as written and submitted on answer sheets, and as spoken, tape-recorded and transcribed. Over their six-week duration the workshops produced over 40 hours of discussion and response. Clearly, not all of the discussion can be presented in this report. However, representative quotations are included in the following summary.

SUMMARY OF QUESTIONNAIRES

Question 1: How do you feel about the proposed removal of the discriminatory sections of the Indian Act?

Without exception, all participants from all workshops endorsed the repeal of gender-based and racially discriminatory sections of the Indian Act. On 12 (1)b for example, Rose James at the Port Alberni workshop stated:

The 12 (1)b rule, I think it should be removed from the Indian Act. It affects our women and they are the ones to teach our culture...there is nothing the government can do to change an Indian. When you're born an Indian, you're an Indian until you die.

In Terrace, Raymond Seymour explained how he lost status through the enfranchisement section:

The reason I'm non-status is my father had to be enfranchised because his father wanted the right to go into a bar to obtain and consume alcohol. So when my mother met my father they got married and she had to sign off the reserve...and that automatically enfranchised his family and his family's family. We lost the right to be on the reserve, the right to fish, hunt trap in our traditional ways, the right to vote and to be elected to band council to lead our own people...that's what genocide means; they're not killing people but what they're doing is taking away the right to live the way our ancestors lived...and assimilation is to stop being who he or she is, and I can't stop sayin' I'm an Indian. When I was going to school I was classified as white...but to all the students...I was an Indian, and I knew I was an Indian in my heart and I'm still Indian even though I'm classified as non-status...like, if I was drunk and staggering up the street and the premier or prime minister was in town and he seen me on the street all he'd say is "look at the drunk Indian", he wouldn't say "see the non-status...."

And in New Hazelton, a "non-status" man, Terry Brown declared:

I feel very strongly, really strongly that the discriminatory sections should be removed from the Indian Act. I would really like to...begin to feel part of my people again.

Many similar declarations were made during the course of the workshops, and inclusive of written responses, represent a consensus in favour of the eradication of discriminatory sections of the Indian Act, including but not limited to sections 11, 12, 109, 110 and 111 (see also appendices).

Question 2: How do you feel about the reinstatement of those who have lost their status?

In responses to this question most participants felt reinstatement should be unqualified. Typically, it was asserted that "everyone should be reinstated" (Bill Larson, Telegraph Creek), or, in the same vein, "we should get rid of this whole non-status thing altogether" (Charles Austin, New Hazelton). There was some question in regard to the date back to which reinstatement should apply. At the Terrace workshop, for example, a non-status woman made the statement that she was "in favor of reinstatement all the way back to 1869" (Judith Fitzpatrick).

From the same workshop, a Port Simpson man, John Wesley, reacted by saying:

I don't think we should set a date on it. I think everybody should be reinstated...we are Indian. My mother was an Indian. Why shouldn't I be called an Indian, even though she married a non-Indian, lost her status, or even go enfranchised to go in the bar, in the earlier days, in 1958. A lot of Indian gave up their status to go to the liquor store, to vote. A lot of people wanted to vote, so they gave up their status. Why should we be affected? Why should they be affected? I don't think you should set a date on it...as long as...the people know that that's where your roots are, we'll accept you. And the government should recognize that fact... we still recognize each other as Indian.

Most participants were in fact reluctant to set time limits. In the last analysis, however, there was consensus on the position that everyone who had at any time lost his or her status as a direct or indirect result of the discriminatory sections of the Indian Act should be reinstated. This included giving status to those, such as excluded children, who had never had status because of deliberate or otherwise unilateral exclusion from registration.

It was also clear that the majority of participants felt that reinstatement was a federal responsibility. This was explicit in the manner in which participants phrased their responses, for example, in the assertion that "the government should reinstate everybody" (Agnes Dick, Port Alberni). Even more explicitly, it



was stated in Terrace that "band council should not be allowed to make decisions on reinstatement" (Pearl Campbell). Considered in relation to the responses given in question 3, it is evident that participants regarded reinstatement as a federal undertaking prior to full band (not merely band council) control over aboriginal citizenship.

Question 3: Who should control membership decisions?

In reference to membership decision-making, all workshops strongly supported the principal of self-determination. Almost all participants, however, warned against sole reliance on band councils. It was often suggested that band councils were in fact merely extensions of the Department of Indian Affairs. Representative in this regard was the opinion of Terry Brown, a band lawyer from New Hazelton:

I don't think the whole decision should fall entirely just on band councils  
I think it's the Indian people themselves that should be making the  
decisions... they should have control. If we leave it in the Indian Act,  
then it's going to be DIA that's going to have some control over that.

What a majority of participants suggested was that the traditional leadership of B.C. Native nations, the hereditary chiefs and the elders, play a firm role in membership decisions. In Terrace one unidentified written response urged:

We've got our elders to fall back on...they're the ones who can tell the  
people...they're the ones who can tell who belongs and who doesn't.

Some favoured a committee approach, the committee to be made up of "the band council plus the band members, elders especially should be included" (Masset questionnaire). Nearly all participants agreed that there should be some appeal mechanism so as to ensure decisions would be made on a basis not affected by internal prejudice.

It is important to note that no one in any of the workshops was inclined to accept continued Canadian governmental dictation of membership rules. At the Stony Creek (Vanderhoof) workshop this was forcefully brought out:

.....the white man, they've been ruling us all these years, it's about time we  
speak up and speak what is right for our Indian people. We've been too long  
on the doormat. We've been walked upon. It's about time we rise and speak  
out for our children and for the future (Sophie Thomas).

It is clear from many such statements that most workshop participants regarded Native citizenship determination as a collective right, whereas, to refer back to question 2, reinstatement was considered a government responsibility to the individual. It is also important to note that many participants expressed the opinion that there would not be a great rush to return to reserves upon reinstatement.

Question 4: How do you feel about non-Indian women gaining status by marriage?

On this question there was almost complete agreement that status should not be gained (or lost) by marriage. Some participants recounted cases of marriage and consequent status acquisition merely as a means to a free education. Others feared the further dilution of Native traditions by the continued inclusion of non-Native women on band lists. On the other hand, the principle of flexibility was asserted in that some participants suggested that non-Native women could gain status if they demonstrated a willingness to observe Native traditions. In other words, such women would have to "earn their status" (Dora Kenny, New Hazelton) and be so recognized by the band as a whole, for instance in the potlatch or the feast house. Nevertheless, by far the majority of comments were firmly opposed to non-Native women gaining status by marriage.

Question 5: What do you feel about the financial and resource implications of reinstatement?

This question essentially asks who should be responsible for the expenses of reinstatement. The consensus reached by the workshops was that total responsibility for such expenses should be accepted by the government. Commonly, it was stated that since it was the Canadian government which had in the first place brought about the present unjust situation, it should also pay for the rectification of its own wrong doings. A comment from Fort Nelson illustrates this position:

I believe all financial and resource implications should be covered by the Federal government. It's their fault members were taken off in the first place and they should pay all costs of their mistake.

Similarly, as Terry Dorsey of Williams Lake put it:

I feel they (the expenses of reinstatement) should be borne by the government since they are responsible for all their subversive activities... they broke the Indian people up over the last 100 years. They should bear the cost of bringing them back together.

Such feelings were echoed by the overwhelming majority of participants all over the course of the workshops' travels through British Columbia.

Question 6: What should be the status of children of mixed marriages?

The consensus reached on this question was that such children have the right to a Native identity. In other words, as long as one parent was Native, it was

stated that offspring should also have Native status. The only qualification to this position came from a few participants who felt that at the age of 21 such children should have the right to decide whether or not to retain or give up their Native status.

Although not broadly represented in the workshops, a related issue was brought up by Marie Martin from Port Alberni:

I was just looking at this and I'm concerned about the kids that are adopted out. A lot of the children, they come back to the reserves looking for their families and the children have no more Indian status. I wonder if we could put it down that no matter who adopts the children they should not lose their status.....

### CONCLUSION

From the foregoing summary, it can be concluded that a substantial number of Native people of British Columbia at the grass-roots level have firm and unequivocal views on the issues surrounding aboriginal citizenship rights. As is evident in their verbal and written responses to the workshops questionnaire, they spoke as one voice in their demand to have all sex-based and racially discriminatory sections of the Indian Act removed. Although not as thoroughly unified on the issues of reinstatement and control of membership, the majority also affirmed the unqualified return of status as an individual right, and endorsed the determination of citizenship rights as a collective endeavour solely at the band level. Again with unanimity, workshop participants agreed that non-Native women should not gain status by marriage, that it was the federal government's responsibility to underwrite the costs of reinstatement, and that the offspring of mixed marriages should have Native status.

It only remains to make a few final comments on the limitations of the workshop. A major problem, well-known to those who have had to deal directly with the vagaries and confusions of "Indian" legislation, was the stultifying complexity of the laws themselves. A significant percentage of participants had barely or often never heard of the Indian Act and its invidious provisions. It is thus understandable that some participants felt pressured, pushed, and therefore sometimes reluctant, to comment on issues to which they had for the first time been exposed. There were, in fact, some requests to have legislative proceedings postponed until the majority of Native people had had the opportunity to fully absorb and comprehend the issues involved. At the same time, there were many requests for additional and follow-up workshops, for the continued and sustained



dissemination of information.\*\* It was clear that more education was desired and needed, especially education appropriate to aboriginal self-determination. Nonetheless, accompanying such requests was a strong appreciation of the workshops and of the efforts of the Indian Homemakers' Association. A number of workshops concluded with resolutions of support for the Association and its work towards the reform of discriminatory legislation (see appendices).

\*\* As of this date four additional workshops have been requested and have been scheduled as follows: March 11, Vancouver Indian Centre; March 14, Lytton Indian Band; March 15, Mission Indian Centre; March 25, Duncan Indian Band.

**RESOLUTION:**

Stony Creek, Vanderhoof, B.C.  
Stony Creek, Community Centre  
January 29th, 1985

**MOTION:** Mary Pious  
**Seconded:** Hazel Erickson

Whereas the Indian Homemakers' Association of British Columbia, held a workshop on the discriminatory sections of the Indian Act, at Vanderhoof, Stony Creek Community Centre, January 28 and 29th, 1985 and,

Whereas the Federal Government of Canada has over the past century, imposed citizenship termination and restrictive policies on our tribal nations without consent,

Now therefore be it resolved that the Indian Homemakers' Association of British Columbia, be given the full support of this workshop in its efforts for the elimination of the discriminatory sections of the Indian Act and for reinstatement of all those who have lost their status under the discriminatory sections of the Indian Act, including Section 11, 12, 109, 110 and 111.

Further be it resolved that Indian women, who have lost their status by marrying non-Canadians should also be reinstated.

**PASSED UNANIMOUSLY**

RESOLUTION:

New Hazelton,  
Hagwilget Community Centre,  
January 15, 1985

MOTION: Dora Kenny

SECONDED: Chief Alvin Weget, Kispiox Band, B.C.

WHEREAS the Indian Homemakers' Association of British Columbia held a work shop on the discriminatory sections of the Indian Act at New Hazelton, Hagwilget Community Centre, January 14 and 15, 1985 and WHEREAS the Federal Government of Canada has, over the past century, imposed citizenship termination and restrictive policies on our tribal nations without our consent,

Now therefore be it resolved that the Indian Homemakers' of British Columbia be given the full support of this workshop in its efforts for the elimination of the discriminatory sections of the Indian Act and for reinstatement of all those who have lost their status under the said discriminatory sections of the Indian Act, including Setions 11, 12, 109, 110 and 111.

PASSED UNANIMOUSLY.

RESOLUTION

Williams Lake, B.C.

Williams Lake Friendship Centre

February 1, 1985

MOTION: Sandra Mousseay

SECONDED: Rose Mary Peters

WHEREAS the Indian Homemakers' Association of British Columbia held a workshop on the discriminatory sections of the Indian Act at Williams Lake Friendship, January 31 and February 1, 1985, and,

whereas the Federal Government of Canada has, over the past century, imposed citizenship termination and restrictive policies on our tribal nations without our consent,

Now therefore be it resolved that the Indian Homemakers' Association of British Columbia, be given the full support of this workshop in its efforts for the elimination of the discriminatory sections of the Indian Act, and for reinstatement of all those who have lost their status under the discriminatory sections of the Indian Act, including, sections 11, 12, 109, 110 and 111.

PASSED UNANIMOUSLY