

THE INDIAN ACT

SAID WHAT?

The *Indian Act* was created to control and assimilate Indigenous peoples and their communities. Throughout history, a number of shocking and discriminatory measures have been in place.

1880

Though not a law but a policy, Indigenous farmers are expected have a **permit** to sell cattle, grain, hay or produce. They must also have a permit to buy groceries and clothes.

1885

Indigenous peoples are banned from conducting their own **spiritual ceremonies** such as the **potlatch**. A pass system is also created and Indigenous peoples are **restricted from leaving their reserve** without permission.

1914

Indigenous peoples are required to ask for official permission before wearing any **"costume"** at public events. Dancing is outlawed off reserve. In 1925, it is outlawed entirely.

1927

Indigenous peoples are banned from hiring **lawyers or legal representation** regarding land claims against the federal government without the government's approval.

1876

The *Indian Act* is created. Any existing Indigenous self-government structures at this time are **extinguished**.

An Indian is defined as "*any **male person of Indian blood***" and their children. Provisions include: status women who marry non-status men lose status; non-status women who marry status men gain status and anyone with status who earns a degree or becomes a **doctor, lawyer** or **clergyman** is also enfranchised,

1884

Attendance in **residential schools** becomes mandatory for status Indians until they turn 16. Children are forcibly removed and separated from their families and are not allowed to speak their own language or practice their own religious rituals. The **sale of alcohol** to Indigenous peoples is prohibited.

1886

The definition of Indian is expanded to include "*any person who is reputed to belong to a particular band or who follows the Indian mode of life, or any child of such person.*" Voluntary enfranchisement is allowed for anyone who is "of **good moral character**" and "temperate in his or her habits".

1918

The Canadian government gives itself the power to **lease out Indigenous land** to non-Indigenous persons if it is being used for farming.

1951

After the Joint Committee of the Senate and House of Commons looks at the Act again in the late 1940s, the bans on dances, ceremonies and legal claims are **removed**. Women are now allowed to vote in **band council elections**. Provisions that are still in place include compulsory enfranchisement through marriage to a non-status man; Indigenous peoples who receive a **degree** or become a doctor, clergyman or lawyer lose status. 1951 amendments now enact the "**double mother rule**" which removes the status of a person whose mother and grandmother were given status through marriage.

1960

Indigenous peoples are finally allowed to **vote** in federal elections. That is to say, for nearly a century, Indigenous peoples were denied the right to vote on land that had been stolen from them.

1961

Compulsory enfranchisement is removed.

1969

The first Trudeau government announces its intentions to entirely eliminate the *Indian Act* with the **White Paper**. This draws great ire from Indigenous communities and the government abandons the idea.

1970

The Royal Commission on the Status of Women recommends that legislation be enacted to repeal **sexist** *Indian Act* provisions.

1978

Canada issues a **report** which acknowledges the sexist **marrying out rule** which strips status women of their status and benefits if they marry non-status men. Sandra Lovelace challenges this rule in the late 1970s, petitioning to the UN Human Rights Committee in her quest. In 1981, the committee finds that the loss of a woman's status upon marriage violates the *International Covenant on Civil and Political Rights*.

1973

The Supreme Court rules that **Indigenous rights to land** do indeed exist and cites the 1763 Royal Proclamation as proof. This translates into an actual victory in the following decade, when the Inuvialuit Claims Settlement Act comes into force in 1984, giving Inuit of the western Arctic **control over resources**.

1985

Bill C-31 comes into effect. The **marrying out rule** in the *Indian Act* is finally removed but further distinctions in status are created, with additional issues stemming from this distinction. Re-instated women are given 6(1)(c) status, while men retain 6(1)(a) status.

2010

Canada signs onto **UNDRIP**. This is the same year that the Liberal Opposition suggests the "6(1)(a) All the Way" amendment as Sharon McIvor brings her case forward. The Speaker of the House rules against the proposed amendment.

2011

Bill C-3 comes into place to fill the gaps in Bill C-31, granting 6(2) status to grandchildren of women who regained status in 1985, but who only passed 6(2) status onto their children.

2015

In the **Descheneaux** Case, the Superior Court of Quebec rules that several provisions under section 6 of the *Indian Act* violate section 15 of the Canadian Charter of Rights and Freedoms.

2017

The Ontario Court of Appeal rules in favour of Lynn Gehl regarding **unstated parentage**. She is granted 6(2) status, and the issue of unstated parentage is included in Bill S-3.

2017

Bill S-3 receives Royal Assent and covers issues related to the cousins issue, the siblings issue and the omitted minor child issue but leaves many other issues unaddressed.

