Assimilation Tools: Then and Now

SHIRLEY JOSEPH

"During the era of settlement, the clear mandate of government was to assert Euro-Canadian superiority through Acts for the 'gradual enfranchisement of Indians' which would be manifest not only in a devaluation, but an elimination of Indian societies."

SHIRLEY JOSEPH, of Wet'suwet'en and Carrier ancestry, was born in 1948 and raised on the Hagwilget reserve in Northwestern British Columbia. Her interest in the effects of federal legislation upon the lives of Indian people was first sparked by Jeanette Lavall's 1970 court challenge to section 12(1)(b) of the Indian Act. From 1978 through the present she has been involved at the district, regional and national levels in pursuing changes to the Indian Act. This included extensive research, writing of submissions and briefs, conducting workshops, participating in the 1979 100-mile demonstration from Oka to Ottawa. She also worked for the Native Women's Association of Canada preparing submissions on the issue to the Standing Committee on Indian Affairs and reporting on the National Aboriginal Inquiry into the Impacts of Bill C-31 for the western regions of Canada.

Much of this article is condensed from the Inquiry findings as presented in the B.C. Regional Report.

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Over the course of history if there is one thing that Canada's aboriginal people have learned and learned well it is that words flow easily, even eloquently. However, actions change and results are a different story.

What greater intrusion can there be than the arrogance of assuming the right to tell another people of another culture and tradition who is and who is not a member of their community and who can and can not live on their lands? (David Crombie, Intercom, Indian and Northern Affairs Canada, June 1985)

On 12 June 1985, one hundred and sixteen years of legislated discrimination against Indian women on the basis of race, sex, and marital status came to an end. At that date, Bill C-31, an Act to Amend the Indian Act, received the consent of the House of Commons.

David Crombie, then Minister of Indian and Northern Affairs, outlined the three fundamental principles of the legislation as being (1) the removal of sexual discrimination from the Indian Act; (2) the restoration of Indian status and band membership rights to eligible individuals; and (3) the recognition of band control over membership.

In reality, Bill C-31 has proven to be a modernized and more sophisticated instrument for the advancement of the age-old crusade of government to assimilate Indian people into Euro-Canadian society. Restoration of equality rights is limited both by restrictive government policies and by discriminatory provisions maintained within the Act. The concept of equality is further undermined by "class distinctions" under the membership section of the revised Indian Act. Prior to 1985, government classified Indian people as being either "status" or "non-status." Following the Act amendments, Indian people fall into one of four classifications: Status with Band Membership, Status only, Non-Status Band Members, or Non-Status Indians.

The third principle which allows bands to assume control over membership is equally flawed and ill conceived. In order to implement membership codes, bands are required to receive approval of 50 percent plus one of their membership. This extraordinary requirement is reserved for band governments alone and applies to no other legally constituted government in Canada. Although bands may confer membership, the right to determine status remains with the federal government.

Finally, based upon government's interpretation of its fiduciary responsibility, the full range of benefits and services associated with status is dependent upon reserve residency. Inadequate land base and already meagre resources of the majority of bands serve to limit the access of returning band members not only to their home bands but to the full range of benefits associated with status. Bands striving to accommodate returning members must, in many cases, contend with derision among their electorate. Returning band members are seen as competitors for already scarce and inadequate band resources.

In her thesis "Bill C-31: The Trojan Horse," Pamela Paul ascribes the manifestation of anger and frustration to:

1. a resentment towards the federal government for inadequate and unfair implementation of the bill; and
2. a resentment directed towards reinstated individuals resulting in internal conflicts at the band level. (Paul 1990:2)

As a follow-up to the above, it is the intent of this paper to present a brief synopsis of the effects of the 1985 Act amendments against an equally abbreviated profile of the historical development of the Indian Act. This summary demonstrates how injustices to Indian people are perpetuated despite the introduction of Bill C-31, which was intended to rectify historical infringement on the rights of Indian people.

Background

In 1876 all laws affecting Indian people were combined under one piece of legislation, known today as the Indian Act. The consolidated Act of 1876 addressed three areas — Land, Membership, and Local Government. Clause 6 of the 1869 Enfranchisement Act thus became section 12(1)(b) of the Indian Act.

Under the guise of "assisting Indians," the section on membership is but one example of the injustices perpetrated against Indian people by the federal government. A study of the historical development of the Indian Act reveals that the underlying intent of federal legislation was not to "assist" Indian people but rather to "eliminate" Indians. This was to be achieved through the total assimilation of Indian people into Euro-Canadian society.

During the era of settlement, the clear mandate of government was to assert Euro-Canadian superiority through Acts for the "gradual enfranchisement of Indians" which would result in not only a devaluation, but also an elimination of Indian societies. The drive towards assimilation was underscored with the desire to divest aboriginal people of the rights of ownership and jurisdiction over their territories. History shows that in the span of a twenty-five-year period, from 1869 to 1894, the government of Canada, as "trustee" of Indian people, subjugated the Indian population under legislation entitled "An Act for the Better Protection of Indian People."

First, with the introduction of section 12(1)(b) in 1869, tribes became fragmented into status and non-status or "registered" and "non-registered" Indians. While the results of this particular clause wrought havoc in all regions of the country, its effects were more pronounced in the province of British Columbia. The traditional matriarchal system of many British Columbia tribes was supplanted and replaced in legislative form with a patriarchal system.

Pursuant to section 12(1)(b) of the Indian Act, an Indian woman who married a man not recognized by government as being Indian ceased to be an Indian within the meaning of any statute or law in Canada. Upon her endorsement of the government form, "Statement of Marriage to a Non-Indian," the woman was stricken from the government's record of registered Indians. In exchange for the freedom to marry a man of her choice, the woman was required by law to forfeit her birthright. The ramifications associated with loss of status applied not only to the woman but to all children born of the marriage. By law, neither the woman nor her children

were allowed to live on reserve land, and thus were not entitled to hold or inherit property on reserve. All other rights associated with status and band membership were sacrificed — the right to participate in band business, to access programs and services available to Indian people and involvement in the cultural and social affairs of the Indian community. As a final insult, the woman could not be buried on reserve land with predeceased family members. Indian men, on the other hand, under no threat of penalty, were free to choose a partner of their choice. If the woman was non-Indian, she was rewarded with status and acquired the same rights and privileges which were stripped from Indian women.

Fifteen years after the introduction of section 12(1)(b), a bill was passed banning the potlatch. For many tribes in British Columbia, the potlatch embodies the cultural, social, political, economic, legal, spiritual, ceremonial, and educational tenets of the tribes. The government of Canada recognized that tribal structures were both strong and intricate; therefore the potlatch had to be abolished to facilitate the movement of settlers into the country. Any Indian person found to be involved in a potlatch could be charged with a criminal offence and imprisoned. Parliament justified this action with claims that it was "protecting Indian people from themselves."

The 1890s heralded the beginning of the residential school era. Following the implementation of laws designed to eliminate the nucleus of tribes by banning of the potlatch, the government moved to destroy the structure and significance of family. The removal of children from their homes and villages was the single most destructive action taken by government in its drive to assimilate the Indian population into Euro-Canadian society. The move signalled the beginning of family breakdowns which in many instances took in their wake the language.

The end of World War II would signal modest change in the treatment of aboriginal people by the government of Canada. As a result of the atrocities committed during this war, the world community examined its collective conscience and in 1948 produced the United Nations Declaration of Human Rights. The government of Canada, in standing with the world community as signator to the Declaration, was forced to examine its treatment of aboriginal people. The provision banning the potlatch was subsequently removed in 1951 during the last major revision of the Indian Act. In 1960, Indian people were recognized as having the capacity to participate in the democratic process and were given the right to vote in federal elections. Indian involvement in education during the early 1970s resulted in a phasing out of residential schools. The last remaining vestige of colonialist policy, section 12(1)(b), was stricken from the Indian Act on 12

June 1985. Once again, the Indian Act amendments were not based solely in the desire of the government to alter its relationship with Indian people. The impetus for amendments to the Act stemmed both from Canada's obligations under international treaty and an internal requirement that the Indian Act be in accord with the Canadian Charter of Rights and Freedoms.

At first blush, the revised Indian Act appeared to pass the test of fairness. This revision established that:

1. No one gains or loses status through marriage;
2. Persons who previously lost status through sexual discrimination and enfranchisement are entitled to regain status;
3. First-time registration of children whose parents lost status is now possible;
4. No one will have status unless at least one parent has, or would have had, status; and
5. The concept of enfranchisement is now entirely abolished; no one can renounce or lose status. (Native Women's Association of Canada, Guide to Bill C-31, 1986:5)

While the provisions of the new Act resolved the most glaring of discriminatory clauses and conferred upon Indian bands the authority to determine their citizenship codes, it created unprecedented and new classifications of Indian people. Prior to the introduction and passage of new legislation Indian people were, for governmental purposes, divided into "Status" and "Non-status" groups. Today these two distinctions are doubled:

1. Status with band membership — Indians who have the right to both registered status and band membership;
2. Status only — Indians who have the right to be registered without the automatic right to band membership;
3. Non-status band members — Indians eligible to be registered under a band list in accordance with the Band Citizenship Code but who do not have the right to registered status; and
4. Non-status Indians — Indians who are still not entitled to be registered. The first generation cut-off clause dictates that only the first generation descendants of an individual are entitled to be registered. Second and succeeding generations will never be allowed status, nor will they be allowed to pass a right to status on to their children.

Leading up to and following passage of Bill C-31, David Crombie, then Minister of Indian Affairs, gave the assurance that "no band would be worse off" as a result of Bill C-31. Implementation of the new Act would once again underscore the degree of government ineptness in managing the affairs of Indian people. The Department of Indian and Northern Affairs grossly underestimated not only the number of individuals who would seek reinstatement but also the resources which would be required to "right the wrongs of past discrimination."

According to the government's 1985 projections, roughly 26,000 people who lost their rights as a result of sexual discrimination or enfranchisement, as well as their descendants numbering 50,000 to 60,000, would be affected by the amendments. The current figures provided by Pamela Paul in her thesis are as follows:

> Between June 1985, when the Indian Act was amended, and June 30, 1990, the Indian Registration unit has received 75,761 applications representing a total of 133,134 persons seeking registration. Of these 133,134 persons, 73,554 have been approved and registered under Bill C-31 (Department of Indian and Northern Affairs, S3 Reports to June, 1990). About 62% of the registrants are female (Canadian Facts, Survey, preliminary top line results, August, 1990). (Paul 1990:7)

In compliance with section 23 of the revised Act, the minister was obligated to prepare a report on the implementation of the bill. This report was to contain:

> (a) the number of people who have been registered under section 6 of the Indian Act, and the number entered on each Band List under subsection 11(1) of that Act, since April 17, 1985;
>
> (b) the names and number of bands that have assumed control of their membership under section 10 of the Indian Act; and
>
> (c) the impact of the amendments on the lands and resources of Indian Bands. (Indian Act 1985: ss. 22 and 23)

Although the minister was able to provide statistical information in his report, aboriginal people whose lives had been affected by the legislation were not included in the evaluation. As a consequence, a second report was to be prepared and tabled in Parliament during the fall of 1990. This evaluation would be conducted in four separate modules. The first, a National Aboriginal Inquiry on the Impacts of Bill C-31, was established jointly by the Assembly of First Nations, Native Women's Association of Canada and Native Council of Canada. The second module of this evaluation was a survey of registrants; the third, a survey of selected bands and communities; and the fourth, an internal government evaluation of pro-

grams. The collection of reports from each of the modules is intended to represent an assessment of the impacts of Bill C-31 upon individuals and Indian communities throughout the four year period from 1985 to 1989.

The National Aboriginal Inquiry conducted forty-five days of community hearings in nineteen centres throughout Canada during late 1989 and early 1990. Approximately one-third of all evidence entered into the Inquiry record during the course of the western hearings was from British Columbia. The province also ranked highest in the number of submissions received in a region from both eastern and western Canada combined. Submissions ranged from the examination of the legislative impacts upon villages, to the administration of programs and services, to the effects upon personal and family life. Presenters shared their views on the effects of the previous incarnations of the Indian Act, the impact of current legislation and possible future consequences. In their assessment of the innumerable shortfalls of Bill C-31, many underscored their presentations with the fact that tribal laws take precedence over the Indian Act. The potlatch, though banned by government decree in the late 1800s, remains both intact and inviolate.

> Nuu Chah Nulth culture and laws find expression through the potlatch. At a Nuu Chah Nulth potlatch it would be common to see elders and other members of the Nuu Chah Nulth communities acknowledge either verbally or otherwise the roots that they have in our various communities. We have an expression in our language, "multh-muumpts" which refers to a person's roots. We continue to practise that recognition, that law and that tradition today. . . . We believe it is incumbent upon the federal government to recognize that Nuu Chah Nulth people have a long history of laws and culture dealing with membership and association with other tribes.
>
> (Hugh Braker, Nuu Chah Nulth Tribal Council, B.C. Regional Report 1990:7)

In no other western region were the words "genocide," "assimilation" and "racism" used more frequently in the appraisal of Bill C-31 than in British Columbia. It is a commonly held view that Bill C-31 policies and regulations serve no other purpose than to further advance the government's crusade to assimilate aboriginal people into Euro-Canadian Society. Analogies were drawn to describe the impact of Bill C-31 upon the lives of families, villages, and tribes.

> As we recall somewhere in our history books about Greece, where the Trojan Horse was a gift. Bill C-31 appears to be a gift, a gift in the manner where discriminatory clauses have been removed, especially clauses that affected our Native women . . . so, Bill C-31, being a Trojan Horse, comes in as a gift . . . When we accept Bill C-31 and open it up as the Trojan Horse, instead of

warriors coming out, assimilation will be coming out. With that our culture and language will be forever lost, thus we, as Native people.

(Ray Jones, B.C. Regional Report 1990:8)

Throughout the B.C. hearings, the most contentious issues arising from Bill C-31 in the view of individuals and bands were:

- Status & Band Membership: Documentation requirements; Second generation cut-off; Band Membership and Codes; Reinstatement Process; Legislative Omissions; Internal Discrimination; and, Human Rights Implications.
- Band Land and Resources
- Benefits Associated with Status and Band Membership: Access to Services and Benefits; Housing; Education; and Medical.
- Social and Cultural Impacts

The remaining section of this article provides but a glimpse into the Inquiry findings. The limitations imposed by a journal article preclude full examination of each of the multiplicity of issues and the many convolutions brought to light during the course of the Inquiry. This discourse merely scrapes the surface with its focus on status and band membership issues (documentation requirements, second-generation cut-off and band membership codes) and band land and resources.

Documentation Requirements

In order to be eligible for reinstatement, applicants were required to provide incontrovertible proof of their relationship to a family member who suffered loss of status. For many this dictated a full-scale genealogical search for records of attestation of eligibility as far back as the mid-1800s. At that time, record keeping was incomplete and inconsistent with names being recorded improperly, if at all.

Probably the most heart-rending evidence respecting documentation was that of Robert and Jane Cromarty. Before submitting their application for reinstatement they attended a workshop on conducting genealogical research, then set out to satisfy departmental criteria for documentation. Their personal resources were limited to a pension income which they had used to travel in search of documents to substantiate their request for reinstatement.

We have gone many places and I might pass on to you some of the places where we went. We went to the band offices, we searched the cemeteries. We

went through the newspaper articles. We went to the provincial archives. We went to Coqualeetza. We went to the genealogy society in Vancouver.

(Jane Cromarty, B.C. Regional Report, 1990:14)

Information acquired by the Cromartys was considered insufficient; therefore their request for reinstatement was denied. An appeal on this decision was presented one year ago along with additional documentation. In early December 1990, the Cromartys were advised by the Department of Indian Affairs and Northern Development (DIAND) that their appeal was still being processed.

For many individuals, the search for documentation began and ended with church records. The parish priest was the prime record-keeper, and many of the early wooden churches have long since burned down.

The only type of documentation kept in those days was with the Oblate priest. The Oblate priests had fairly intricate background information, but there was a fire in a church back in those days and the church burned down and a lot of the information was lost . . . So that was the only documentation that they had in terms of birth certificates and what have you. That's the problem we're having now. It is identifying my grandfather's status.

(Leo Hiebert, B.C. Regional Report, 1990:14)

The onus of proof of eligibility rests with the individual applicant. Many individuals point out that while the Department of Indian Affairs and Northern Development possesses much of the necessary information in its files, it is reluctant to provide even basic assistance to applicants. DIAND does not cross-reference applications from members of the same extended family. Therefore, each applicant is required to provide the full range of information in spite of the fact that the documents are already on file. Furthermore, each applicant must secure the information and resubmit it to the department from which it came. (Paul, 1990:47)

Second Generation Cut-Off

If Bill C-31 is the Trojan Horse for assimilation, section 6(2) is the weaponry carried by its warriors. Under section 6 of the amended Indian Act, if a person has only one parent entitled to reinstatement, he or she is classified under section 6(2) and can only transmit status to succeeding generations if his or her spouse/partner is a status Indian.

It says we'll recognize you as long as you're a half breed, but if you go below that you won't be entitled to status. That's what Section 6(2) does. The result is going to be in the future an incredible amount of inequality and the Act is designed, in my opinion, to do away with Indians.

(Hugh Braker, Nuu Chah Nulth Tribal Council, B.C. Regional Report, 1990:21)

Participants in the Inquiry admonished the government for the incorporation of the second generation cut-off clause under Bill C-31. Reactions to section 6(2) ranged from incredulity to alarm and outright hostility. In fact, it is this article that generates the accusations of genocide, assimilation, and racism.

The sexual discrimination that was to be redressed through Bill C-31 continues to be felt. There remains unequal treatment of male and female siblings. Women who lost status through marriage cannot pass status through successive generations the same way their brothers who married non-Indian women prior to 1985 can. The brothers and their non-Indian spouses and children are automatically considered band members, while the sisters' children can only acquire status. The children of the female line have conditional entitlement to band membership.

Equally deleterious is the treatment of children born out of wedlock. Policy requires not only that an unmarried woman must disclose the natural father's name but also that the father must acknowledge paternity in writing. Otherwise, the father is presumed to be white and the children are subsequently registered as section 6(2) applicants.

> It must be noted that such invasion and total disregard for human dignity as demonstrated by this policy would never be tolerated in Canadian Society, yet aboriginal women are subjected to it each and every time they apply to register a child born out of wedlock. (Paul, 1990:52)

It is noted earlier that 71,508 individuals have been registered since passage of Bill C-31. Of this number 60.2 percent or 43,076 have had their status restored under section 6(2) of the Act.

> Those individuals registered under Section 6(2) must marry an Indian person either a 6(1) or 6(2) to transmit their status. Aboriginal people have stated that through Section 6(2), as was the case with Section 12(1)(b) of the previous Act, their grandchildren are being given a message, marry endogamously or suffer the consequences. (Ibid:58)

In light of the implications of the second-generation cut-off rule, the path created by Bill C-31 is seen as a dead end both for individuals affected and, ultimately, for the tribe.

> Last, but not least, the amendment does not only discriminate against Native females, it is even worse. The amendment right does not give back the rights to some individuals. It does not give them back their identity. As a matter of fact, in many cases they have taken away the freedom of choice for many of these people. I guess that is even worse than discrimination. In my own words this is genocide. When you have taken away everything from an individual

and you won't even let them call themselves an Indian you might as well call it genocide because that is what it is.

(Andrew Joseph, Tl'Azt'en First Nation, B.C. Report, 1990:24)

Band Membership and Codes

While Bill C-31 stipulates the manner through which bands may assume control of membership, the determination of ancestry within First Nations is carried out according to internal laws. The imposition of federal statute and its artificial distinctions is considered an unnecessary encumbrance designed only to promote division within First Nations. Presenters criticized the government for continuing its practice of flagrant disregard for the laws of First Nations.

The Nuu Chah Nulth people reject classification of our people as either 6(1) or 6(2); we reject the classification of our people as on reserve or off reserve. We reject the classification of our people as half breed, quarter breed or full breed. We reject the classification of our people as non-status or full status; we reject the classification of our people by anything other than their roots. We believe it is incumbent upon the federal government to recognize that Nuu Chah Nulth people have a long history of laws and culture dealing with membership and association with tribes. It is that system of roots or blood ties which we wish to give effect to.

(Hugh Braker, Nuu Chah Nulth Tribal Council, B.C. Regional Report, 1990:26)

In contrast, government heralded the option which would allow bands the right to develop membership codes as the first step towards self-government in that it provided the mechanism through which bands and tribes would determine their citizenship. However, the freedom to develop membership codes is circumvented not only by legislation but also by the dictates of federal policy.

Aboriginal groups contend that in granting band control of membership, the federal government failed to emphasize the fact that band councils could only take control of their membership codes within the criteria dictated to them under the Indian Act. That is, band councils would only add onto their band lists those categories of persons entitled to band membership as dictated in section 11 of the revised Act. This meant that the band councils could admit 6(1)'s a, b, c, d, e, or f and 6(2)'s and still receive funding for these individuals. However, if the bands decided to go further and admit persons who did not fit these categories then DIAND would not grant the funds necessary to the bands to provide services to those people. . . . Therefore, the only areas feasible to band councils wishing to recognize their so-called right of control of their membership was to deny rights to Native peoples under their membership codes. . . . (Paul, 1990:62)

Band Land and Resources

Without question, bands are in a worse position now than they were prior to the enactment of Bill C-31. The effect of Bill C-31 reverberates throughout the entire native community and is felt by every person who is connected to that community. Land base is an issue. Housing stock is an issue. Financial and program resources considered inadequate prior to Bill C-31 have become strained beyond reason.

Former Minister David Crombie's promise that "No Band would suffer as a result of Bill C-31" definitely does not apply in our case. Our community has suffered needlessly we might add, and we would like the suffering to stop. Our band is bursting at the seams in need of housing, land, capital, infrastructure, employment, economic development, health services, band support, recreation etc. etc. Bill C-31 can be a positive experience all around but in order for that to happen we have to be more involved with the process. Our concerns have to be taken seriously and our needs have to be met.

(Dave Pop, Soda Creek Band, B.C. Regional Report, 1990:41)

The infamous phrase of David Crombie was echoed in presentations of bands and tribal councils. Presenters called the government to task for its unfulfilled commitments. In the absence of adequate resources, bands are left to contend not only with the impatience of returning members who wish to access benefits that had been denied but also with the ire of band members who perceive that they are now being denied benefits as a result of Bill C-31.

The Fort George Band at first welcomed the advent of Bill C-31 because it meant those of our people who had been displaced both physically and psychologically, could now return to their homeland. They could, after years of being ostracized by government, bureaucrats, the non-Natives and even their own people, finally come home. What we have to ask at this time is, what have they come home to?

(Helen Seymour, Fort George Band, B.C. Regional Report, 1990:41)

In the province of B.C. there are 196 bands situated in the most geographically diverse region in Canada. In general, the reserve land base is small. The influx of people in a short period of time has placed direct pressure on the existing land base.

Although many Bands have substantial increases in population with Bill C-31 returnees, they have been expected to squeeze them onto Band land that is already crowded. Bands such as Tzeachten have approximately 98% of their land in Certificates of Possession so that there is no available land for Bill C-31 houses. Matsqui's land has such poor drainage that it is unsuitable for houses. Further there is a lack of capital dollars to service lots. . . .

(Leona Charleyboy, Sto:Lo Nation, B.C. Regional Report 1990:46)

The Carrier-Sekani Tribal Council reported that 75 percent of their twelve member bands do not have serviced building lots available and 83 percent of the inhabited villages lack adequate fire protection. Among the twelve bands there is a total of seventy-two building lots available. The total number of applicants (to 1989 December) from the tribal council area was 1,431, of which 724 have been registered.

The housing dilemma confronting band administrations in British Columbia is no less in magnitude than that articulated to the Inquiry in other regions. The degree of frustration experienced not only by band administrations but also by individuals and their families who are without adequate accommodation is enormous. It must be appreciated that Bill C-31 did not bring about the housing crisis on reserve. Inadequate housing stock and waiting lists had long been a reality and were only made worse by an increase in population. The situation the Stellaquo band finds itself in is analogous to that of many small bands.

> We get two houses per year, and so we have 62 on our backlog on the reserve. It would take us 31 years to accomplish what we need. So it will be the year 2020 before we have no problems in housing. . . .
>
> (Zaa Louie, Stellaquo Band, B.C. Regional Report 1990:56)

Benefits Associated with Status and Band Membership

Under the Indian Act, rights are determined according to residency. Policy of the Department of Indian Affairs states that fiduciary responsibility is only to those who are status band members residing on reserve.

> Having Aboriginal Rights determined by residency is a direct violation of the so-called "mobility" clause of Section 6 of the Charter of Rights and Freedoms. The Government's fiduciary responsibility extends to all Aboriginal people defined as Indians, Inuit, and Metis in Section 35 of the Constitution Act, 1982, irrespective of where they live.
>
> (Ron George, B.C. Regional Report, 1990:50)

Status Indian people residing off-reserve are only entitled to access post-secondary educational assistance and medical benefits. In British Columbia, as in other regions, the off-reserve population is significant.

> According to a study we did this summer from the Department of Indian Affairs statistics and Statistics Canada, it shows that 77% of the status Indian population live off-reserve. In a majority of cases, it's a direct result of lack of services, housing and land available from already over-extended and underfunded bands.
>
> (Ron George, United Native Nations, B.C. Regional Report, 1990:50)

Individuals who had been reinstated expected to regain the rights to which they are entitled. However, when living off reserve, they quickly find that those rights are both more difficult to exercise and restricted. Rights to housing are inaccessible. Too many reserves have small land bases and cannot accommodate those who would like to return. Problems are compounded in that many reinstatees are unaware of the requirements for program entrance; there are few information sources to assist them; and, when they do qualify, they all too often find themselves low on the list. Generally, if you live off reserve, you are ineligible to vote in band elections. There is no one to represent you.

Because of the lack of sufficient resources, the bands are extremely limited in what they can deliver. The flaws which were tolerated in existing programs, with the additional pressures of numbers, have become unbearable.

Conclusion

Problems attributable to Bill C-31 extend far beyond the parameters of policy, programs, and administrative tangles. Prior to the passage of Bill C-31, very few Indian communities had the capacity to guarantee to their constituents a standard of living considered acceptable in Canada.

For many people, Bill C-31 is a symbol both of legislation and policies which are contrary to the most basic rights and freedoms. The government, they say, has failed to consider traditional governing structures and practices, failed to recognize its responsibilities to those who live anywhere other than on reserve land, and failed even to protect the rights of individuals on reserve.

In her thesis, Paul (1990:103) concludes that the implementation of Bill C-31 has resulted in transformations of the structures of aboriginal societies ranging from minimum to maximum disruptions based on numbers of persons reinstated to quality and quantity of resources available. The social effect of Bill C-31 can, in her view, be summarized as follows:

1. Bill C-31 has disrupted community life through social and economic factors;
2. Bill C-31 has created competition for scarce resources, leading to an alienation and hostility towards reinstated individuals;
3. Bill C-31 has created a new class of aboriginal people;
4. There is ongoing residual discrimination contained within the Indian Act, which can be viewed as an assimilative tool used by the federal government. (Ibid:104)

Most obvious is the fact that an exacting sacrifice has been made and continues to be made by aboriginal people for the purpose of allowing Euro-Canadian governments to advance their plans for the ongoing development of Canada. The path to resolution of the outstanding grievances of aboriginal people is strewn with obstacles, some of which have, like huge immovable boulders, been there since the first European contact. As time passed, new walls were built to divide and weaken the strength and energies of aboriginal people.

To correct the injustices suffered by native people, it is essential that the impassable boulder of a paternalistic government attitude which presumes to define who aboriginal people and their families are be demolished. It is also essential that the walls created by rules and definitions be torn down in order to remove some of the complications and frustrations experienced by native people as they move forward as the First Nations of Canada — for move forward the aboriginal people will continue to do. As history shows, in spite of the years of systematic effort to eliminate Indians, Canada's aboriginal people continue to persevere, to adapt, and to survive.

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A Part Apart

I grew up near Canada
Close to Port Alberni
On Vancouver Island
Close to British Columbia

We saw a lot of Canadians
Over time. Nearly every day
A Canadian interrupted our lives
Walking by but looking in

And some times they brought papers
Or just sent them in the mail
We had a radio too
And then a T.V.

I came to the age of majority
Without the right to vote
Or cry in your beer, but
I grew up near Canada
A part apart and not of the whole