

The least members of Canadian society

by Doug Janoff
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I realise now that the system that fucked me up, fucked up our men even worse. The missionaries had impressed upon us the feeling that women were a source of evil. This belief, combined with the ancient Indian recognition of the power of women, is still holding back the progress of our people.

— Maria Campbell from her book *Half-breed*.

"The least members of our society." That's how Dr. Mary Two-Axe Earley, native women's rights activist from Caughnawaga Indian Reserve, refers to her own social group.

"It seems inconceivable that our biological constitution should be reason enough for our birthright and heritage to be arbitrarily divested at the moment," she said while addressing a group at McGill last September.

Two-Axe Earley was referring to section 12-1-B of the Indian Act of 1951, "sexist and discriminatory piece of legislation."

The Indian Act of 1869 states: "A person with respect to whom an order for an enfranchisement is made under this Act shall, from the date thereof, or from the day of enfranchisement provided for therein, be deemed not to be an Indian within the meaning of this Act or any other statute of the law."

"Enfranchisement" is the legal term used to mean an Indian's assimilation into Canadian society. Only after 1956 was an Indian recognised as a Canadian at the same time.

But when is an Indian not an Indian? When she happens to be an Indian woman who marries a non-Indian. She loses her status from the date of her marriage.

On the other hand, the Indian men who marry non-Indians endow all the rights and privileges of band membership on their wives.

"If the father is a non-native, the child doesn't get status and is treated terribly," said Dr. Two-Axe Earley.

Here are some of the problems faced by enfranchised Indian women: they are banished from their traditional roles within the community, they forfeit their right to vote, they lose any claim they once had to property ownership and are subject to eviction from the home they grew up in, they are excluded from family and tribal inheritance, they are

denied the right to be buried on their ancestral cemeteries.

The cultural and social alienation which results from the loss of status, however, is more difficult to document.

History of discrimination

It was only after the arrival of European settlers in Canada that the role of Indian women changed drastically. Iroquois society, for example, was matrilineal. Women controlled the traditional dwelling, the long house.

Anthropologists discovered that if an Iroquois woman did not wish to go on in the existing living arrangement, she had only to throw her

Europeans. The European customs which most significantly shook Indian society included private property inherited through the male; patrilineal inheritance of other goods; and repression of female sexuality. The European man encouraged the Indian man to take over legal ownership of his wife's capacity to produce and reproduce, through the Indian Act of 1869.

Canada grew and prospered in the early 20th century, while the laws controlling the lives of Indian women and their children became increas-

In a strongly-worded statement prepared by the Native Women's Association during the constitutional talks last year, Indian women criticised the hollowness of the Canadian Bill of Rights.

"When the Canadian Human Rights Act was enacted," the statement reads, "the Lavell case was whether a non-treaty Indian or a white man it is in the interests of the Department, and in her interests as well to sever her connection wholly with the reserve and the Indian mode of life . . ."

The final blow to the rights of Indian women came in 1951. Section 12-1-B of the new Indian Act stated: "The following persons are not entitled to be registered, namely, . . . a woman who married a person who is not an Indian, unless that woman is subsequently the wife or widow of person described in section 11."

A further amendment in 1956 gave Department of Indian Affairs the automatic right to enfranchise Indian children who lived with their enfranchised mother and their non-Indian step-father.

The case of Jeanette Lavell

In 1970, an Indian woman in Ontario lost her status by marrying a non-Indian. Jeanette Lavell's attempt to regain her status demonstrates the difficulty of Indian women to have the discriminatory section repealed.

The basis of her argument was that section 12-1-B contravened the Bill of Rights. After defeat in the Ontario Supreme Court and victory in the Ontario Court of Appeal, her presentation to the Supreme Court of Canada in 1973 was clear-cut: she had been discriminated against on the basis of race and sex.

In a five-to-four decision, the court ruled against her. First of all, the Bill of Rights could not overrule the Indian Act, since the Act enjoyed "special status as a protective legislation." Secondly, the Indian Act did not discriminate against women. Finally, the Indian Act was simply a "legislative embodiment of customary social economic patterns."

husband's personal possessions out the door of the longhouse, and so divorced him. Iroquois women also kept possession of the children and enjoyed fundamental political rights in the community.

Indian sex roles, then, changed radically with the arrival of the

ingly harsh. When, in 1920, the Superintendent-General was given the power to unilaterally commute an enfranchised Indian woman's annuities, an official of the Department of Indian Affairs justified the move by saying, "when an Indian woman marries outside the band

before the courts. The Minister of Justice agreed to exclude the Indian Act from the body of federal legislation subject to the provisions of the Human Rights Act."

"Native women have found no protection of their rights either under Canadian Bill of Rights or the Canadian Human Rights Act."

The latest in a long series of defeats for Indian women took place last year during the constitutional negotiations. A clause which would have allowed 15,700 women and 57,000 children to return to reserves was dropped at the last moment. Groups like the Native Women's Association and the National Association of Indian Rights for Indian Women have criticised their brothers, saying that Indian men are so embroiled in their own political struggles that they continually put Indian women's concerns on the back burner.

Canada's treatment of Indian women has often been a source of international embarrassment. Studies have shown that when women are forced to leave their reserves the result is increased dependence on alcohol, welfare and even suicide.

The domestic possibilities of change seem to be exhausted. Perhaps only an international movement condemning Canada's discriminatory practices will succeed in changing the situation of "the least members of our society."

by Brian Jones
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The whites are always trying to make the Indians give up their life and live like white men — go to farming, work hard and do as they did — and the Indians did not know how to do that, and did not want to anyway . . . If the Indians had tried to make the whites live like them, the whites would have resisted, and it was the same way with many Indians.

Wamditanka (Big Eagle)

of the Santee Sioux
Since Wamditanka spoke these words more than 100 years ago white people have almost destroyed native Indian culture. Indians have been stripped of their religion, customs and way of life as ethnocentrism and greed for land continue the white war against the Indians.

But like Wamditanka, many Indian people are still resisting the erosion of their culture. John Trudell, also a Santee Sioux, has been active in defending indigenous peoples' rights for many years. He was national chair of the American Indian Movement from 1973 to 1979.

Whites believe the war against Indians ended in the last century, said Trudell. "But in reality the war has been going on every day. It went from cavalry to government program manipulation to alcoholism to racist education."

Trudell is a very intense person, and does not hesitate to talk about the problems every Indian generation since Wamditanka has had to face.

"The whole racial, political and economic system (of white society) debases and degrades us," says Trudell. Governments want to control

Indians and do not care about Indian rights or uniqueness, he says.

"Government policy is to destroy us as a people. They give it respectable terminology, call us citizens, but when we look at the citizens, what rights do the citizens have? When you get right down to real things citizens don't have very many rights."

Most Indian people still do not trust white society, or feel comfortable in it, says Trudell. "The vast majority tolerate it, because you have to." But this tacit acceptance is a result of white society's coercion and violence, Trudell says.

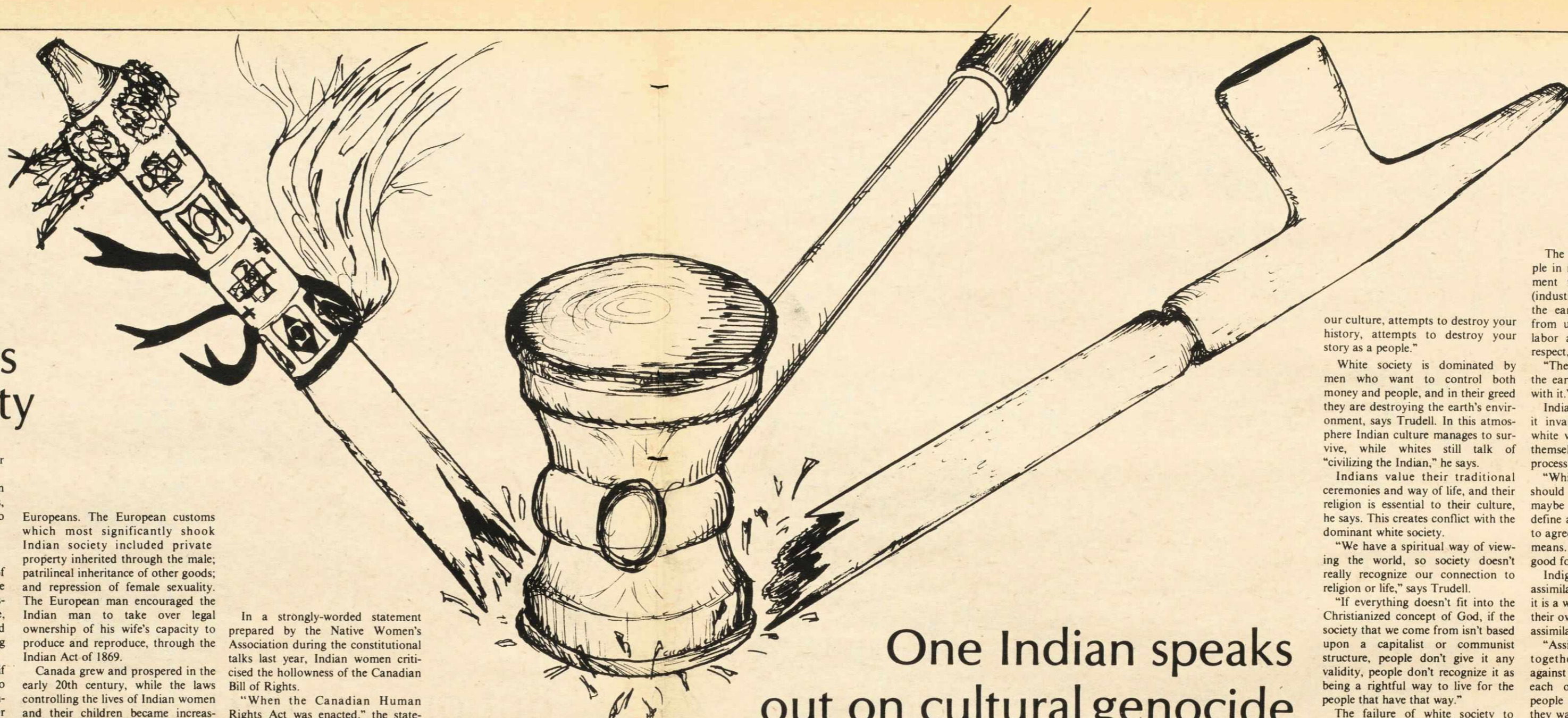
"All the nonviolent white people in this society will allow their police

forces to do violent things, as long as it is given respectable terminology and called law and order."

Social pressures to conform are also put on Indians. "If we don't run out and embrace the things that the whites put there (economic and political systems), and thank them for coming to save us, then we are ostracised," says Trudell.

The desire to civilize Indians implies they are inferior and should strive to be like whites, Trudell says.

This attitude of whites toward Indians is several hundred years old, and has become so entrenched that it is equateable to genocide, he says. "A genocidal policy attempts to destroy



One Indian speaks out on cultural genocide

our culture, attempts to destroy your history, attempts to destroy your story as a people."

White society is dominated by men who want to control both money and people, and in their greed they are destroying the earth's environment, says Trudell. In this atmosphere Indian culture manages to survive, while whites still talk of "civilizing the Indian," he says.

Indians value their traditional ceremonies and way of life, and their religion is essential to their culture, he says. This creates conflict with the dominant white society.

"We have a spiritual way of viewing the world, so society doesn't really recognize our connection to religion or life," says Trudell.

"If everything doesn't fit into the Christianized concept of God, if the society that we come from isn't based upon a capitalist or communist structure, people don't give it any validity, people don't recognize it as being a rightful way to live for the people that have that way."

The failure of white society to understand the importance of the natural environment to Indian culture has weakened that way of life, says Trudell. The Indian people have no need for white ways, and the imposition of white culture imposes values that are alien to their traditional experience.

"The natural world has a right to life," says Trudell. "It isn't government or economics. The Canadian government, the American government, capitalism, communism—they do not provide us with the means for our life. They seize control of the resources and their distribution. So our loyalties should be to the earth and not to any manmade political system that does not recognize us as beings."

"That means to me that the indigenous nations should be left alone — the laws, treaties and agreements that were made should be honored," he says. "And the assimilation will go its own natural way. Maybe some people will move into each other's society. Maybe some people will remain apart. But what is wrong with that?"

But the necessary toleration is lacking, and the resulting racism drains Indian peoples' energy and spirit, Trudell says.

These impositions of white society reach Indians on reservations as well as those in cities. Corporations are encroaching on the remaining Indian lands and exploiting them for their natural resources. There is high unemployment, and many Indians end up destitute in cities because there is no where else to go, says Trudell.

"Life is hard on the reserves — there is alcoholism, drug abuse, political racism, economic racism, police racism and legal racism," he says. "there are boarding schools, there are people snatching your kids away from you, there are crimes committed against you and no justice for it. That is life on the reserves, and that has been life on the reserves all the time since they made the reserves and put us there."

"And yet white people say that Indians are lazy, worthless and don't have any initiative. They're not dealing with reality. Corporations are coming in and stealing our economic base."

Since they first came to North America, the white's hunger for land has devastated Indian livelihood as well as culture. But native culture is strong and will outlive the corrupt white society, says Trudell.

