

NON-STATUS INDIANS: A HISTORY

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PART I - HISTORICAL BACKGROUND

Throughout history there have been few groups who have had to bear such absurd titles as that imposed upon the Non-Status Indians of Canada. Indeed, even the term "Indian", which is now generally accepted by everyone, is a misnomer carried over from Columbus' first contact with Native North Americans whom he mistook for residents of the fabled Far East. The term "Non-Status", apart from its legal and political history contains negative connotations, vestiges of a colonial past that treated Natives not as people, but as things.

Although the terms used by European colonizers to describe Native North Americans often contained absurdly racist connotations, Indians were nevertheless romanticized in European literature as stoic men of honour - or "noble savages". European philosophers of the 18th and early 19th centuries developed a revolutionary theory based, in part, upon contact with the Indians of North America. Philosophers such as Jean Jacques Rousseau postulated that enforced rules of civilization denigrated and downgraded "human nature". Rousseau felt that people living in a "state of nature" maintained an innocent purity of spirit that was lost through the complexities of social relationships in "civilized society".1

Although this theory was based on several fundamentally erroneous concepts about the nature of "human nature", it nevertheless had an historical impact upon the European consciousness as it related to the natives of their newly acquired North American colonies. As a result, the dominant ideology that accompanied Europe's conquest of colonies did not act as virulently against the natives of North America as it did in some areas of Africa. This ideology, supported by British social scientists under the rubric of "Social Darwinism" provided the rationale for Europe's conquest of colonies around the world. Social Darwinism developed during the latter half of the 19th century from the naturalist, Charles Darwin's dissertation on the origin of species, written in 1859. This dissertation described the process of NATURAL SELECTION by which various species changed and adapted to their environment. Social scientists borrowed this valid concept from Darwin's natural sciences, transformed it into the human realm, and rationalized man's exploitation of man through this false ideology that was not supported by Darwin's own findings. This Social Darwinism was, in effect, a belief in the "survival of the fittest". This ideology developed into a racist interpretation of history and the present world. It held that the technologically more developed nations of Europe were superior to all tribal and other pre-capitalist societies. The renowned anthropologist, Marvin Harris wrote:

In the nineteenth century almost all educated Westerners [Europeans] were firm adherents of the doctrines of SCIENTIFIC RACISM. They believed that Asians, Africans, and American Indians could achieve industrial civilization only slowly and imperfectly. 2

The European's mastery over technology was held up as "proof" of their racial superiority. The economic and political triumphs of the Europeans have also been widely interpreted as evidence that the white race is the vanguard branch of Homo sapiens:

Contemporary racist doctrines rely heavily on this interpretation of the differential achievements of the major social groups. 3

The "scientific racism" used by European social scientists to justify the conquest of colonies was neither scientific nor, for that matter, rational. It was political propaganda of a particularly destructive kind. And it set the stage for the racial conflicts of the 20th century.

Certainly there is no scientific evidence to support the theory of any "superior race" over any other group of people. Although these concepts were used by the Nazis to launch World War II, which spelled disaster for millions of people, the concept of a super race must be confined to the realm of mythology, not science. A famous anthropologist of the 1930's, Ruth Benedict, commented:

The racial purist is the victim of a mythology. For what is racial inheritance? We know roughly that heredity is from father to son. Within a family line the importance of heredity is tremendous. But heredity is a matter of family lines. Beyond that it is mythology. In small and static communities like an Eskimo village, 'racial heredity' and heredity of a child and parent are practically equivalent, and racial heredity has meaning. But as a concept applied to groups distributed over a wide area....it has no basis in reality." 4

Such communities as exist in isolation do, over time, produce significant problems with "in-breeding." In such an isolated gene pool as this, where family lines and racial lines are practical equivalents, the limited range of natural selection can reproduce defective genes that would otherwise remain dormant in a gene pool with an almost infinite range of possibilities. Thus, "racial purity", to the extent that it exists at all, is maladaptive and destructive, not adaptive or creative as the proponents of "scientific racism" suggest.

Furthermore, "race" does not determine man's behavior, intelligence, or ability to adapt. Ruth Benedict comments:

"What really binds man together is their culture - the ideas and the standards they have in common. If instead of selecting a symbol like common blood heredity and making a slogan of it, the nation turns its attention rather to the culture that unites its people...it would substitute realistic thinking for a kind of symbolism which is dangerous because it is misleading...as we have just seen, bodily form, or race, is separable from culture and can...be laid to one side except at certain points where for some special reason it becomes relevant." 5

Clearly, then, the concept of race holds little that is useful or educational for humanity beyond what is obvious. This is not to deny the reality of genotypes, the similarity of stature and pigmentation, etc., that often accompanies similar family and racial inheritance. Certainly, these genotypes do create discernible patterns of race

throughout the world. Through inter-marriage, however, there are virtually no gene pools left in the world that have not been penetrated by genes that are connected to other races. Furthermore, race does not determine behavior. It is only one minor component in the vast number of components that create human behavior. Behavior is always learned from one's culture, and develops from that culture in a dynamic, and ever-changing process. Race is then, in all but the most isolated communities, a POLITICAL reality rather than a purely biological phenomenon.

Just as the question of "race" is primarily a political question, so too is the reality of racism a political, not a biological reality. There are degrees of racism ranging from negative curiosity to deadly misconceptions that can be developed into ideologies of hatred. There are attitudes that are negative, but not damaging. There is simple cultural misunderstanding - symbolism whose meaning differs from culture to culture, or symbols that are meaningful to some cultures but unintelligible to others. Therefore, physical features and attributes that may be seen as beautiful or sexy in one culture may be seen as repugnant by another. Oliver Cromwell Cox, Professor of Sociology at Lincoln University, suggested that the two former attitudes represent ethnocentrism and intolerance but do not really constitute racism which is more virulent because it is not simply based on misunderstanding or simple negative feelings. RACISM is rooted in economic exploitation and it has an historically organized socio-economic function that served the interests of the

imperial ruling classes. Cox explains:

Sometimes, probably because of its very obviousness it is not realized that the slave trade was simply a way of recruiting labour for the purpose of exploiting the great natural resources of America. This trade did not develop because Indians and Negroes were red and black or because their cranial capacity averaged a certain number of cubic centimeters; but simply because they were the best workers to be found for the heavy labour in the mines and plantations across the Atlantic. If white workers were available in sufficient numbers they would have been substituted. As a matter of fact, part of the early demand for labour in the West Indies and on the mainland was filled by white servants, who were sometimes defined in exactly the same terms as those used to characterize the Africans. Although the recruitment of involuntary labour finally settled down to the African coasts, the earlier kidnappers did a brisk business in some of the most enlightened European cities. Moreover, in the process of exploiting the natural resources of the West Indies, the Spanish conquistadors literally consumed the native Indian population. 6

Perhaps the clearest statement connecting racism to the colonization process came from the famous British Imperialist, Lord Earl Grey, in 1880 when he wrote about the Kaffir tribe of Southern Africa. He wrote:

Throughout the British Dominions the colored people are generally looked upon by the whites as an inferior race, whose interest ought to be systematically disregarded when they come into competition with their own, and ought to be governed mainly with the view of the advantage of the superior race. And for this advantage two things are considered to be especially necessary: first, the facilities should be afforded to the white colonists for obtaining possession of land heretofore occupied by the native tribes; and secondly, that the Kaffir population should be made to furnish as large and as cheap supply of labour as possible. 7

During the age of colonialism people were deemed to be "inferior" so as to rationalize and legitimize the exploitation of their labour

and the acquisition of the lands they occupied. Nothing in recorded history can be clearer than this phenomenon. Yet, it has escaped the attention of the vast majority of establishment historians.

This process continues today in a rather more complex form. In the age of NEO COLONIALISM the process remains essentially the same but some of the rules have changed slightly. We shall deal with the concept of neo colonialism later. Let us now have a look at the class structure of the industrialized nations during the present age.

In America the "blacks", who were initially brought in as slaves for the cotton industry, were freed by President Abraham Lincoln on January 1, 1863, through the Emancipation Proclamation. It took a civil war, however, and the lives of 600,000 Americans to end the social system of the south, a system that had required slavery as its economic base. The new system, put into place by the civil war, was called industrial capitalism. It required a free labour force - that is, a force that would be hired when required during periods of economic expansion, and fired when no longer needed. Free labour was in fact a cheaper and more efficient form of labour than slavery would be in an industrialized country. Industry requires an educated, specially trained work force and it is dependent, in large part, upon the good will of the labour force.

Throughout the 19th century in America and Europe, and in such places as India and China, the class structure of society was clearly

visible and was clearly understood by all classes. In America and Europe there was a mere handful of people that ran the country and the government - the ruling class. There was a somewhat larger class of small business people - the middle class, and there was the large working class consisting of poorly organized, poorly paid wage laborers. Colour was not important in America throughout the 19th century - class was.

The blacks, as slaves, were not really considered as people, merely as beasts of burden. This changed after the civil war however, as the black slaves became "free" wage labourers entering the working class by the millions, depressing wages through increased competition, as they migrated from the agricultural south to the newly industrialized cities of the north. From that point on, the class structure of America reflected the racial make-up of its population, with the blacks on the bottom, the working class whites in between, and with the same ruling elite in charge.

The wealth and property of the ruling class continued to be carefully protected from generation to generation through internal class marriages, where the sons and daughters of the existing elite married each other to the virtual exclusion of the lower classes. Thus, over time, the members of the lower classes came to see the world not in class terms, but in terms of ethnicity. Since the ruling class was almost entirely made up of white people, and the lower classes were made up almost entirely of black people, the class

system did in fact appear to be a system based upon racism. Marvin

Harris commented:

In the United States the intensity and clarity of racial and ethnic struggles present a curious counterpoint to the generally amorphous and confused nature of class confrontations. Racial and ethnic minorities and majorities rather than classes are the stratified groups that manifest a sense of their own identity, consciousness of a common destiny, and solidary purpose. These phenomena are not unrelated. The persecution, segregation, and exploitation of minority enclaves by solidary racial and ethnic majorities, and the solidary activism of minority enclaves on their own behalf reduced the possibility of class confrontations. The reason for this is that the revolutionary power of the under privileged classes is dissipated in inter-ethnic and interracial struggles...Class consciousness did not develop because it seemed disadvantageous for the white working class, with its relatively high mobility, to make an alliance with the black working class. The blacks were abandoned (and actively persecuted) by working class whites; they were left behind to suffer the worst effects of low wages, unemployment, and exploitation because by doing so large number of whites increase their own chances of rising to middle class status. In the long run, however, working class whites have had to pay an enormous economic penalty for failing to unite with the black poverty and working class. 8

The lack of unity among working class people of various colours has prevented the working class from obtaining substantial concessions from the ruling class. Instead, working class resistance to exploitation has been hopelessly misdirected into destructive internal conflicts based upon colour and ethnicity.

In America, blacks make up a large proportion of the people who can no longer be used by the economic system and therefore, are placed on welfare. Thus, the poor whites who are employed are pitted against the blacks who exist as a social strata immediately below as

them and who act as a constant threat to their own tenuous existence as wage laborers. Harris explains:

If the people on welfare were not punished for their "failure", the morale and discipline of the working class would collapse. Millions of people might opt for welfare rather than the low paying monotonous jobs they now hold. Yet the millions who are unemployed or underemployed through no fault of their own cannot be left to starve without risk of massive unrest. The function of welfare therefore is to prevent people from starving while at the same time making their life-style undesirable to the people who are just one step above them. The AFDC does this by making it impossible for able-bodied males to receive welfare supplements to their own wages and at the same time to participate in the raising of their children within a nuclear family household. By destroying the nuclear family among the urban poor, AFDC transmits the stern warning to those tempted to withdraw from the labour market: you will not starve, but you will live without self-esteem. For in mainstream U.S. culture the nuclear family is a well-nigh sacred institution, regarded as essential for the morale and economic well-being of all "normal" men and women. And this warning is doubly effective because a large portion of the urban poverty class is black. Trained to prejudice, the whites who are just one step above poverty cannot sympathize with blacks who receive welfare. They thus fail to identify common interests, to unite politically, and to force the system to change in a direction of greater equality for all. 9

In Canada, and particularly in western Canada, NATIVES serve precisely the same function and receive the same kind of structured racial persecution as that of the blacks in the United States of America. In both cases, the underprivileged non-whites strike back at the visible enemy, the poor whites who are their closest neighbors, whose lives interface with their own on a regular basis.

Minority group consciousness is then, a necessary development for the eventual liberation of such persecuted minorities. It is often a creative process that is necessary for group solidarity in the face of

oppression, and for the rebirth of pride and self-respect among individuals within such groups. Yet, at the same time, as Harris so accurately described, this group consciousness - this embryonic nationalism - contains within itself a profoundly destructive element. Such a narrow ideological framework, in the absence of a class analysis, ensures that the persecuted minority will not be able to unite with a large enough body of people to force an end to such persecution and structured inequality.

Groups such as these minority ethnic units continue to fracture into smaller groups who, as agents of social change, become less and less effective. Juan Gomez-Quinones, a Latin American sociologist explains:

Nationalism furthers revolution and threatens international working class unity while masking social antagonisms. It has been a mystical mantle for the aspiration of a fuller, better human life for the victims of imperialism or the rationale for facism. 10

In present day so called "Third World" countries that have thrown off the yoke of colonialism, such nationalism has prevented, not enhanced, the struggles of the previously colonized people for economic equality and political justice. As the imperial powers pulled out they replaced the old white colonial administration with a comprador class of natives who continued to rule the country in the interests of their old colonial masters. Of the same colour and culture as their fellow natives, this elite is able to use nationalism as a means of fracturing and internalizing the conflict

that would otherwise have been directed towards the foreign rulers. As can be seen, nationalism per se is, like the sword of Damocles, a threat that can destroy friends as easily as enemies.

PART II: HISTORY OF THE NON-STATUS INDIANS.

As a means of avoiding widespread resistance to their colonial policies, both the British Imperial government and later the Canadian government, dealt with the Canadian Indians through proclamations and treaties. Following Britain's victory over France for the colonial possessions of North America, the British monarch, George III, stated the British position vis a vis North American Indians in the 1763 Royal Proclamation. Couched in humanitarian terms, the Proclamation nevertheless counted Indian lands as "our dominion". The 1763 Proclamation stated:

The Indians who live under our protection should not be molested or disturbed in the possession of such parts of our dominion as, not having been ceded to, or purchased by us, are reserved unto them. 11

Only the British Crown could make treaties with the Indians. This was the beginning of formal arrangements known as treaties that were used to peacefully negotiate with the various Indian tribes in

America. Indeed, the Indian tribes who were involved in these negotiations saw themselves as autonomous and sovereign nations, so that for all practical purposes the treaties were agreements between two sovereign "states". William C. Mcleod in his epic work THE

AMERICAN INDIAN FRONTIER explains:

The word "tribe" has been used to describe so many various types of human groupings that it is on the point of losing all scientific utility. I shall use the word, as consistently as may be, to mean a sovereign unit. This restores the word to a degree of preciseness and usefulness. In this sense, then, the Delawares, the Mahickans, the Pequots, the Massachusetts, the Natchez, and so on, were tribes, that is, sovereign states. The Sioux, the Haida, and many other so-called tribes, however, had better be called peoples, inasmuch as they were merely large groupings of independent political units who spoke dialects of the same language. The Iroquois, the Creeks, and so on, were confederations of tribes, each a sovereign state just as was each of the United States under the Articles of Confederation.

The average American tribe was a very small city-state. It had extensive territories over which it hunted, but it usually lived in a single village of from five hundred to three thousand population. Many tribes, however, comprised a number totalling ten thousand or more inhabitants. 12

Many of these tribes, or sovereign states, had developed class based societies similar to those of Europe in the 18th and 19th centuries. People were ruled by an hereditary aristocracy, and slaves were utilized as a labour force in many tribes. In many ways the state apparatus of the American Indians resembled that of the Europeans:

Among virtually all the tribes existed an aristocracy. Civil Chiefships or governmental prerogative was hereditary, passing down in the noble families. Economic privileges, such as the right to a share of commoners' production made the aristocracy a group enjoying relative wealth as well as social privilege.

There was also the bourgeois group, those families not born to the purple, but yet industrious enough or lucky enough to have acquired relative wealth - more wealth, sometimes, than even the aristocrats, whom they tended to displace.

There were the ordinary, poor commoners, governed by their aristocrats, exploited by their bourgeois. And finally there were the slaves. 13

Macleod's documentation does tend to verify the claims of the Status Indian leaders today, that they are, in fact, representatives of sovereign states, and should be treated as such. If this is true of the Status Indians, who then are the Non-status Indians?

The term Non-status Indian clearly reveals the legal-political nature of such "racial" definitions. And, just as clearly it negates the belief in some mystical racial purity. Nowhere is this so clear and unambiguous as is the case with Non-status Indians. The term is legal-political, having little to do with biology. Under these legal-political terms, then, we may discuss "Non-status Indians."

Those descendants of Indians who are not covered by the operation of the Indian Act include the Metis and all the descendants classified as Non-status Indians. The Metis are identified as a separate Aboriginal group in the Canadian Act of 1982. 14 Historically, they included those people recognized and dealt with as

a separate group in the Manitoba Act of 1870 and in the Dominion Lands Act of 1879. 15 Today the descendants of these people form the core group of Metis. Therefore, in this presentation we will address ourselves only to those descendants of Indians who can be classified as Indians without legal Indian status. There are two distinct groups, those referred to as non-registered Indians and those referred to as non-status Indians. The first group consists of those persons of Indian ancestry whose ancestors have never taken advantage of the opportunity to register as Indians. They fit the current Indian Act definition of an Indian and could register if they chose. If not accepted by a band they would be added to the general list of Indians. It is generally concluded that there are only a small number of non-registered Indians who fit into this category, as most of these persons were registered in an intensive registration drive carried out by the federal government in the early 1950's.

The second group, the non-status Indians, includes those persons who themselves, or who through their ancestors, have lost their status due to the operations of the Indian Act. This Act, over the years, has included a number of provisions which excluded certain Indians. Some of these exclusions were voluntary and others were involuntary. The voluntary exclusion was the enfranchisement provision of the Indian Act which provided for persons who belonged to a band or tribe to apply for enfranchisement. If they met certain conditions and enfranchisement was granted, they gave up their status as Indians and supposedly were put on an equal footing with all other

Canadian citizens. 16

The involuntary exclusions included all those Indian persons who were arbitrarily excluded by provisions that appeared at different times in history, in the Indian Act. These included:

- Status-Indian women who married a person not a status-Indian, and all their offspring and descendants. (This is by far the largest group of non-status Indians);
- Indians who received professional training were as a matter of Indian Affairs policy, enfranchised whether they requested it or not, although this provision of the Act was to be a voluntary exclusion provision. Certain descendants of such Indians are still excluded today, even though that provision is no longer in the Indian Act and the policy of automatic enfranchisement was changed many years ago;
- Illegitimate children who are, or were, Status Indians, excluded by the decision of a band or the Superintendent General. This group would include descendants of Indians who have been excluded in the past and those who are still excluded at the present time. Bands have discretion in this area but it was common for those offspring whose fathers were alleged not to be status Indians, to be excluded from band membership;
- Offspring who were victims of the double mother clause, that is both the mother and paternal grandmother were not status Indians;
- Persons who lived in a foreign country for five continuous

years lost their residence and could only be re-instated with the consent of the band and the Superintendent General. This would likely affect primarily Indians going to live in American reserves for whatever reason. This provision did not apply to Indians who spent an extended period overseas in the armed services, or in the service of Canada.

The Legal and Other Provisions Which Created Non-Status Indians

Prior to and during the early years of Canadian nationhood, the government believed that the goal of its Indian policy should be to assimilate Indians into the mainstream population. The Indian Acts and Indian policies were designed to achieve this objective. By isolating Indians on reserves it was believed that they could be enculturated into the English or French societies through education and through religious training. It was believed that once Indians were "educated" and "christianized" they would want to become full Canadian citizens. For this reason the enfranchisement provisions were included in the early Indian Acts. The various provisions in the Indian Act which provided for the legal exclusion of Indians from the Indian Act, include the following:

a) Voluntary Exclusion Provisions

In 1869, two years after Confederation, the first Act was passed providing for Indian Enfranchisement. The official title of the Act was, "An Act for the Gradual Enfranchisement of Indians, the Better Management of Indian Affairs, and to Extend the Provisions of

the Act." The Act referred to was the Act establishing the Department of State of Canada. Originally this department was responsible for Indian Affairs.

The original provisions of the Act were designed to enable Indians to apply to become proprietors of a parcel of land on the reserve as the private owner of that land in fee simple. The individual Indian families could apply for such land and enfranchisement and if they were considered to be sufficiently civilized to hold land, they would be granted a patent of land. This policy, if it had been effective, would in the long run have resulted in the breakup and the eventual disappearance of reserves. Persons so enfranchised were no longer considered to be Indians. This provision and policy were patterned after similar positions in the U.S.A. legislation.

The first Act which went by the title "An Act Respecting Indians", was passed in 1876. 17 It consolidated a number of other Acts dealing with Indian Affairs. This Act extended the voluntary exclusion provisions to include Indian persons obtaining professional degrees. This latter provision was not linked to a land allotment or patent and in this Act was automatic and not voluntary. 18 There was also a provision which allowed a band to decide that all its members could be enfranchised. It should be noted that in these Acts all Indians applying for enfranchisement, required the consent of the band, as the band had to provide a land allotment for such enfranchised Indians. If the whole band became enfranchised, every family was to be allotted land and, as well, any band monies were to

be distributed among the band members.

The next amendments dealing with enfranchisement took place in 1884. This Act no longer required band consent for a member to be enfranchised but did still allow the band to raise objections as to why a person should not be enfranchised. The Superintendent General of Indian Affairs, was empowered to decide whether an Indian could become enfranchised and to grant the family a plot of land on a three year probationary period. If the Superintendent deemed the Indian to be ready for enfranchisement the land was granted in fee simple. The results were the same as in previous Acts. The other matter clarified in the Act was that the enfranchisement of an Indian with a professional degree was only automatic if the person applied for such enfranchisement. It should also be noted that this form of enfranchisement makes no mention of whether or not the Indian concerned received his/her share of band assets. 19

The next major amendments in 1906 set educational requirements for enfranchisement but made no other changes in these provisions. Subsequent amendments to the Indian Act have not substantially changed the enfranchisement provisions. The present Act still provides for an Indian to become enfranchised. If he/she owns or controls land and improvements, these can be removed from the reserve if the person wishes to continue to hold the land and occupy it or, if the persons wishes to leave the reserve he may sell it privately or to the band.

The effect of all these enfranchisement provisions is that a person who became enfranchised gave up all of his/her rights and benefits as an Indian under the provisions of the Indian Act or under Treaty if he/she was a treaty Indian.

b) Involuntary Enfranchisement or Loss of Status

Pre-Confederation Acts make no reference to the exclusion of anyone from their band. The first consolidated Indian Act, passed in 1876, already contained provisions regarding women marrying other than an Indian. Other exclusions were included in subsequent Acts.20

1.) Exclusion by Marriage

This Act provided that a woman marrying other than an Indian ceased to be an Indian for the purposes of the Act, except that she could still share in band annuities and other income. There is no specific references in this Act to the children but it must be assumed that if the woman no longer qualified to be a band member, then neither would her children be band members. This exclusion was carried through in successive Indian Acts and still applies today. In subsequent Acts provisions were made for such women to become automatically enfranchised, the result being the same as for any other enfranchised Indian.

The Canada Act of 1982 provided that this provision either be made applicable to both Indian men and women or be removed from the Act completely because of its sexist nature. The parliamentary

committee, in its report on Indian Amendments, not only proposed a change to this section of the Act but suggested that women who have been excluded from the operations of the Act or their descendants should be allowed to once again become a member of a band to which they once belonged. 21

2.) Other Exclusions

Over the years the following persons have additionally been discharged from bands:

- Beginning in 1876 illegitimate children could be excluded from band membership by the decision of the band. This was generally done where it was suspected the father was not an Indian.
- The 1876 Act also provided that any Indian absent from their reserve and living in a foreign country for more than 5 years be automatically excluded from band membership. Exclusions did not include professionals who were outside the country as a requirement of their job. 22

These last two provisions no longer appeared in the 1927

Act:

- There were several other exclusions, one of which occurred in 1869, which stated that persons of less than 1/4 Indian blood would not be able to be registered. No mention is made in subsequent Acts of this category of exclusion.

The Effects of Enfranchisement

Whether the enfranchisement was voluntary or automatic because of exclusion provisions of the Act, the effect seems to have been to remove such persons for all time from the operations of the Indian Act. The only persons who were able to be re-admitted to a band list included women who at some later date married a status Indian or persons who lived in a foreign country. 23

The effects of being excluded from the operations of the Indian Act include the following:

- the Indian person and their family can no longer live on the reserve.
- the excluded person can no longer share in band annuities or in any future assets acquired by the band.
- the person can no longer qualify for housing, economic development, educational, welfare, health or other benefits provided by the Government of Canada to Indians.
- the person no longer can qualify for income tax or provincial sales tax exemptions.
- the person is no longer legally an Indian under the provisions of the Indian Act but may still be an Indian under Section 91 (24) and is considered to be an Indian under Section 35 (2) of the Canada Act. However, since they gave up or lost all Indian rights when enfranchised, they are not covered by the provision which recognizes and affirms existing rights.

The splits created in the native community through these

politically motivated definitions become very real. Such definitions determine who will receive benefits under the Indian Act and who will not. Status Indians have open access to higher education. They even receive wages while attending university. There are many tax deductions given to Status Indian people. Furthermore, a certain prestige goes with being a Status Indian in the native communities.

While Status Indians are able to bargain with the federal government through the treaty process, Non-status Indians have no structured means of bargaining with government bodies, other than on an individual basis. They did not belong on reserves and had little bargaining power outside the reserves until 1975. In some areas of the north, particularly in the area now known as Sandy Bay, people had to give up their rights as Status Indians if they wanted to acquire work. They had to be enfranchised in order to qualify for work in the labor-intensive power projects of the 1930's. As a result, all of their offspring are now Non-status Indians. There were other rules and regulations, of an obscure nature, that enfranchised a few natives over the years. These people also lost their status. Because there was no means of redressing the grievances of the Non-status Indians, they made efforts to join forces with the Metis of Saskatchewan. The Metis of Saskatchewan had begun to organize in the early 1930's.

By 1975, the Metis Society of Saskatchewan (M.S.S.) underwent political changes that enabled it to incorporate Non-status Indians

into its organization. At a general meeting of the M.S.S. in 1975, Vera Averna Desjarlais moved that the M.S.S. name be changed to the Association of Metis and Non-Status Indians of Saskatchewan (A.M.N.S.I.S.). The motion was seconded by Nora Thibodeau, and put to a vote. The vote was unanimously in favor of the resolution. The stated purpose of the newly formed organization was:

1. To work for the social, educational, economic betterment and general improvement of Metis and Non-status Indians.
2. To preserve and further Metis and Non-status Indian heritage and culture.
3. To unite and preserve the unity of Metis and Non-status Indians.
4. To promote and advance the culture of the Metis and Non-status Indians.
5. To cooperate with other organizations within or outside Saskatchewan to further these objectives and purposes. 24

Since that time AMNSIS has continued to work to keep the organization independent from direct affiliation with mainstream political parties. AMNSIS has worked as a purely native political party for better education for native people, for decent jobs and better living conditions, for fishing, trapping and hunting rights, and for fundamental human rights for both the Metis and Non-status Indian people. Today, the organization is fighting a fresh battle with the federal government over the Metis and Non-status Indian peoples' land rights.

Both of these groups (the Metis and the Non-status Indians) had been excluded from the political and economic process that had been institutionalized for all other groups in Canada including the Status Indians. Numbers of people in a defined group are important because they reflect potential political strength within that unit. There was at least tacit agreement with this principle at the 1975 founding meeting of AMNSIS. Indeed, Jim Sinclair, a Non-status Indian who had been at the head of the M.S.S. prior to its name change, has remained at the helm of AMNSIS. Today, the historical struggle of both the Metis and Non-status peoples continues to be fought out in the political arena through AMNSIS. AMNSIS is now making political demands on behalf of at least 21,590 people. According to Statistics Canada, there were (as of 1981) 37,470 Status Indians in Saskatchewan, 4,135 Non-Status Indians, and 17,455 Metis. 25 Presently, under section 37 of the Canada Act, the term Indian is interpreted to include the Non-status Indians. This change will result in Native political re-alignments.

Meanwhile, an ugly fight is shaping up between Indian Chiefs and Indian women who lost their status when they married Non-status Indian men. The Sandra Lovelace case went all the way to the supreme court. When she lost her bid to be reinstated as a Status Indian (lost when she married a non-native) the case was taken to the United Nations. As a result of its 1981 complaint to the Government of Canada, Bill C-31 was passed. Bill C-31 enables such women to be reinstated as Status Indians, subject to band approval, although it

does not do this for the woman's offspring. Indian Chiefs are now opposing such reinstatement on the grounds that they will not be able to cope with the influx of Non-status Indian women and children into their respective bands. Sandra Lovelace continues her fight today, not with the federal government, but with the Chief of her band.

A framed portrait of an Indian brave hangs by the front door of the house Lovelace is renting. The Indian proverb under the picture sums up her struggle. It reads:

"To give dignity to a man is all things." 26

FOOTNOTES

1. Jean Jacques Rousseau, Discourse on the Origin of Inequality Among Men, 1755.
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20. Ibid.
21. "Indian Self-Government", report by a Special Committee, 1983, p.54. (On file at AMNSIS office, Regina)

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23. Ibid.
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25. Statistics Canada, 1981 census.
26. Regina Leader Post, May 24, 1985.

Credits

- Please credit Mr. Larry Heinemann for his work on the legal-political definitions and analysis used in this report.