

# Indian Act archaic, biased

Native Awareness Week was designed to build a better working relationship between native people and the public and to inform the community about native concerns and issues.

Stories by  
Lucinda Chodan

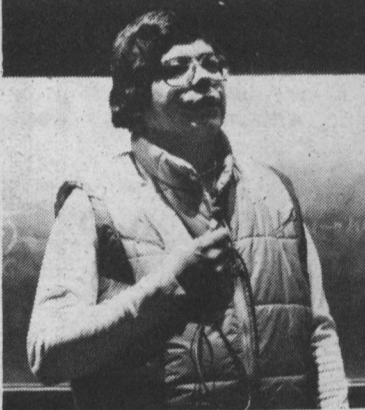
The Indian Act must be amended to let native people control their future, two native lawyers told a group of students Thursday.

In a session on legal matters and native people, lawyer Bill Babcock said the federal Indian Act of 1876 is "one of the bigger piles of horsecrap we've had to deal with."

Although most provincial legislation applies to native people, laws cannot be enforced if they are in conflict with the Indian Act.

"One of the biggest problems with the Indian Act is . . . it purports to tell Indian people who they are," Babcock said.

Citing Section 11 of the act, he said, "If you don't follow the rules, you can't be an Indians."



Harold Cardinal at a Native Awareness Week forum Thursday.

Part of section 11 states that if a status Indian woman marries a non-status male, she is no longer registered as an Indian.

"She becomes banished away forever and she can never be an Indian," he said.

Babcock described the problems of Indian women with illegitimate children who are registered on band lists. If the woman marries a non-Indian, both she and the child lose their status.

This ruling has been successfully appealed in Ontario, Babcock said.

He also discussed how divorce and remarriage affect an Indian woman's status.

"You can be Indian one day and not Indian the next — it's like a swinging door," he said.

Babcock also discussed the "double motherhood" amendment to the Indian Act, which rules that children whose mother and grandmother were non-Indian lose their Indian status at the age of 21.

This has created "a very, very silly" situation in the St. Regis reserve, which straddles the American and Canadian borders in Eastern Canada, he said.

Since American Indians do not have Indian status in Canada, when a Mohawk Indian woman in New York marries a Mohawk man from the same reserve who on the Canadian side of the border, her children are not officially Indian — since she has become Indian only by marriage.

"They're trying to get rid of watered-down Indians, but the rationale breaks down in situations like this — as far back as you go, they're all Mohawk

people," Babcock said.

This legislation was also successfully appealed by the St. Regis band, he said.

Babcock concluded by calling for reform of the Indian Act by native people.

"It should be the Indian people determining who they are," he said.

"I concur with my learned friend," Wilton Littlechild began, smiling.

"In the local rag (*The Edmonton Journal*), when I finished law school, it said 'First Indian admitted to the bar.' A lot of people came up to me and said, 'Hell, you don't have anything special, we've been going to the bar for years,' he said.

Although more Indian people are entering the legal profession, he said, "we still don't have an Indian interpretation of the law."

The government treaties signed by Indians may not have been fully understood by the people signing them, Littlechild said.

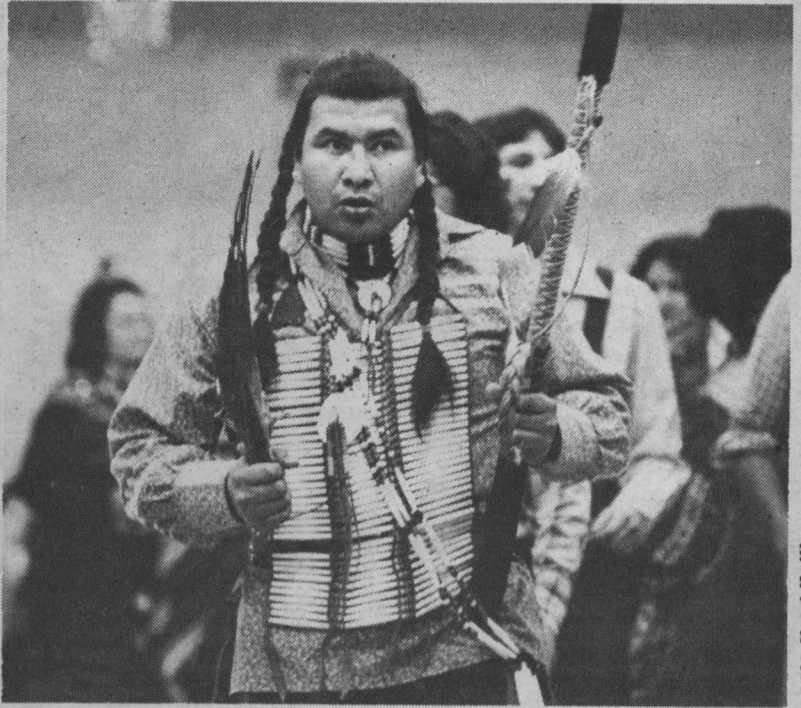
"When I taught Indian law, I took a copy of Treaty Six and told the class to take out one clause and read it in Cree.

"You know what? We had a heck of a lot of difficulty trying to interpret it in our language."

"If, in 1876, there were the same difficulties, was this in fact people negotiating a treaty with equal bargaining positions?" he asked.

There is an Indian side of the law, and with more native lawyers this position may be heard, Littlechild said.

"We're going to start interpreting it in our own manner — the Indian way," he said.



A traditional native dance performed by participants in Native Awareness Week's Friday pow-wow.

Photo: Brad Keith

## Dene real landowners

Although the federal government believes it possesses the rights to land in the North West Territories as a result of treaties signed in 1921, the Dene nation regards itself as the legal landowner in the North, says Dene spokesman Bill Erasmus.

"We want the right to be able to administer our own affairs," he says. "We want to remain a part of Canada, a part of Confederation, and be recognized as an aboriginal people with separate rights."

The Metis Association and the Dene Nation are working together in negotiations with the

government, Erasmus says. Their joint action means native people in the North West Territories are no longer helpless before the government, he says.

"Earlier, the government wanted to railroad a lot of things — and we didn't question them too much.

"Now, we're more organized, and quite capable of defending ourselves," he says.

Erasmus also explains the Dene position on the proposed Mackenzie Valley pipeline.

"We're not against development, but we want a say in it, and a certain amount of control.

"We have to live there — we don't have anywhere else to go."

## ENERGY DAYS

Tuesday, March 18 • 3:30 PM

John Hughes

A Slide/Talk Presentation

*'Energy Consciousness...  
Solar Energy'*

Wednesday, March 19 • 3 PM

John Olthuis

- Co-author 'Moratorium'
- Research Director of Committee on Justice and Liberty

*'Energy and Human Values'*



Wed., March 19 • 7:30 PM  
Dinwoodie Lounge

Edward KUZNETSOV  
Soviet Dissident

- One of five dissidents traded for two Russian Spies in April, 1979.
- Attempted hi-jack of plane to Israel from Russia
- Soviet Writer

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