

First Nations Citizenship

An Act to Amend the Indian Act (1985) and the Accommodation of Sex Discriminatory Policy

MARTIN J. CANNON

DEPARTMENT OF SOCIOLOGY, UNIVERSITY OF SASKATCHEWAN

This paper provides a comprehensive look at sex discriminatory policy as it has been directed toward First Nations in Canada since the 1800s. This policy has created boundary maintenance struggles and has reshaped gendered and social relations in some communities. I raise a series of questions about the process of colonial intrusion, histories of adaptation, and the accommodation of sex discriminatory policy. First Nations have coped with and adapted to policy intrusions around Indian citizenship, but further research will be needed to investigate the collective impacts of sex discriminatory policy (including Bill C-31: An Act to Amend the Indian Act). In light of the policy considerations that are outlined, I offer suggestions to help guide this research and, indeed, the discussions about First Nations identity, citizenship, and belonging.

Cet article jette un regard pénétrant sur la politique de discrimination fondée sur le sexe touchant les Premières nations du Canada depuis les années 1800. Cette politique a entraîné des luttes de démarcation des limites et a transformé, dans certaines collectivités, les rapports hommes-femmes et les relations sociales. Nous soulevons une série de questions sur le processus d'intrusion coloniale, les récits d'adaptation et l'ajustement à la politique de discrimination fondée sur le sexe. Les Premières nations ont fait face et se sont adaptées aux intrusions de politique sur le statut d'Indien; toutefois, plus de recherches sont requises pour examiner l'impact collectif de la politique de discrimination fondée sur le sexe (y compris le Projet de loi C-31: Loi modifiant la Loi sur les Indiens). À la lumière des considérations politiques présentées, nous offrons des suggestions pour orienter la recherche ainsi que les discussions sur l'identité, le statut et l'appartenance des Premières nations.

Introduction

Over 20 years ago, on June 28, 1985, Bill C-31: An Act to Amend the Indian Act was given royal assent in Canadian Parliament. Its purpose was to end years of blatant sex discrimination directed toward Indigenous women under section 12(1)(b) of the preceding Act: the section that required of them to lose legal status as Indians on marriage to non-Indian men. In this paper, I draw attention to conclusions I have steadily reached about the success of Bill C-31, the history of sex discriminatory policy, its impact on indigenous men, and other hidden complexities. Some of what I discuss is based on my experience as a status Indian and the descendant of a Haudenosaunee woman (Six Nations of Grand River Territory) who lost (and later reacquired) Indian status (Cannon, 1995, 2004).

Bill C-31 may have deleted more blatant forms of sex discrimination from the text of the old Indian Act, but as I will illustrate, recast forms of statutory discrimination, along with new forms of inequality, have been created and imposed upon communities. First Nations have accommodated, coped with, and indeed adapted to policy intrusions around Indian citizenship. Regrettably, and with the exception of Lawrence (2004), very little of this has been documented in the literature. In general, this stands at odds with the trend in social science literature to recognize First Nations as active agents of social change, and to dismantle “the antiquated stereotype of Aboriginal people as passive victims in the era of settlement and throughout colonization” (Brownlie & Kelm, 1994: 544, see also Carter, 1999).

A number of questions must now be investigated in the everyday world of racialization and sex discriminatory policy. I introduce some of these questions by providing an exemplary glimpse at the collective impacts of Bill C-31. I show how the Indian Act enables a particular understanding of “Aboriginal rights,” of what it means to be an indigenous person, and of the choice status Indians make to develop intimate relationships with non-Indian persons. I will consider some of the changes that have taken place (and that need to take place) before addressing the injustices introduced by the 1985 amendments. I hope to facilitate policy-related research about discrimination at the intersection of “race” and gender (Cannon, 1995), First Nations citizenship, and the history of Indian policy both before and after the *Act to Amend the Indian Act*.

Deciphering Histories of Sex Discriminatory Policy and Change

A paper that focuses on the way indigenous peoples accommodated or adapted to Indian policy rightfully starts with an example. It is important and perhaps useful, in other words, to outline the complex and often innovative ways in which indigenous peoples have coped with and indeed negotiated sex discriminatory

policy. The policy to which I would like to draw attention for the sake of clarity — and to illustrate what I mean by “accommodation” and “adaptation” — is that of residential schools. Residential schools, and the policy that surrounds them, has affected nearly every First Nations person in Canada.

The policy surrounding the schooling of indigenous peoples is significant to consider, especially where sex discrimination is concerned. It has been argued that residential schools worked to alter the sexual division of labour in patriarchal ways. As Clubine (quoted in Ng, 1993, pp. 54) has explained of school curricula, “men were [being] taught farming skills such as how to clear land and hold a plow, [and] women, under the tutelage of the missionaries’ wives and daughters were [being] taught ‘civilized’ domestic skills.” In the case of my own community, the education of reserve children at the Mohawk Institute (or “Mush Hole”¹) was no exception to the curricula described by Clubine.

As Johnston (1964, pp. 277-300) has noted of Grand River Territory, by the 1840s men and boys were busy exchanging their roles as hunters for the occupations of blacksmith, wagon-maker, carpenter, or farmer. Women and girls were focused on housekeeping responsibilities to the exclusion of previous agricultural pursuits. In short, sex roles started to resemble those of the Europeans at early to mid-1800s Grand River. But what kinds of complexities surround the schooling of gender relations and the adjustment to the policy I have identified? In previous work (Cannon, 2004), I suggested that the impact of this educational policy requires closer scrutiny.

The transition to an agricultural economy did not eradicate the traditional roles of men and women. Instead, men and women adapted to economic change in ways that mixed old with new where traditional pursuits and customary practices are concerned. Some women also exercised cultural continuity where their traditional pursuits in agriculture were concerned. As one religious official observed of subsistence farming at Grand River in 1842, “On the large farms, the field labour is performed by men, with the exception of the cultivation of Indian Corn, which, on large or small farms, is always performed by the Women.”²

The historic record does not entirely suggest that Haudenosaunee³ men and women were converted — at least initially — into a group of farmers and domestics. On closer inspection, some people incorporated their traditional beliefs into more contemporary economic activities. Ostensibly, some women were following ancient custom in tending to corn in the 1840s. As Shimony (1961, pp. 154 [n. 12], 155) has observed, the planting and harvesting of corn, beans and squash had always been the responsibility of women; indeed, these crops were understood to be “women’s crops” in general (see also Rothenberg, 1980, pp. 77-78).

That corn remained the responsibility of women is significant to understanding women’s status as well as the idea of *accommodation* that I want to describe. In my estimation, the way people coped with Indian policy at mid-19th century

Grand River is exemplary of the adaptive agency exercised by my ancestors. It suggests that some people decided to maintain a more traditional division of labour (or “lifestyle”), despite policy intrusions introduced by the Mohawk Institute in terms of gender roles. It is therefore erroneous, academically, to assume that my ancestors were converted into a nation of farmers, tradesmen, or domestics as a result of the schooling of gender relations through the early to mid-1800s.

The way in which the Six Nations, and indeed many other indigenous peoples, accommodated Indian policy is nothing short of remarkable. The multi-faceted and systemic forces of racialization and patriarchy would undoubtedly have functioned to reshape gender relations and reserve-based politics through latter parts of the 19th century. It may even have led some people to break with procedures that had historically placed women in esteemed positions of influence.⁴ But to put matters simply, it could not have completely transformed indigenous peoples into caricatures of first Europeans.

The issue I am raising is of obvious scholarly importance. Simply put, the history of policy intrusions cannot be reduced to an oppressor/oppressed dualism (see Haig-Brown & Nock, 2005). Binary thinking detracts from the way in which policy has been experienced and negotiated in everyday contexts, and it prevents us from understanding the work that people do — and want to do — in their own communities.⁵

Racism and patriarchy have combined to produce and structure policy injustices throughout history. But I would like to suggest that a greater understanding of social change be detailed in the literature. This is especially true of research involving Bill C-31, where so little is known about the negotiation of Indian status and what people have to say about Indian citizenship and belonging. Before discussing these issues in further detail, it is important to establish context by looking at the history of sex discriminatory policy, and more specifically, at how First Nations women faced legal subjugation at the hands of the Canadian state and how, beginning in 1850, men were furnished with greater institutional power on reserves.

Setting the Context: Portraits of Early Patriarchy

The history of patriarchal and colonial injustice — injustices arising from both racist and sexist understandings that are inseparable from one another — is evident even prior to Confederation and the emergence of the first statute entitled the Indian Act (S.C. 1876). The earliest missionaries were determined to “civilize” the indigenous populations by indoctrinating a Christian ethos and patriarchal family structure.⁶ Speaking of the egalitarian relations he observed among the Montagnais-Naskapi Nations of what is now called Eastern Canada, the Jesuit Paul Le Jeune noted:

The women have great power here. A man may promise you something, and if he does not keep his promise, he thinks he is sufficiently excused when he tells you that his wife did not wish him to do it. I told him then that he was the master, and that in France women do not rule their husbands. (quoted in Brodribb, 1984, pp. 88)

Paul Le Jeune had no problem expressing his patriarchal views. The fur trade would later perpetuate a similar set of Eurocentric mores that would "strike at the heart of Indigenous cultures, their values of sharing and cooperation, and their corresponding lack of any concept of private property" (Nicholas, 1994, p. 230). The fur trade reaffirmed understandings about gender as first introduced through missionary efforts. As Van Kirk (1980, p. 88) has put it, "despite her important contributions and influence in certain areas, the Indian woman in fur trade society was at the mercy of a social structure devised primarily to meet the needs of European males."⁷ In short, the relentless pursuit of empire and nationhood meant that the original inhabitants of this country — now called Canada — were subject to recurrent campaigns of social structural disintegration.

Clearly, there is no ethical foundation for such "common sense domination,"⁸ but we can explain such claims to superiority as being grounded in the ethos of the historical period. Informed by notions of supremacy and ideologies of racial inferiority, the early Europeans saw indigenous peoples (indeed, all non-Europeans) as subordinate and underdeveloped entities (Miles, 1989; see also Said, 1978). The attitudes of missionaries and traders carried over into the political discourse of the late 19th century. Consider the words of Sir Hector Langevin, an early imperialist who, in 1876, declared that "Indians were not in the same position as white men. As a rule they had no education, and they were like children to a very great extent. They, therefore, required a great deal more protection than white men" (quoted in Miller, 1989, p. 191).

Sentiments like Langevin's were also expressed by others. Stating clearly the paternalistic intentions that were the thrust behind most administrative dealings, Alexander Morris (who had been placed in charge of making treaties with indigenous peoples in Plains Canada) once pronounced,

Let us have Christianity and civilization to leaven the masses of heathenism and paganism among the Indian Tribes; let us have a wise and paternal government faithfully carrying out the provisions of our treaties ... They are wards of Canada, let us do our duty by them (quoted in Frideres, 1983, p. 2).

The sentiments I am identifying translated into an early set of policy objectives. Foremost was the implementation of the reserve system in Upper Canada during

the 1830s, which, as Tobias (1983, pp. 41) notes, represented the keystone of all later policy. The surface motivation for the introduction of the reserve system was to enforce, as Frideres (1983, p. 22) has put it, "British-agricultural-Christian patterns of behaviour upon Native communities" (see also Jamieson, 1986, p. 115). Later policy would only perpetuate these aims at assimilation, especially the policy aimed at enfranchising status Indians.

Indian Status, Voluntary Enfranchisement, and Imposed Systems of Governance

Indigenous peoples in Canada acquired legal status as "Indians" in 1850.⁹ Before that time, the category "Indian" may have been used in political discourse, but it hadn't yet been incorporated into legislative use. The category took official currency in Canada so that the state could delimit the occupation of Indian lands in Upper Canada to status Indians alone. The aim was to protect Indians from outside land encroachments, an issue that had been of concern to policy-makers, as well as some First Nations.¹⁰

The effect of 1850s Indian policy had important consequences for First Nations. Among other things, it introduced a legal classification that did not recognize the linguistic and cultural differences among the indigenous populations of Canada. Sociologists of race and ethnicity refer to this sort of social process — whereby an otherwise heterogeneous, linguistically distinct, and diverse population of people is singled out for different (and often unequal) treatment — as a process of racialization (Li, 1990, p. 7; Miles, 1989, pp. 73-77). Racialization was not the only effect of this policy.

The creation of the category "status Indian" also created its opposite: non-status Indian. This became of some consequence when, in 1857, the focus of policy shifted to something called enfranchisement in *An Act for the Gradual Civilization of the Indian Tribes in this Province and to Amend the Law Respecting Indians* (S.C. 1857, c.26). The purpose here was to assimilate the Indians of Canada. The premise was simple: upon meeting certain criteria, First Nations men who were literate, free of debt, and of good moral character could (along with their "dependents") give up Indian Act status and become legal persons, accorded all the rights and privileges of ordinary, civilized Euro-Canadians (Tobias, 1983, p. 42).

The title and premise of the 1857 legislation reveals its racialized underpinnings: one could not be an ordinary legal citizen without giving up Indian status. Racial categories were being established and institutionalized in Canada. But the implicit principle behind enfranchisement was simultaneously patriarchal (Cannon, 1995; Jamieson, 1986, p. 117). It embodied the intrusion of paternity upon First Nations.¹¹ In effect, this legislation held the potential to reorganize kinship structures that were once matrilineal and matrilineal. It behooves us as

policy researchers to study the impact of this legislation on communities, in comparative perspective with others across Canada.

Common sense ideological notions about race and gender were reaffirmed in later Indian policy. In 1869, legislation regarding the governance of Indians was introduced in *An Act for the Gradual Enfranchisement of Indians, the Better Management of Indian Affairs, and to Extend the Provisions of the Act, 31st Victoria, Chapter 42* (S.C. 1869, c.6). This was among the first of the official policies to undermine the power of traditional (or hereditary) governments on Indian reserves. Under this policy, "elected" band councils were empowered to make bylaws and to deal with all other minor concerns.¹² This policy represented an intrusion at Grand River Territory, though not until the 1920s as I will describe in a moment. An elective system of governance remained a choice for all First Nations until an amendment in 1895. At that time, the government delegated itself the authority to depose chiefs and councillors of any band not following the elective system of governance (Tobias, 1983, pp. 46- 47; Indian Act, S.C. 1895, c. 35, s. 3, reprinted in Venne, 1981, p. 141).

The history of policy aimed at enfranchising Indians — as well as restricting their traditional governments — requires closer attention. It is also necessary to note how both racial and sex discrimination combined in early history to produce distinct forms of subjugation for indigenous women. Women were discriminated against not only as Indians, but also as Indian women. I suggest that we pay closer attention to this aspect of policy-related intrusion on governance, as it often reveals the complex discrimination directed towards women at the intersection of race and gender (Cannon, 1995).

Governance, Women's Status, and Historic Agency at Grand River Territory

A hereditary government has always existed at Grand River Territory, but major political change took place on October 14, 1924. Up to that point, the Government of Canada had not been intent on terminating the Confederacy Council government, but had permitted governance at Six Nations to remain distinct from that of all other First Nations in Canada (Weaver, 1970a, 1970b, 1984). The decision to intervene at Six Nations followed various reform-based efforts, and also the report of Andrew T. Thompson (Cannon, 2004).

A report was commissioned by Duncan Campbell Scott on March 20, 1923, to investigate the political situation at the Six Nations (Thompson, 1924; see also Issac et al. v. Davey et al., 1974). Thompson was not unknown to the Six Nations community. In fact, during the First World War he had commanded a regiment from Six Nations — many of whom had petitioned for an elected council at Six Nations upon their immediate return from combat (Weaver, 1994, pp. 246, 248). This was not overlooked by the people of Six Nations, as Thompson's relationship

to veterans “cast doubt on his impartiality and on the government’s motives” (Weaver, p. 246).

Thompson appealed to the Canadian government in 1924 for an elected form of governance at Six Nations of Grand River Territory. There is reason to believe that the call itself was motivated, at least in part, by his opposition to the Cayuga chief Deskaheh, or Levi General. Deskaheh had travelled to London, England, in 1921 — two years prior to Thompson’s report — and spent until 1923 preparing to present his case at the League of Nations in Geneva, Switzerland, requesting (in both cases) that the spirit of early wampum and nation-to-nation agreements made between Haudenosaunee and the British Crown be honoured (Akwesasne Notes, 1981).

Throughout his report, Thompson denounced Deskaheh’s efforts, referring to them as a “separatist campaign for independence” and couching his opposition in a supposed “misuse” of funds (Thompson, 1924, pp. 44-45). The government agreed with Thompson’s final judgment, and a mere two days later, on September 17, 1924, an order in council was passed and a system of elective chiefs and council was officially recommended. On October 14, the hereditary council was dissolved under Parliamentary Order #1629, and the council office was padlocked shut by the Royal Canadian Mounted Police. An election was called for October 21, 1924. These events punctuate the political history of the Six Nations Reserve, and they remain on the minds of many Haudenosaunee even today (Cannon, 2004).

Beginning in 1924, the Six Nations band council was given authority over reserve-based politics. It came to perpetuate — and be subject to — a politics of dependency.¹³ Very little is known about the events after 1924, but despite losing official power at that time, the Confederacy Council continues to voice its political convictions to both government officials and the Canadian state (see Barlow, 1999; Shimony, 1961, pp. xxxiv, xxxv-xxxvi). This presence embodies the kind of cultural continuity and agency to which I wish to draw attention in this paper. But I also want to draw attention to omissions in the historic literature as well.

The history of band council governance excluded Haudenosaunee women from an official voice in political dealings within the community. From 1924 to 1951, this meant that only men had the right to vote in band elections and participate in the political administration of Grand River Territory. The extent to which patriarchy at the community level was institutionalized — or accommodated — during these years has not received the attention it requires (Cannon, 2004). Nor has attention been paid to the way in which Haudenosaunee women have maintained an influence, however unofficial, on Six Nations politics.

Even Shimony (1961), in her pioneering analysis of the Six Nations Reserve, did not elaborate on the roles women were playing in terms of political organization in the 1960s. Nor did she consider the way in which an elected council authorized by male suffrage in 1924 represented — along with colonial injustice —

a renunciation of women's roles as this relates to traditional structures of governance. It is odd that Shimony professed to have documented "recent political history" and the "roll call" of hereditary chiefs in her work (pp. 91-123).

The scholarly issue I am raising points to two things. First, it highlights a significant degree of agency expressed by the Six Nations — and surely other First Nations as well — especially where adapting to early governance is concerned. At Six Nations, the Confederacy government has carried on since 1924, and many people still talk in deeply philosophical ways about the realization of "governance" (Monture, 1999, p. 30). But the history of Grand River Territory emphasizes another, more theoretical matter. Imposed systems of governance and women's changing status have been understood as separate events in history (Cannon, 2004). The exclusion of women from political matters has been destructive from the time of contact,¹⁴ especially since in elected governments men have been clearly favoured by the Canadian state.¹⁵ But we know very little about the historic agency expressed by indigenous women in adjusting to these policy intrusions. It is peculiar that the literature has focused so exclusively on the once esteemed status of women in historic political organization while remaining virtually silent about the agency that indigenous women have exercised over time.

The political agency of women, their ability to exercise political influence, and their ability to effect political change — at least up to 1924 — is documented in the report of Andrew T. Thompson. But women's political influence carries on well beyond the 1920s and, ostensibly, beyond Grand River Territory as well. An area for further research is to find out more about the transformation of Aboriginal women's status in Canada from the 1920s. What happened between this date and the latter 1960s, when Aboriginal women such as Mary Two-Axe Early — a Mohawk woman from the Kahnawake Mohawk Nation (Borrows, 1994; Silman, 1987) — spoke out about sex discriminatory policy?

The historical omission to which I am drawing attention has already been discussed in scholarly literature.¹⁶ The most common history involves a look at people such as Kahn-Tineta Horn, Sandra Lovelace, Jeanette Lavell, and Yvonne Bedard (Gzowski, 1996a, 1996b; Silman, 1987; Weaver, 1993a, 1993b). I do not intend to demean the importance of this writing and scholarship. Instead, I wish to point out that it is necessary to know more about the many other communities and women who effected political change throughout the 20th century. What has been the influence of feminism on the assertion of indigenous women's political rights? This is a question about social structural change and gender relations that requires sociological inquiry.

Policy may appear to have reconstructed gender relations so that women have been left powerless on reserves since the 1800s. But indigenous women haven't entirely lost political influence. Consider the decision by Six Nations band members at Grand River Territory to elect Roberta Jamieson as band council chief

in 2002. This is only one example of indigenous women's agency and a community-based history of gender relations. Yet a closer look at the legislative history of racialization and sexism certainly reveals how policy may have functioned to reformulate political organization, including the once matrilineal and matrilineal kinship structures of the Haudenosaunee in particular.

A Chronology of Sex Discriminatory Policy and the Origins of Indian Status

Indian policy continued to construct gendered imbalances well into the 1800s. Section 6 of the policy, passed two years after Confederation, was — and has become — detrimental to all indigenous peoples. This section stipulated that indigenous women who married non-Indian men lost status, along with their children. Together, they would become involuntarily enfranchised. This same loss of status did not apply to indigenous men or their children. The sexist connotations of section 6 are clear. As Jamieson (1986, p. 118) has asserted, “the statute of 1869, especially section 6 ... embodied the principle that, like other women, Indian women should be subject to their husbands. In law their children were to be his alone.” In sum, this legislation advocated the establishment of patriarchal principles on Indian reserves across Canada.

It was through law that indigenous men retained their entitlement to Indian status, along with an ability to bestow it, regardless of whom they married. Women, on the other hand, lost the official means to uphold their traditional status in some societies, especially in once matrilineal ones. Through the late 19th century, First Nations were quite simply being re-socialized into more Eurocentric systems of kinship organization.

At Six Nations, the decision to place emphasis on paternity for Indian status and state administrative purposes represents a significant moment in the history of gender relations and discrimination. In fact, it enabled some Haudenosaunee — though decidedly not all — to assume a set of outside legal principles as their own. These principles reflected the legal and social apparatus of Europeans, who had grown accustomed to patriarchy as a method of ensuring that only men could bequeath wealth to their children (Engels, 1884, p. 76; O'Brien, 1981, p. 54). Beginning in 1857, paternity served as the basis for all record-keeping and dealings with the government, including administrative budget allocations. Paternity became an “ordinary way of doing things,” and it therefore shaped the lives of many Six Nations people in material, and monetary, ways. The practice of maternal residence patterns would have become less favoured from the mid-19th century onward. It would have — at the very least — marginalized those who were intent on preserving matrilineal kinship organization (Weaver, 1984).

Doxtator (1996) has discussed how these changes were accommodated in three different Haudenosaunee communities. For the Six Nations of Grand River

Territory, the threat of ongoing land encroachments encouraged them to accept paternity. But while the emphasis on paternity represents a major event in the history of gender relations, it could not have automatically transformed the Six Nations into a nation of patriarchs. Even today at Six Nations, many people retain — or endeavour to retain — a memory of matrilineal descent and kinship reckoning. Despite years of policy intrusions, it is still possible to determine one's maternal relations through traditional means and to find elderly people who remember the older women and grandmothers. This represents an important agency exercised by Grand River Haudenosaunee.

Based on my own research, it also seems to have affected the discretion of the band council at various times throughout history. From August to November 2001, I conducted interviews at Six Nations, and I asked one of my study participants to share his recollection of community politics and the way Indian status distinctions were negotiated at Six Nations prior to 1985. I was curious whether chiefs and Council had ever afforded rights and benefits to non-Indians (or to Indian women who had lost Indian status) before that time. The participant indicated that non-status Indians have been living on the reserve since 1885 (Cannon, 2001). This suggests that the Indian Act was not altogether effective in legislating women who married non-Indians out of the status collective. What factors influenced individuals to "turn a blind eye" to non-status Indians living on reserves in Canada?¹⁷ Finding answers to that question will shed light on the meaning of citizenship, and on how indigenous peoples have been able to maintain a past and present relationship with their communities — an identity — despite Indian policy and other state interferences.

Engendering Indian Status: A Look at the 1951 Indian Act

In 1876, the federal government passed the very first legislation entitled the Indian Act. Like preceding legislation, it imposed patriarchal definitions by emphasizing descent through the male line. Section 3(c) of the Act stipulated that, upon marrying a non-Indian man, Indian women and their children would "cease to be an Indian in any respect within the meaning of this Act." (Indian Act, S.C. 1876, 39 Vict., c. 18, reprinted in Venne, 1981, p. 24).¹⁸ Consistent with previous legislation, this section did not apply to indigenous men. Men retained legal status upon marrying non-Indian woman under the Indian Act. In fact, their wives (and children) also became Indians in accordance with section 3 of the statute.¹⁹

Major changes to the Indian Act were common after 1876. Of significance was the Federal Franchise Act of 1885, which extended the right to vote in federal elections to all Indian men, but not women (Jamieson, 1986, pp. 119-120). Of similar consequence was section 26(2) of the 1927 Indian Act, which stipulated that "the Superintendent-General shall be the sole and final judge as to the moral

character of the widow of any intestate [lacking of will] Indian" (Indian Act, R.S.C. 1927, c. 98, reprinted in Venne, 1981, p. 252). Section 26(2) held the potential to disinherit indigenous women. The section "required that an Indian widow had to be of good moral character in order to receive an inheritance" (Indian Act, R.S.C. 1927, c. 98, reprinted in Jamieson, 1986, p. 120). This assessment was left in the hands of Indian superintendents.

A similar disinheritance (directed toward all out-marrying women) was passed in 1951 under section 15(1)(a) of a revised Indian Act.²⁰ In effect, women — or "legislated outsiders," as I have called them (Cannon, 1995, 2004) — lost status and band rights under the Indian Act of 1951. Section 15(1)(a) was an infringement upon women's rights because with band membership came an entitlement to certain rights and privileges not automatically guaranteed by Indian Act status. The section is exemplary of how patriarchal relations and practices were made an imperative of Indian bands. The consequences for intercommunal relationships have been profound. At times, resentment has been displaced from the Indian Act and its provisions onto other indigenous peoples.

The 1876 Indian Act imposed patriarchal definitions of "Indian" by emphasizing descent through the male line. As of 1876, men were able to retain legal status as Indians upon marrying non-Native women, and the women they married became Indians under sections 3 and 3(c) of the Act. Sections 3 and 3(c) became sections 11(1)(f) and 12(1)(b), respectively, in a revised 1951 legislation.²¹ These sections were deleted only as recently as June 28, 1985, under Bill C-31: An Act to Amend the Indian Act. The amendments were made retroactive to April 17, 1985, in order to bring the Act into congruence with section 15 of the Charter of Rights and Freedoms.²²

The amendments to the Indian Act in 1985 followed a long history of struggle by indigenous women across Canada, including the Lavell-Bedard case(s) of the 1970s (Bedard herself being from Six Nations); the extensive lobbying efforts by a group of Maliseet women from the Tobique nation (see Silman, 1987); and the near condemnation of Canada's human rights reputation in *Lovelace v. Canada*.²³

A Closer Look at Residual Sex Discrimination in An Act to Amend the Indian Act

When Bill C-31 received royal assent in Parliament on June 28, 1985, it was intended to accomplish three things: it would delete the infamous section 12(1)(b); increase the autonomy of bands to determine band membership; and enlarge the bylaw-making powers of band council governments. Whether Bill C-31 has been successful in terminating gender discrimination directed towards Haudenosaunee women is disputable. There are three broad "leftovers" where discrimination is concerned, namely those that surround hierarchies of Indian

status, unstated paternity, and the legitimization of patriarchy through band membership codes.

Hierarchies of Indian Status

Those who register as status Indians under the Indian Act now do so under one of seven different sections. Although each subsection confers a different type of legal status, the major difference lies between sections 6(1) and 6(2). Children of men who "married out" prior to 1985 are currently being registered under section 6(1). Children of women who married out prior to 1985 fall under the section 6(2) category of registration. It is the descendants of women — not men — who face ongoing discrimination because, unlike those children registered under section 6(1), those registered under section 6(2) are unable to pass along Indian status unless the other parent is a registered Indian under section 6(1). These individuals — and I include myself in this category — face legislated injustice because of their mother's sex, her historical status under the Indian Act, and her choice to marry a non-Indian prior to 1985. The descendants of men do not face the same injustice because of their father's choice to marry out. In fact, their children become status Indians. As Kirkness (1987/88, p. 415) concludes: "discrimination against women has not been removed from the Indian Act: it has merely been suspended for two generations."

First Nations women and their children are faced with ongoing legal discrimination due to the "half-descent rule" or "second generation cut-off clause." Discrimination has not been remedied by the 1985 Indian Act amendments. Under the Act, human rights violations are currently being sanctioned. Bill C-31 is therefore a critical issue — not just in First Nations political history, but in Canadian society as whole. Section 6(2) could be seen to be in violation of section 15 (and possibly section 28) of the Canadian Charter of Rights and Freedoms, which guarantees equal benefit and protection of the law without discrimination based on sex. Charter challenges brought forward by women (as well as their descendants) who lost and later reacquired status under the Indian Act are highly conceivable (Native Women's Association of Canada, 1992, p. 10). It could be argued that sections 6(1) and 6(2) perpetuate the unequal treatment of status Indians by giving fewer rights to the grandchildren of women who married out than to the descendants of men who married out (Holmes, 1987, p. 39). Given the threat of legal recourse, it is important to consider policy alternatives to section 6(2).

It is difficult to predict an outcome to the disparities that exist around those who are registered under sections 6(1) and 6(2) of An Act to Amend the Indian Act. Consider that those who acquire Indian status now affirm existing ties, or even establish new ones, with their own and other indigenous communities (Lawrence, 2004). The Act has created divisions in First Nations communities, but it has not prevented some individuals from exercising indigenous nationhood, or even from

developing a sense of community. Nor has it prevented the descendants of women — like their mother's before them — from being concerned about the “race” of those that they marry. There are many status Indians who, for a variety of reasons, choose not to be concerned with the consequences of marrying non-Indians. But there will be consequences, even for those who are unaware of past policy injustices. In fact, an inevitable outcome to Bill C-31 is the ongoing legal assimilation of status Indians in Canada. It may also lead to Indian reserves comprised of only the male descendants of status Indians. These are important outcomes to contemplate, especially given the consistency with which legal and cultural assimilation has been an objective of Canadian Indian policy. I will return to these issues in the conclusion to this paper.

Unstated Paternity

In order to register a First Nations child under the Indian Act (1985), an application for registration must be made to the Department of Indian Affairs and Northern Development (DIAND). If the parents are married, it must be certified that both parents are status Indians, and they must both provide the necessary signatures. If the parents are unmarried, the father of the child must sign a form declaring paternity in order to authorize registration. If a woman chooses not to name a father, or if the father is unable to provide the necessary documentation or does not want to take responsibility for the child, the child is registered as having only one Indian parent. High rates of unstated paternity — especially in Manitoba, Saskatchewan, and the Northwest Territories (Clatworthy, 2003a) — have caused many children to be registered incorrectly under section 6(2) of the Act, or not at all.

Who are the women that refuse to state paternity? What are their reasons? What kind of policy-based research or recommendations could be made to help improve status registration or perhaps even to amend the Indian Act? These are some of the questions that need to be posed in policy-based research in order to learn more about Bill C-31 and the ways that First Nations have adapted to its provisions in Canada. It is imperative that researchers consider the policy developments I have identified, and where these have marginalized women historically.

The emphasis on paternity dates back to 1857, when enfranchisement law required that the children of Indian men be enfranchised along with their fathers. In 1956, the Indian Act also provided that individual members of a band could dispute the paternity and, hence, Indian-ness of children (see Indian Act, S.C. 1956, c.40, s.3(2), reprinted in Venne, 1981, p. 360). Very little is understood about the impact this had on First Nations' communities; it is not much discussed in the qualitative research literature (Cannon, 2005).

Status provisions that uphold the importance of paternity reflect a social and legal system that tried to ensure that only men could bequeath wealth to their sons

(Engels, 1884; O'Brien, 1981, p. 54). The Indian Act (R.S.C. 1985, c.1-5) demonstrates an ethos rooted in capitalist notions of private property and patriarchy, especially since wealth is bequeathed to sons by declaring wives the sole and exclusive property of husbands. Under patriarchy, the children of men are those whom his wife bore.²⁴ These patriarchal understandings were written into early versions of the Indian Act and are now being perpetuated through Bill C-31. In this regard, status provisions that exclude single women bring Haudenosaunee — and other First Nations — into further congruence with patriarchal notions of property redistribution. Capitalist and patriarchal relations have intersected to exclude indigenous women under Bill C-31 and in historic Indian policy.

Legitimizing Patriarchy Through Band Membership Codes

Under section 10 of An Act to Amend the Indian Act, band governments were given the opportunity to develop band membership codes and thereby to determine whom they considered a member of the band. As a band member, an individual enjoys certain rights and privileges not automatically conferred through registered Indian Act status, including the right to live on the reserve, to secure property, and to be eligible for community-level services.

Under sections 9(2) and 11(1)(a) of the Indian Act, bands could not discriminate against those registrants who had *already* acquired a right to band membership, that is, the children of First Nations men who had married out (Indian and Northern Affairs Canada, 1986, p. 9). Unlike their sisters, these men had never lost the ability to transmit band membership or Indian status to their children. It was this distinction that enabled ongoing sex discrimination against some First Nations women, as well as their descendants, both female and male.

There is a critical need to posit the following questions in future research on An Act to Amend the Indian Act: How many bands have developed band membership codes that are invidious towards women, or are based on both parents being Indian? Why were these codes adopted? What are some of the more just and equitable criteria that bands have adopted, and how might these act as models for Aboriginal communities that are concerned with sex discriminatory band membership codes? These types of questions will help us assess the agency of indigenous peoples around citizenship policy and will help us understand the boundary maintenance struggles that are taking place in some First Nations communities across Canada.

Band membership codes did not prohibit the possibility of excluding the first-generation descendants of women who had married out. Having never acquired a right to band membership, and gaining only "provisional" membership under section 6(2) of the Indian Act (R.S.C. 1985, c. 1-5), the descendants of women who had married out could be excluded (Moss, 1990, p. 281; Native Women's Association of Canada, 1986, p. 17). In the case of Six Nations, this is

not what happened. In fact, a problem arose over reaching majority consensus in the development and implementation of a band membership code. Many people refused to vote on membership at Six Nations because it involved membership under the Indian Act whose local administration is within the mandate of band council. They refused, in other words, to participate in the affairs of the Six Nations band council, since they rightly saw these affairs as being concerned with the Indian Act and Canadian state interests.

A 50% plus one vote to approve a band membership code was never established at Six Nations, though this did not prevent the development of a band residency bylaw.²⁵ In 1986, Six Nations passed a residency bylaw to allow for the eviction of non-band members from its territory. The now 20-year-old bylaw allowed the community to cope with a returning group of status Indians who, along with their non-Indian spouses or children, stood to increase the Six Nations population and put a strain on resources. The intention was to protect a shrinking land base (see Soderstrom, 2002). The bylaw has been at the centre of controversy on more than one occasion, and in each case, it has threatened to divide, alienate, and exclude some Grand River Haudenosaunee.

In 2002, a complaint was filed under the residency bylaw against a non-status woman who had resided on the reserve for 22 years with her status Indian husband (see White, 2002a, 2002b). An eviction notice had been served, and the band council had asked that she leave the reserve. In this case, the bylaw had been applied to a non-band member — notably, the spouse of a status Indian man. But the terms of the bylaw — however “vague” or “uneven” in their application²⁶ — have not been restricted to non-Indian women who have married Haudenosaunee men. Eleven years before, in 1991, a similar issue had been brought to council; this time, an eviction notice had been served to a woman whose father was a Six Nations band member (see White, 1991a, 1991b, 1991c, 1992).

Discrimination was not remedied by the 1985 Indian Act amendments. Human rights issues have been created and sustained by band membership provisions. In some cases across Canada, band membership codes have enabled the further exclusion of indigenous women.²⁷ In short, women’s inability to automatically transmit band membership to first-generation descendants could constitute continued sex discrimination under the auspices of — and as sanctioned by — the Canadian state.

Bill C-31 institutionalizes and entrenches a system of patrilineal descent, even though the memory of a matrilineal system is still very much alive today in some — but not all — First Nations communities. Membership codes that discriminate against women and their descendants force people into outsider statuses that were developed originally through the Indian Act. Thus, some First Nations are participating in the patriarchal oppression of their own people. What initially served to separate indigenous women from the status collective is often left unacknowledged.

The continued sex discrimination in Bill C-31 owes much to the inattention of federal policy-makers. Indeed, the federal government has declared that Bill C-31 eliminated over 100 years of discrimination directed toward First Nations women (Indian and Northern Affairs, 1987, p. 1). At other times, the government has recognized the new legislation as problematic. In 1985, in a presentation to the Standing Committee on Bill C-31, the National Action Committee on the Status of Women recommended that Parliament amend Bill C-31 to meet the minimum requirements of section 15(1) of the Charter, as well as section 36(4) of the Canadian Constitution (1982).²⁸ On June 28, 1988, Native women's groups urged that bands and band membership codes be brought into congruence with the equality sections of the Charter (Canada, House of Commons, 1988, pp. 48, 50). On June 28, 2005, a demonstration was held in Ottawa to draw greater attention to outstanding injustices.²⁹ At present, federal policy-makers are aware of the problems with An Act to Amend the Indian Act, but they have not taken steps to amend it.

In summary, racism and sexism have historically intersected to define and structure the social and political history of First Nations in Canada. At early contact, being civilized meant not only adopting European values and practices, but also becoming subject to notions of interpersonal or institutional male dominance. These understandings were established by religious- and state-inspired initiatives to restructure familial and kinship organization. Of course, we know very little about how First Nations people, especially men, responded to such policy initiatives throughout Canada.

It would be superficial to assume that all men (or band councils) have passively collaborated with sexism or have necessarily benefited from sex discriminatory policy. Many men have recognized sexism as a destructive force in indigenous communities, and many of them are seeking to understand the once esteemed status of women by turning to traditional teachings and working with (and supporting) women's organizations. The scholarly literature needs to address how indigenous men have accommodated sex discriminatory policy, especially where Bill C-31 is concerned. For many men, the impact of patriarchal policy may not readily be called to consciousness. For others — and I include myself in this category — the Indian Act makes it impossible to separate "Aboriginal rights" from "women's rights." Many of us are just as concerned with the history of sex discrimination in the Indian Act as we are with residential schools and land claims injustices. Many of us who have acquired status under section 6(2) of the 1985 amendments are unable to separate issues that affect us as status Indians and those that affect us because of our mother's choice to marry a non-Indian.

The history of sex discriminatory policy affects the lives of men. This may seem an obvious point, but it provides a necessary understanding of two things. First, it suggests the importance of learning more about men's consciousness and how it has been shaped by patriarchy. First Nations men — as descendants of

women who lost and later reacquired status — face the same choices when they marry non-Indians today as their mothers did from 1850 to 1985. Second, the history of sex discrimination suggests that there has been political dissent within some First Nations communities where policy is concerned. There is — and always has been — an historic opposition to sex discriminatory policy.

Future Challenges, Concluding Thoughts

The preceding historical discussion permits three conclusions. First, that much of Indian policy from the 1800s has been focused on the legal assimilation of status Indians in Canada. Second, that distinct forms of discrimination have been created for indigenous women at the intersection of racialization and patriarchy. Third, that First Nations in Canada have found ways of accommodating Indian policy, especially where governance and state-inspired identities are concerned. Each of these matters requires closer consideration.

Assimilation refers to the “the loss, by an individual, of the markers that served to distinguish him or her as a member of one social group, and the acquisition of traits that allow that person to blend in with, succeed in, a different social group” (Jackson, 2002, p. 74). As an ideology, it refers to something that has been entrenched in legislation since the early 19th century (Dickinson & Wotherspoon, 1992; Henry & Tator, 2006, p 347). Early policy-makers were just as intent on constructing the legal category “Indian” as they were on getting rid of status Indians.

Since 1850 — the date at which First Nations were introduced to the idea of becoming non-Indian — the focus has been to absorb indigenous peoples into the Eurocentric standard. But as I have intended to suggest, assimilation has not been completely effective as a policy objective. This is because individuals continue to preserve a collective identity as indigenous peoples despite colonial intrusion. At the same time, status Indian have been (and will continue to be) legislated out of communities. In the absence of scholarly research, one can only estimate the extent of the damage created by this reality.

Bill C-31: An Act to Amend the Indian Act continues to foster the legal assimilation of status Indians in Canada, especially since section 6(2) prevents many people from transferring Indian status to their children. Beyond matters of equality for women who married out prior to 1985, section 6(2) threatens to reduce the number of registered Indians in Canada — or absorb them into the mainstream citizenry. The Indian Act requires that some Indians — notably the descendants of women who lost (and later reacquired) status — be concerned about the “race” of those that they marry. It has created inequality for these individuals, and it exonerates the state from taking responsibility for status Indians.

The legal assimilation of status Indians in Canada will continue so long as the grandchildren of women who married non-Indians are in danger of becoming

non-status themselves. Regardless of their connection to a community of indigenous peoples, it is these individuals who currently face assimilation under the Indian Act. Whether female or male, they are stripped of their birthright to live on reserves, share in the assets of the band, or otherwise contribute to them. The state is absolved from any fiduciary obligation to these descendants because the Department of Indian and Northern Development (DIAND) does not claim responsibility for non-status Indians. The Indian Act quite simply works to reduce the number of status Indians in Canada, the state's responsibility toward them, and, ultimately, the reserve lands belonging to them.

The end of Indian status remains hidden from public discourse. When it is raised, it is often within the ideological context of discussions involving fiscal conservatism, limiting the number of status Indians in Canada, accountability, or government overspending (compare Slack, 2004). But there has also been a tendency to construct a dichotomy of individual and collective rights, or to suggest in public discourse that there is a difference between "Aboriginal rights" and "women's rights." I have intended to illustrate that this is a false dichotomy (Cannon, 1995; see also Schouls, 2003).

Women were legislated out of their communities in ways that left them positioned as individuals struggling against the status collective. External definitions of citizenship therefore introduced a set of issues for the entire status collective, not simply women. The loss of Indian Act status will lead eventually to the legal assimilation of both female and male status Indians in Canada (Clatworthy, 2003b). It is therefore impossible to frame Indian women's rights as individual rights without obscuring a complex history of policy-based intrusions that have served to involuntarily remove indigenous women from communities.

It will be necessary to remember the process whereby racialized and sexist understandings emerged historically if the political division created by Indian policy is to be combated. Consider that there are some status Indians who are too young to remember the history preceding Bill C-31. It is my hope that these generations will see the wisdom in detailing historic change and adaptation, and in engaging in meaningful discussions about women's status and citizenship in indigenous communities. Without these discussions, I am uncertain how indigenous peoples will avoid reproducing the legal discrimination created by sections 6(1) and 6(2) of Bill C-31: An Act to Amend the Indian Act.

If the past 20 years is any indication, we will continue as Indigenous Nations to reflect on the 1985 Indian Act amendments, the need to accommodate its historical imposition, and the will of some to accept those who have endeavoured to maintain, or establish, a connection with their communities. But the coming generation will also reflect on what it means to become a non-status Indian while remaining an indigenous person. This reflection can take place in isolation, or it can become of interest to federal policy-makers. I have suggested that citizenship

and belonging requires a much greater focus in both politics and policy.

I have had opportunity to engage in several conversations about the issues I am describing where Indian status is concerned. In some of them, I am able to remember that I am Haudenosaunee first and a status Indian second. I am conscious that the Indian Act can never define who a person is, especially if they remember the nation and culture to which they belong. These conversations ground me in the national identity of my ancestors. They allow me to participate in an understanding of "Indian-ness" that takes place outside the Indian Act. But I am reminded of the tremendous obstacles that some indigenous peoples face as they embark on similar discussions about citizenship and belonging.

Bonita Lawrence, a Mi'kmaq scholar, describes the complexity of identity issues. Based on her research on First Nations' identity, she suggests that there is "an avowed belief that status is irrelevant to Nativeness, "combined with "a deeply held, almost instinctual reaction that the only real Indians are those who have Indian status" (Lawrence, 2004, p. 230). She provides scholarly reflection:

[W]hen legislation is introduced that controls a group's identity — once created and established, it cannot simply be undone. You cannot put the genie back in the bottle again — you have to deal with it. It is one thing to recognize that Indian Act categories are artificial — or even that they have been internalized — as if these divisions can be overcome simply by denying their importance. Legal categories, however, shape peoples' lives. They set the terms that individuals and communities must utilize, even in resisting these categories. (p. 230)

Lawrence describes the dynamics of power and inequality that make placing oneself outside the Indian Act a difficult task. So long as people are legislated out of communities, the Indian Act affects the social and material relations between Indians. Lawrence suggests that there are a number of narratives that surround identity, citizenship, and the Indian Act. Consider the complex histories belonging to the indigenous communities that negotiated and have accommodated the 1985 Indian Act amendments. Some people were, and always have been, opposed to Bill C-31 and women who marry non-Indians (Cannon, 2004). Others disagree(d) with the prejudices of the day and have insisted that attention be paid to matters of intermarriage, nationhood, indigenous knowledge, and traditional adoption procedures. These questions of citizenship and belonging are of considerable magnitude for indigenous communities. The question is, how do we get around to debating them and where ought they to be debated?

I have watched for 20 years as women and families at Six Nations (re-) acquired Indian status under An Act to Amend the Indian Act. I have managed to maintain a relationship with my community and to learn more about the history of Grand

River Territory. But I have also witnessed the enormous sets of pressures placed on reserve-based resources, land, and politics, as well as on people in general. This is a version of history that is now being told by Lawrence and others (Bartleman, 2002; King, 2003). I have suggested that qualitative research be undertaken to facilitate debate on and resolution to some of these issues (Cannon, 2005, see also Gehl, 2005). The kind of research I propose may be of concern in the 21st century, in both politics and in everyday life.

Consider in this regard the work of Bob Porter, a lawyer from the Seneca Nation and current director of the Center for Indigenous Law, Governance and Citizenship at Syracuse University. Porter wrote an impassioned article (1998) on the prospect of "Building a New Longhouse" among the Haudenosaunee. In the article, he documented some of the major crises facing the modern-day Six Nations of Ontario and New York. Perhaps the most notable and interesting among them were matters of kinship organization, external definitions of self, and the regulation of First Nations identity under the Indian Act.

"Our end will come," Porter postulates, "when we no longer have or desire kinship relationships with one another" (1998, p. 931). It has, therefore, never been more important to recognize the way that identities have been constructed by the state to keep indigenous peoples divided among ourselves. The time has come to consider, in other words, what it is that binds us together collectively as indigenous peoples and to promote greater understanding about the things that drive us apart. As Schouls (2003) suggests, it will also be important to scrutinize the political context in which discussions around identity, citizenship, and belonging take place.

Schouls says it is necessary to think critically about pluralism, its political principles, and the expectations it places on First Nations in Canada. He distinguishes between the communitarian and individualist faces of pluralism, which create a false dichotomy (or false opposite) between "the Aboriginal right to preserve and protect specific cultural and political attributes of difference" and "the individual right to freedom of choice where the preservation of cultural and national attributes [is concerned]" (p. 18). In favouring what he calls relational pluralism, he describes an "identification approach" to Aboriginal politics, where identity is regarded as "inherently dynamic," "capable of change over time," and "protected by the Aboriginal right to be self-defining" (pp. 35, 166).

According to Schouls (2003, p. 177), Aboriginal identity is not only tied to Indian status or "the preservation and enhancement of objective traits of cultural and political difference." It originates as well from personal identification with, and an ongoing commitment to, an Aboriginal community to which people can either belong or see themselves as belonging. It may be necessary, therefore, for Aboriginal and Canadian governments to explore a sense of relatedness based on "real or assumed bonds of kinship, shared historical memories, elements of common culture, ties to a specific territory, and/or a sense of solidarity among community members" (p. 177).

The work of Schouls (2003) points to an understanding of identity and citizenship that stands in contrast to the versions that have been legislatively imposed. By focusing on belonging, his work is progressive in that it situates First Nations as the best positioned to determine their citizenry. It is also consistent with a central conclusion of this paper: that the Indian Act has not been effective in regulating First Nations identity. Having said that, who will be placed in charge of managing what little now remains of once enormous land bases administered not only by status Indians but by the diverse Indigenous Nations (some sedentary, some foraging) across this country? In short, the politics of identity, citizenship, and authenticity are at the forefront of questions involving land claims and self-determination.

By way of conclusion, I would like to suggest that three things should inform discussions about citizenship, what it is that drives us to no longer desire kinship with one another, and the 1985 Indian Act amendments. First, it will be important to call to mind a history of policy that leaves some individuals excluded from the status collective. This history has led to a loss of community-based knowledge and to communities competing for scarce additional resources to help them accommodate policy intrusions. Second, it will be essential to remember that First Nations women have been enfranchised involuntarily under the Indian Act. Even if women made so-called choices when they married non-Indians — just as their descendants are doing now — this does not justify racialized and sex discriminatory policy in Canada. Third, and finally, it will be necessary to recall that the 1985 amendments have brought about issues of injustice for female — and male — Indians. These injustices threaten to reduce the population of status Indians, leaving them without any lands. It is in addressing these three issues that more meaningful discussion, and possibly some overdue thinking about land claims, self-determination, and Bill C-31: An Act to Amend the Indian Act, can take place.

Martin J. Cannon, Ph.D. is an Assistant Professor of Sociology at the University of Saskatchewan. He is a citizen of the Oneida Nation (Turtle Clan) of the Six Nations of Grand River Territory. He is also a status Indian, and the descendant of a woman who lost and later reacquired status under the Indian Act. His current research interests focus on the history of patriarchal and colonial injustice and the way this has shaped the identity of Aboriginal peoples, including those of mixed heritage. Please direct all correspondence to: martin.cannon@usask.ca

Notes

- 1 The Mohawk Institute remained fully operational as a residential school until 1970, marking a 141-year presence among the Six Nations at Grand River. For a scholarly and detailed analysis of “The Mush Hole” — a reference to the dietary staple of oatmeal that was served to children (including my grandmother, Olive

- [Hill] Farmer) at the Mohawk Institute — see Graham (1997).
- 2 See “The Past and Present Condition of the Six Nations, 1842,” reprinted in Johnston (1964, p. 308); see also Doxtator (1996, pp. 10, 35).
 - 3 The word “Haudenosaunee,” meaning “People of the Longhouse” (a reference to the distinctive houses in which my ancestors once resided), may differ depending on the Six Nations person or community to whom one is speaking. For example, Alfred (1995, p. 38, 1999, p. xi) refers to his people (the people of Kahnawake Mohawk Nation) as Rotinohshonni. Doxtator (1996) chose the word “Rotinohshonni.” I use the word “Haudenosaunee” as it is one that is most familiar to me and is also one that has at times been used by the Six Nations people in political dealings with the Canadian state (see Haudenosaunee Confederacy, 1983). All Indian words used henceforth in this paper are in Mohawk (my grandfather’s language), and I am grateful for the advice provided by David Kanatawakhon in this regard (see also Mohawks of the Bay of Quinte, 1990).
 - 4 There is widespread consensus in academic literature that Haudenosaunee women held esteemed positions in history (Cannon, 2004). Women had the ability to make political decisions (Brown, 1975; Parker, 1916 p. 11); to select and prepare men for their positions as chiefs (Brown, 1975; Parker, 1916, p. 11); to take the position of chief away from men (Johnston, 1964, pp. xiv, 54; Mann, 2000; Morgan, 1881); and to influence the decisions of a hereditary or Confederacy Council (Eastlack Shafer, 1941, p. 93). As heads of matrilineages, women were also central to the clan system of kinship organization (Doxtator, 1996; Morgan, 1901; North American Indian Travelling College, 1984; Thomas, 1994). The nature of Haudenosaunee society as matrilineal — a term that describes residence patterns in which married couples live in the household or place of the bride’s kin — has also been documented by anthropologists (Morgan, 1881, p. 64; Randle, 1951, pp. 171).
 - 5 I would like to acknowledge Celia Haig-Brown for the critique of binary thinking I put forth here. In thinking through the idea of Aboriginal people’s resistance, she notes: “[R]esistance immediately assumes a hierarchy in which one group supposedly dominates while the other is dominated (oppressor/oppressed; mainstream/marginalized; dominant/subordinate). This ... makes far too simple the active and dynamic flow which makes up most people’s lives. It also feeds the myth of Western domination as absolute ... the work of resistance can detract from the work that people want to do within their communities as their gaze is drawn away from home to refocus on a so-called dominant power” (Haig-Brown, 2001, p. 29).
 - 6 For scholarly analysis of the missionary project, particularly among the Montagnais-Naskapi Nations of what is now called Eastern Canada, see Anderson (1985, pp. 48–62); Brodribb (1984, pp. 85–103); Etienne and Leacock (1980, pp. 25–42).
 - 7 For further historical discussion of the role of Native women during the fur trade in northwestern Canada, see Van Kirk (1980). See also Bourgeault (1983) for a discussion of sexism and racism in the fur trade.

- 8 I borrow the idea of “common sense domination” from Bannerji (1987), who draws attention to the way racism and patriarchy “disappear from the social surface” and become ordinary ways of doing things, of which we rarely have consciousness.
- 9 The act responsible for creating Indian status was called “An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury, 1850” (quoted in Jamieson, 1978, pp. 25–26).
- 10 The time between 1830 and 1840 was clearly one of historical significance for the Grand River Haudenosaunee. As Doxtator (1996, p. 225) describes, “[T]he Euro-Canadian settlement had increased rapidly during the 1830s and 1840s. ... Scattered clusters of the Upper Nations and the Lower Nations each became surrounded by Euro-Canadian settlers who wanted to expand and take up more of the Six Nations land. Some tenant farmers stopped paying their rents and wanted to own the farms that they had occupied and worked for five to ten years or more. Other tenants sold their leased property to other settlers at higher prices. Some settlers squatted on the land assuming that if they cleared and built buildings that they would not be forced to give up their improvements. By 1841 the Six Nations, fearful that all of their land would be lost to settlers, requested that the British government remove all Euro-Canadians from Six Nations lands.”
- 11 Enfranchisement was re-established in three subsequent pieces of legislation. In 1918, an amended section enabled Indian men (along with their wives and children) to become voluntarily enfranchised if they lived away from their communities (Indian Act, S.C. 1918, c. 26, s. 6(122)(a)(1), reprinted in Venne, 1981, p. 220; Indian and Northern Affairs Canada, 1990. In 1951, enfranchisement was made possible for: a) individuals meeting the variety of criteria set out in sections 12 and 108 (this included the involuntary enfranchisement of women marrying non-Indians); and b) entire bands who so desired upon approval of the Minister of Indian Affairs (Indian Act, S.C. 1951, c. 29, ss. 12, 108, 111(1), reprinted in Venne, 1981, pp. 319, 348, 349; Indian and Northern Affairs Canada, 1990, pp. 15–17). Finally, in 1956, the children of a woman born prior to her marriage to a non-Indian could be involuntarily enfranchised (Indian Act, S.C. 1956, c. 40, s. 26, reprinted in Venne, 1981, pp. 398; Indian and Northern Affairs Canada, 1990, p. 19). The very concept of enfranchisement was not abolished in Canada until June 28, 1985, with the passing of section 6(1)(d) of Bill C-31 (Indian Act, R.S. 1985, c.1-5; Indian and Northern Affairs Canada, 1990, p. 24).
- 12 After 1869, elected-style governments were delegated further authority only over community matters. These matters included the power to make bylaws on certain subjects, such as health, decorum, trespass, roads and bridges, religious denomination of teachers (only Protestant or Catholic), and “illegitimacy” of children (Indian Act, S.C. 1956, c.40, s.3(2), reprinted in Venne, 1981, p. 360), as well as to amend certain bylaws. The authority vested in band councils, not including amendments, was evidenced in 1884, under section 10; 1886, under section 10; 1906, under section 194; and 1927, under section 185 (see Indian Act S.C. 1884,

- c. 28; R.S.C. 1886, c. 44; R.S.C. 1906, c. 81; R.S.C. 1927, c. 98, reprinted in Venne, 1981, pp. 104–105, 169–171, 239–241, 310–311).
- 13 The politics of dependency that has come to define First Nations socio-economic reality over the years is best understood as existing on two levels. On one level, individual band members have come to rely on band councils for economic subsidies and land resources. On another level, individual bands have struggled to control limited and scarce resources that originate with the state. The manner in which individual and elected band councils have been subject to a politics of dependency is the focus of Tanner (1983). See also Kellough (1980); Wotherpoon and Satzewich (1993, pp. 244–261).
 - 14 Women did not get an official voice in band council elections or in governing their communities until they gained the franchise under Bill C-79 in May 1951 (Jamieson, 1986, p. 122).
 - 15 For historical context, see Native Women's Association of Canada et al. and The Queen; Native Council of Canada et al. (1992).
 - 16 In her extensive work on Aboriginal women and history, Shoemaker (1991, p. 39) is critical of the scholarship that exists on "American Indian women" in general, including "Iroquoian" or Haudenosaunee women, explaining that "American Indian women are one group whose history remains shadowy. When packaged by academics for an academic market, their history tends to follow a prepackaged formula, much like the history of white women before revisionism set in. For the period before contact, American Indian women are generally depicted as powerful and respected members of their communities. Then colonization, cousin to industrialization, initiated a loss of women's power and status. This type of narrative history — sometimes called a declension narrative because change is cast of terms of decline — is especially prominent in the history of Iroquois women. ... Interest in the role of women in Iroquois society continues today. Most of this interest, however, has focused on the period after European contact and before colonization, roughly the seventeenth and early eighteenth centuries. Very little historical research has looked at Iroquois women after colonization, when some of the most radical changes in Iroquois society occurred. And yet, it is widely thought that Iroquois women lost status and power." (See also Cannon, 2004; Fur, 2002; Shoemaker, 1995, 2002).
 - 17 For an analysis of cases brought before an historic Six Nations council involving band membership and residency, see Noon (1949).
 - 18 As section 3(c) read, "Provided that any Indian woman marrying other than an Indian or non-treaty Indian shall cease to be an Indian in any respect within the meaning of this Act, except that she shall be entitled to share equally with the members of the band to which she formally belonged, in the annual or semi-annual distribution of their annuities, interest moneys and rents; but this income may be commuted to her at any time at ten years purchase with the consent of the band" (Indian Act, S.C. 1876, 39 Vict., c. 18, reprinted in Venne, 1981, p. 25).
 - 19 As section 3 read, "the term Indian means First. Any male person of Indian blood reputed to belong to a particular band; Secondly. Any child of such person;

- Thirdly. Any woman who is or was lawfully married to such person" (Indian Act, S.C. 1876, 39 Vict., c. 18, reprinted in Venne, 1981, p. 24).
- 20 Until 1951, as Jamieson (1986) notes, women retained the right to continue collecting annuities and band moneys (if she did not choose to accept a lump sum "commutation") when she married a non-Indian. In other words, until this time a Haudenosaunee woman "would continue to be on the band list and to enjoy some band benefits ... [even] though she was no longer an Indian under the Indian Act" (p. 122). But under section 15(1)(a) of the 1951 Act, this possibility was abolished. As of 1951, an "out-marrying" woman was entitled to a final "one per capita share of the capital and revenue moneys held by His Majesty on behalf of the band" (Indian Act, S.C. 1951, c. 29, sec 15(1)(a), reprinted in Venne, 1981, p. 320).
 - 21 Section 11(1)(f) of the 1951 Indian Act read: "11(1) Subject to section 12, a person is entitled to be registered if that person ... (f) is the wife or widow of a person who is entitled to be registered by virtue of paragraph (a), (b), (c), (d) or (e)" (Indian Act, S.C. 1951, c. 29, reprinted in Venne, 1981, pp. 318–319). Section 12(1)(b) of the 1951 Act read: "12(1) The following persons are not entitled to be registered, namely ... (b) a woman who is married to a person who is not an Indian" (Indian Act, S.C. 1951, c. 29, reprinted in Venne, 1981, p. 319).
 - 22 The implementation of the Canadian Charter of Rights and Freedoms in 1982 clearly influenced the introduction and implementation of An Act to Amend the Indian Act (1985). After 1982, for example, section 12(1)(b) — if left intact — would have violated section 15(1)(b) of the Charter, which reads: "Every individual is equal before and under the law and has the right to equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental and physical disability."
 - 23 In December 1977, Sandra Lovelace filed a complaint with the United Nations under article 27 of the International Covenant on Civil and Political Rights. The United Nations ruled in favour of Lovelace and held that Canada was in violation of Article 27 of the International Covenant, which Canada, as a nation, had signed into. Yet the United Nations did not hold that Canada had contradicted the international treaty because of sex discrimination in the operation of section 12(1)(b) but, rather, in keeping Lovelace from her own cultural community. For discussion, see Borrows (1994, p. 11); Weaver (1994).
 - 24 It is worth recognizing that, under a matrilineal system of kinship organization, a women always knows who her children are. Where patriarchy is concerned, a man's relationship to his children is often, if not usually, only established legally (O'Brien, 1981).
 - 25 Smith has documented that over 90% (219 of 236) of all codes passed in Canada were passed on or before the specified deadline (1992, pp. 9, 14). In each of these cases, bands had the ability to either include or exclude all of those who were "conditionally entitled."
 - 26 As one journalist reported in a local newspaper during the course of my research at Six Nations, "Non-natives are evicted only if someone complains. ... Complaints

- can be made on a whim, or as a result of spite or a neighborhood dispute. [At Six Nations] complaints are handled by Six Nations elected council, which checks the band membership, and if the name is not there, issues an eviction notice. There is no objective, independent group, [sic] to appeal to. There are no exemptions for hardship cases or for persons who have proven themselves assets to the community. And there's no enforcement" (White, 2002a).
- 27 In 1990, with respect to this issue, the Quebec Native Women's Association recommended that "Membership rules developed by bands ought to be consistent with section 15 of The Charter of Rights and Freedoms, as was recommended in the *Standing Committee on Aboriginal Affairs, 1988 Report on Bill C-31*. We maintain that any government, whether it be a band government or the federal government, must protect the right of the individual" (quoted in *Indian and Northern Affairs*, 1990, p. 26).
- 28 Section 36(4) of the Canadian Constitution reads: "Notwithstanding any other provision of this Act, the Aboriginal and Treaty rights referred to in subsection (1) are guaranteed equally to male and female persons."
- 29 I would like to thank Beverley Jacobs, President of the Native Women's Association of Canada (NWAC), for inviting me to speak at (and be involved in) the events in Ottawa on June 28, 2005.

References

- Akwesasne Notes (Eds.). (1981). *Basic call to consciousness*. Tennessee: Native Voices.
- Alfred, G. [T'aiiaiake]. (1995). *Heeding the voices of our ancestors: Kahnawake Mohawk politics and the rise of Native nationalism*. Toronto: Oxford University Press.
- Alfred, G. [T'aiiaiake]. (1999). *Peace, power, righteousness: an indigenous manifesto*. Toronto: Oxford University Press, 1999.
- Anderson, K. (1985). Commodity exchange and subordination: Montagnais-Naskapi and Huron women, 1600-1650. *Signs: Journal of Women in Culture and Society*, 11 (1), 48-62.
- Bannerji, H. (1987). Introducing racism: Notes toward an anti-racist feminism. *Resources for Feminist Research*, 16 (1), 10-12.
- Barlow, K. (1999, July 21). Six Nations' divided leadership needs unity for Natives' dreams. *Hamilton Spectator*, pp. A1, A4.
- Bartleman, J. (2002). *Out of Muskoka*. Manotick, ON: Penumbra Press.
- Borrows, J. (1994). Contemporary traditional equality: The effect of the Charter on First Nations politics. *University of New Brunswick Law Journal*, 43, 1-33.
- Bourgeault, R. (1983). The Indian, the Metis and the fur trade: Class, sexism and racism in the transition from "communism" to capitalism. *Studies in Political Economy*, 12, 50-62.
- Brodribb, S. (1984). The traditional roles of Native women in Canada and the impact of colonization. *The Canadian Journal of Native Studies*, 4 (1), 85-103.
- Brown, J. K. (1975). Iroquois women: An ethnohistoric note. In R. Reiter (Ed.), *Towards an anthropology of women* (pp. 235-251). New York: Monthly Review Press.

- Brownlie, R., & Kelm, M. E. (1994). Desperately seeking absolution: Native agency as colonialist alibi? *Canadian Historical Review*, 75 (4), 543–556.
- Canada. House of Commons. (1988, June 28). *Minutes of proceedings and evidence of the Standing Committee on Indian Affairs and Northern Development*, Issue 46. Ottawa: Minister of Supply and Services Canada.
- Cannon, M. J. (1995). *Demarginalizing the intersection of "race" and gender in First Nations politics*. Unpublished master's thesis, Queen's University, Kingston, Ontario.
- Cannon, M. J. (2001, August 13). Interview Transcript #2, p. 5. Six Nations Reserve, Ohsweken, ON.
- Cannon, M. J. (2004). *A history of politics and women's status at Six Nations of the Grand River Territory: A study of continuity and social change among the Iroquois*. Unpublished doctoral dissertation, York University, Toronto.
- Cannon, M. J. (2005). Bill C-31 — An Act to Amend the Indian Act: Notes toward a qualitative analysis of legislated injustice. *The Canadian Journal of Native Studies*, 25 (1), 153–167.
- Carter, S. (1999). *Aboriginal people and colonizers of western Canada to 1900*. Toronto: University of Toronto Press.
- Clatworthy, S. (1992). Population implications of the 1985 amendments to the Indian Act (Appendix B). Winnipeg MB: Four Directions Consulting Group
- Clatworthy, S. (2003a). *Factors contributing to unstated paternity*. DIAND: Strategic Research and Analysis Directorate.
- Clatworthy, S. (2003b). "Impacts of the 1985 amendments to the Indian Act on First Nations populations." In J. White, P.S. Maxim & Dan Beavon (Eds.) *Aboriginal conditions: research as a foundation for public policy* (pp. 63–90). Vancouver: University of British Columbia Press.
- Dickinson, H., and Wotherspoon, T. (1992). From assimilation to self-government: Towards a political economy of Canada's Aboriginal policies. In V. Satzewich (Ed.), *Deconstructing a nation: Immigration, multiculturalism and racism in '90s Canada* (pp. 405–421). Halifax: Fernwood Publishing.
- Doxtator, D. (1996). *What happened to the Iroquois clans? A study of clans in three nineteenth-century Rotinonhsyonni communities*. Unpublished doctoral dissertation, University of Western Ontario, London.
- Eastlack Shafer, A. (1941). The status of Iroquois women. In W. G. Spittal (Ed.), *Iroquois women: An anthology* (pp. 71–135). Ohsweken, ON: Iroquois Publishing and Craft Supplies, 1990.
- Engels, F. (1884). *The origin of the family, private property and the state*. Moscow: Progress Publishers, repr. 1968.
- Etienne, M., & Leacock, E. (Eds.). (1980). *Women and colonization: Anthropological perspectives*. New York: Praeger.
- Frideres, J. S. (1983). *Aboriginal peoples in Canada: Contemporary conflicts* (2nd ed.). Scarborough: Prentice Hall.
- Fur, G. (2002). Some women are wiser than some men: Gender and Native American history. In N. Shoemaker (Ed.), *Clearing a path: Theorizing the past in Native American studies* (pp. 75–103). New York: Routledge.

- Gehl, L. (2005). *Toward an indigenous understanding of government-imposed essentialized discourses of identity for Aboriginal people*. Unpublished master's thesis, Trent University, Peterborough, Ontario.
- Graham, E. (1997). *The mush hole: Life at two Indian residential schools*. Waterloo, ON: Heffle Publishing.
- Gzowski, P. (1996a). Part 1: Portrait of a beautiful segregationist. In W. G. Spittal (Ed.), *Iroquois women: An anthology* (pp. 169–174). Ohsweken, ON: Iroquois Publishing and Craft Supplies.
- Gzowski, P. (1996b). Part 2: How Kahn-Tineta Horn became an Indian. In W. G. Spittal (Ed.), *Iroquois women: An anthology* (pp. 175–181). Ohsweken, ON: Iroquois Publishing and Craft Supplies.
- Haig-Brown, C. (2001). Continuing collaborative knowledge production: Knowing when, where, how and why. *Journal of Intercultural Studies*, 22 (1), 19–32.
- Haig-Brown, C., & Nock, D. (Eds.). (2005). *With good intentions: Eurocanadians and the quest for justice in colonial Canada*. Vancouver: University of British Columbia Press.
- Haudenosaunee Confederacy. (1983). Statement of the Haudenosaunee concerning the constitutional framework and international position of the Haudenosaunee confederacy. In House of Commons, *Minutes of proceedings and evidence of the Special Committee on Indian Self-Government*, Issue 31, Appendix 36. Ottawa: Queen's Printer.
- Henry, F. & Tator, C. (Eds.). (2006). *The Colour of Democracy* (3rd ed.). Scarborough: Thompson Nelson.
- Holmes, J. (1987). *Bill C-31: Equality or disparity?* Ottawa: Canadian Advisory Council on the Status of Women.
- Indian and Northern Affairs Canada. (1986). *Indian band membership: An information booklet concerning new Indian band membership laws and the preparation of band membership codes*. Ottawa: Indian and Northern Affairs Canada.
- Indian and Northern Affairs Canada. (1987). *Report to Parliament: Implementation of the 1985 changes to the Indian Act*. Ottawa: Minister of Supply and Services Canada.
- Indian and Northern Affairs Canada. (1990). *Correcting historic wrongs? Report of the Aboriginal inquiry on the impacts of Bill C-31*. In *Impacts of the 1985 Amendments to the Indian Act (Bill C-31)*, Vol. 1. Ottawa: Indian and Northern Affairs Canada.
- Issac, T. (1995). Self-government, Indian women and their rights of reinstatement under the Indian Act: A comment on *Sawridge Band v. Canada* [Case commentary]. *Canadian Native Law Reporter*, 4, 1–13.
- Issac et al. v. Davey et al. (1974) 51 D.L.R. (3d) 170 (Ontario Court of Appeal).
- Jackson, D. D. (2002). *Our elders lived it: American Indian identity in the city*. DeKalb, IL: Northern Illinois University Press.
- Jamieson, K. (1978). *Indian women and the law in Canada: citizens minus*. Advisory Council on the Status of Women. Hull, QC: Government Printer.
- Jamieson, K. (1986). Sex discrimination and the Indian Act. In R. J. Ponting (Ed.), *Arduous journey: Canadian Indians and decolonization* (pp. 112–136). Toronto: McClelland & Stewart.

- Johnston, C. M. (1964). *The valley of the Six Nations: A collection of documents on the Indian lands of the Grand River*. Toronto: The Champlain Society for the Government of Ontario/University of Toronto Press.
- Kellough, G. (1980). From colonialism to economic imperialism: The experience of the Canadian Indian. In J. Harp & J. R. Hofley (Eds.), *Structured inequality in Canada* (pp. 343–377). Scarborough: Prentice Hall.
- King, T. (2003). *The truth about stories: A Native narrative*. Toronto: House of Anansi.
- Kirkness, V. (1987/88). Emerging Native women. *Canadian Journal of Women and the Law*, 2, 408–415.
- Lawrence, B. (2004). *"Real" Indians and others: Mixed-blood urban Native peoples and indigenous nationhood*. Vancouver: University of British Columbia Press.
- Li, P. S. (Ed.). (1990). *Race and ethnic relations in Canada*. Toronto: Oxford University Press.
- Mann, B. A. (2000). *Iroquoian women: The Gantowisas*. New York: Peter Lang.
- Miles, R. (1989). *Racism*. London: Routledge.
- Miller, J. R. (1989). *Skyscrapers hide the heavens: A history of Indian-White relations in Canada*. Toronto: University of Toronto Press.
- Mohawks of the Bay of Quinte (with David Kanatawakhon). (1990). *iontewen-raweieinhstáhkwa'* [Mohawk language dictionary]. Belleville, ON: Mika Publishing Company.
- Monture, P. (1999). *Journeying forward: Dreaming First Nations independence*. Halifax: Fernwood Publishing.
- Morgan, L. H. (1881). *Houses and house-life of the American Aborigines*. Chicago: University of Chicago Press, repr. 1965.
- Morgan, L. H. (1901). *League of the Ho-de'-no-sau-nee or Iroquois*. New York: Burt Franklin.
- Moss, W. (1990). Indigenous self-government in Canada and sexual equality under the Indian Act: Resolving conflicts between collective and individual rights. *Queen's Law Journal*, 15, 279–305.
- Native Women's Association of Canada. (1986). *Guide to Bill C-31: An explanation of the 1985 amendments to the Indian Act*. Ottawa: Native Women's Association of Canada.
- Native Women's Association of Canada. (1992). *Matriarchy and the Canadian charter: A discussion paper*. Ottawa: Native Women's Association of Canada.
- Native Women's Association of Canada et al. and The Queen; Native Council of Canada et al. (1992). *Intervenants 95 D.L.R. 106 (FCA)*.
- Ng, R. (1993). Racism, sexism, and nation building in Canada. In C. McCarthy & W. Crichlow (Eds.), *Race, identity and representation in education* (pp. 50–59). New York: Routledge.
- Nicholas, A. B. (1994). Colonialism and the struggle for liberation: The experience of Maliseet women. *University of New Brunswick Law Journal*, 43, 223–239.
- Noon, J. A. (1949). *Law and government of the Grand River Iroquois*. New York: Johnson Reprint Corporation.

- North American Indian Travelling College. (1984). *Traditional teachings*. Cornwall Island, ON: North American Indian Travelling College.
- O'Brien, M. (1981). *The politics of reproduction*. London: Routledge & Kegan Paul.
- Parker, A.C. (1916). *The Constitution of the Five Nations or The Iroquois book of the great law*. Ohsweken, ON: Iroquois Reprints, repr.1984.
- Porter, Robert B. (1998). Building a new longhouse: the case for government reform within the Six Nations of the *Haudenosaunee*, *Buffalo Law Review*. vol. 46(3), 805-945.
- Randle, M. C. (1951). *Iroquois women, then and now*. Smithsonian Institution: Bureau of American Ethnology, Bulletin no. 149, 169-180.
- Rothenberg, D. (1980). The mothers of the nation: Seneca resistance to Quaker intervention. In M. Etienne & E. Leacock (Eds.), *Women and colonization: Anthropological perspectives* (pp. 63-87). New York: Praeger.
- Said, E. (1978.) *Orientalism*. New York: Vintage Books.
- Schouls, T. (2003). *Shifting boundaries: Aboriginal identity, pluralist theory, and the politics of self-government*. Vancouver: University of British Columbia Press.
- Shimony, A. A. (1961). *Conservatism among the Iroquois at the Six Nations Reserve*. Syracuse, NY: Syracuse University Press, repr. 1994.
- Shoemaker, N. (1991). The rise or fall of Iroquois women. *Journal of Women's History*, 2 (3), 39-57.
- Shoemaker, N. (Ed.). (1995). *Negotiators of change: Historical perspectives on Native North American women*. New York: Routledge.
- Shoemaker, N. (Ed.). (2002). *Clearing a path: Theorizing the past in Native American studies*. New York: Routledge.
- Silman, J. (1987). *Enough is enough: Aboriginal women speak out*. Toronto: Women's Press.
- Slack, D. (2004). *Bullshit, backlash and bleeding hearts: A confused person's guide to the great race row*. Auckland: Penguin Group (New Zealand).
- Smith, A. H. (1992). *Population implications of the 1985 amendments to the Indian Act*. Perth, ON: Living Dimensions.
- Soderstrom, S. (2002, January 30). Residency bylaw protects Six Nations shrinking land base, councillor says. *Turtle Island News*, pp. 1-2.
- Tanner, A. (1983). *The politics of Indianness: Case studies of Native ethnohistory in Canada*. St. John's, NL: Institute of Social and Economic Research, Memorial University of Newfoundland.
- Thomas, J. (1994). *The great law, 1994* [12 vol. videotapes]. Ohsweken, ON: The Jake Thomas Learning Centre.
- Thompson, A. T. (1924). *Report of Andrew T. Thompson, Commissioner to investigate and enquire into the affairs of the Six Nations Indians, 1923*. Unpublished sessional papers, 3rd Session of the 14th Parliament, no. 308, 28 February 1924-19 July 1924.
- Tobias, J. L. (1983). Protection, civilization, assimilation: An outline history of Canada's Indian policy. In I. A. L. Getty & A. S. Lussier (Eds.), *As long as the sun shines and water flows: A reader in Canadian Native studies* (pp. 39-55). Vancouver: University of British Columbia Press.

- Van Kirk, S. (1980). *Many tender ties: Women in fur trade society in western Canada, 1670–1870*. Winnipeg, MB: Watson and Dwyer.
- Venne, S. H. (1981). *Indian Acts and Amendments, 1868–1975: An indexed collection*. Saskatoon: University of Saskatchewan, Native Law Centre.
- Weaver, S. (1970a). An early history of the movement for an elective form of local government among the Six Nations of Grand River, 1861–1903. Working paper on file with the Canadian Ethnology Service (Coll. III-I-25M). Gatineau, QC: Canadian Museum of Civilization.
- Weaver, S. (1970b). An early history of the Dehorners, 1904–1910. Working paper on file with the Canadian Ethnology Service (Coll. III-I-26M). Gatineau, QC: Canadian Museum of Civilization.
- Weaver, S. (1984). Seth Newhouse and the Grand River Confederacy at mid-nineteenth century. In M. K. Foster, J. Campisi, & M. Mithum (Eds.), *Extending the Rafter's interdisciplinary approaches to Iroquoian studies* (pp. 165–182). Albany: State University of New York Press.
- Weaver, S. (1993a). First Nations women and government policy, 1970–92: Discrimination and conflict. In S. Burt, L. Code, & L. Dorney (Eds.), *Changing patterns: Women in Canada* (2nd ed.) (pp. 92–150). Toronto: McClelland & Stewart.
- Weaver, S. (1993b). The status of Indian women. In J. E. Leonard (Ed.), *Two nations, many cultures: Ethnic groups in Canada* (2nd ed.) (pp. 56–79). Scarborough: Prentice Hall.
- Weaver, S. (1994). The Iroquois: The Grand River Reserve in the late nineteenth and early twentieth centuries, 1875–1945. In E. S. Rogers & D. B. Smith (Eds.), *Aboriginal Ontario: Historical perspectives on the First Nations* (pp. 213–257). Toronto: Dundurn Press.
- White, V. (1991a, August 7). Reserve group seeks to block sale of property. *The Brantford Expositor*, p. A5.
- White, V. (1991b, August 21). Six Nations Council won't sell lot to Native woman. *The Brantford Expositor*, p. A1.
- White, V. (1991c, November 5). Woman continues fight for home on reserve. *The Brantford Expositor*, p. A4.
- White, V. (1992, January 11). Woman seeks Rights Commission aid in fight against Six Nations Council. *The Brantford Expositor*, p. A4.
- White, V. (2002a, January 25). Eviction nightmares. *The Brantford Expositor*, p. A5.
- White, V. (2002b, January 25). Non-native gets evicted: Complaint filed against mother of five under band bylaw. *The Brantford Expositor*, pp. A1–A2.
- Wotherspoon, T. L., & Satzewich, V. (1993). *First Nations: Race, class and gender relations*. Scarborough: Nelson.