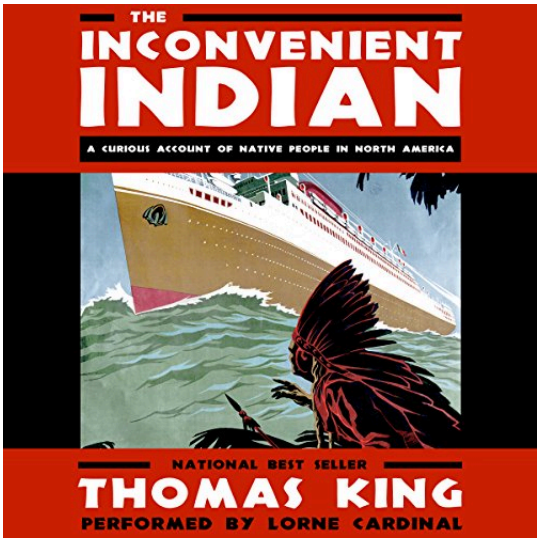


In Canada, Legal Indians are defined by the Indian Act, a series of pronouncements and regulations, rights and prohibitions, originally struck in 1876, which has wound its snaky way along to the present day. The act itself does more than just define Legal Indians. It has been the main mechanism for controlling the lives and destinies of Legal Indians in Canada, and throughout the life of the act, amendments have been made to the original document to fine-tune this control.

An 1881 amendment prohibited the sale of agricultural produce by Legal Indians in the prairie provinces, to keep them from competing with White farmers. An 1885 amendment prohibited religious ceremonies and dances. A 1905 amendment allowed the removal of Aboriginal people from reserves that were too close to White towns of more than 8,000 residents. A 1911 amendment allowed municipalities and companies to expropriate portions of reserves, without the permission of the band, for roads, railways, and other public works. A 1 914 amendment required Legal Indians to get official permission before appearing in Aboriginal costume in any dance, show, exhibition, stampede, or pageant. A 1927 amendment made it a crime to solicit funds for Indian claims without a special licence from the government. A 1930 amendment banned Legal Indians from playing pool if they did it too often and wasted their time to the detriment of themselves and their families. And, in 1985, an amendment known in Parliament as Bill C-31 was passed that allowed Native women who had lost their Legal Indian standing through marriage to regain that status.

Until at least 1968, Legal Indians could be “enfranchised,” which simply meant that the government could take Status away from a Legal Indian, with or without consent, and replace it with Canadian citizenship. Technically, enfranchisement was proffered as a positive, entailing, among other benefits, the right to vote and drink. All you had to do was give up being a Legal Indian and become . . . well, that was the question, wasn’t it. Legal Indian women could be “enfranchised” if they married nonNative or non-Status men. If Legal Indians voted in a federal election, they would be “enfranchised.” Get a university degree and you were automatically “enfranchised.” If you served in the military, you were “enfranchised.” If you were a clergyman or a lawyer, you were “enfranchised.” If you look the word up in the dictionary, you’ll find that “enfranchised” means “to be liberated.” A Blackfoot friend once told me that “enfranchised” was French for “screwed.” It’s only funny if you’re Indian. Even then, it’s not that funny.

In 1969, the Canadian government tried to pull a homegrown Termination Act—the 1969 White Paper—out of its Parliamentary canal. In that year, An 1881 amendment prohibited the sale of agricultural produce by Legal Indians in the prairie provinces, to keep them from competing with White farmers. The reaction was immediate and fierce. Almost every Indian organization came out against the plan. Whatever the problems were with the Indian Act and with the Department of Indian Affairs, Native people were sure that giving up their land and their treaty rights was not the answer.