

Create as many words as possible from each of the following words:

- Paternalism
- Confederation
- Sovereign
- Magistrate

THE INDIAN ACT, 1876

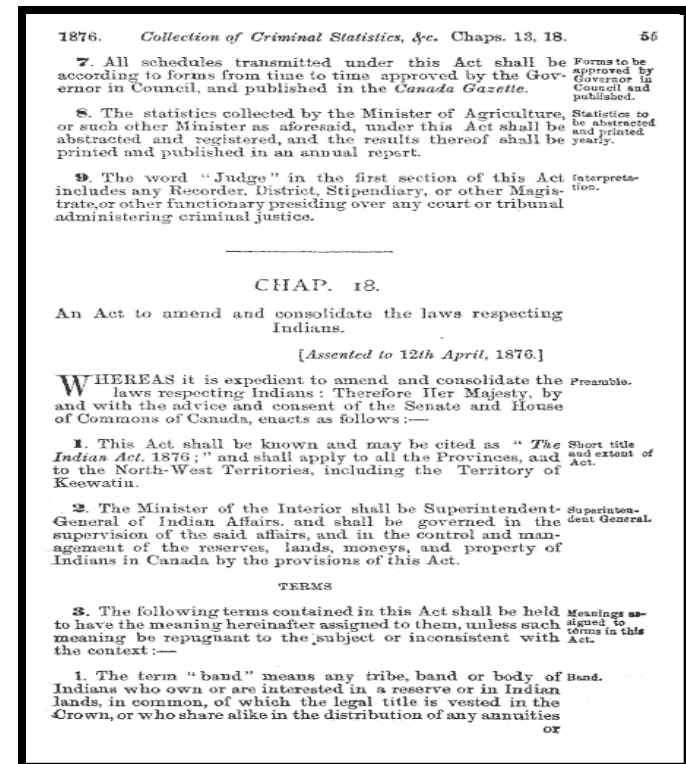
What is it?

- Consolidated and amended previous laws concerning First Nations
- Created to regulate *the lives* of the First Nations of Canada.
- Designed to formalize the *assimilation* of First Nations



What did it do?

- Provided government administration of reserves and treaty rights across the country.
- Turned Aboriginals into **wards** of the state.
- A ward is a minor (child) under the care of a guardian.



A “Paternalistic” Document

- Paternalistic = an attitude based on a family hierarchy—the “father” makes decisions on behalf of the “children”.
- Government = Father; First Nations = children

Rationale of the Indian Act

- “an explicit vision of **assimilation**”
- Government duty to “protect and **civilize**”
- “*every effort should be made to aid the Red man in lifting himself out of his condition of **tutelage** and **dependence**....through education and other means, to prepare him for a **higher civilization**”*

Rational cont.

- “Indigenous communities and government were *incapable* of managing their affairs, that the nation sought eventually to integrate indigenous cultures into the Canadian mainstream, and that the First Peoples had to be *separated* from the rest of Canadian society until they were *ready* for the transition.”
 - Ken Coates “The Indian Act and the Future of Aboriginal Governance in Canada”

Major Features

- Status
- Enfranchisement
- “Self-government”
- Use of reserve land
- Protection

Defining “Status Indian”

1. any male of Indian blood reputed to belong to a particular band
 2. Any child of such person
 3. Any woman who is/was married to such a person
- It did not include the Metis of Manitoba (until the 1980's)

Enfranchisement.

- *“granting someone the rights and protection of a citizen of a particular country”*
- It meant a loss of Indian status in exchange for citizenship
- Could occur voluntarily or involuntarily

Voluntary Enfranchisement

- Occurred when the individual started the process and applied for enfranchisement.
- Successful applicants needed to be:
 - Able to speak French or English “readily”
 - Of sober and industrious habits
 - Free from debt
 - Sufficiently intelligent
- An overwhelming LACK of interest in voluntary enfranchisement.

Involuntary Enfranchisement

- Lack of interest, led to more stringent measures:
- And involuntary (government forced) enfranchisement resulted.
- You could lose Indian status and “gain” citizenship through the following means:
 - A university degree
 - Marrying a white man (Indian woman)
 - Becoming a doctor, lawyer, clergyman

“self-government” on reserves:

- Traditionally the leadership within band was determined by heredity.
- In order to exert further influence First Nations peoples, the government-selected chiefs and band leaders.

However, many “*continued to respect and follow the directions set by hereditary chiefs and traditional political systems, even when all of the official authority and government program funding flowed through the band councils created and managed under the Indian Act.*”

Reserve land:

- Not allowed to buy and sell land
- Had to have permission to leave and enter reserves
 - Must get pass from Indian agent
 - Had to carry an identity card.
- Structured into individual plots (to eliminate the communal nature of First Nations culture)
- No alcohol

Protection

- No taxation (federal or provincial) on reserves
- Only an “Indian of the Band” could live on or use reserve lands without license.
- No Aboriginal property could be seized for debt

Some Notable Amendments.

- Amend: *to alter, modify, rephrase, or add to or subtract from (a motion, bill, constitution, etc.) by formal procedure*
- Youth on reserves forced to attend school (1884)
- Religious ceremonies, dances and gatherings prohibited (1885)
- Municipalities & companies able to use reserves for roads, railways and other public works without surrender (1911)
- Required permission before appearing in “aboriginal costume” (1914)
- Mandatory to send all children to residential schools (1920)
- Prevention of soliciting funds for Indian legal claims without special license (1927)

Why not abolish it?

- Historically and legally significant
- It distinguishes between First Nations and other Canadians.
- It recognizes that the government has a unique relationship with, and obligation to First Nations.

Harold Cardinal, 1969

- *“We do not want the Indian Act retained because it is a good piece of legislation. It isn’t. It is discriminatory from start to finish...but we would rather continue to live in bondage under the inequitable Indian Act than surrender our sacred rights. Any time the government wants to honour its obligations to us we are more than happy to help devise new Indian legislation”*