(In)Voluntarily Enfranchised:
Bill C-3 and the Need for Strengthening Kinship Laws in Treaty 4

April 27, 2015

At the present moment there are thousands of people across Canada imagining, articulating, questioning, living, and strengthening Indigenous nationhood. Central to this work is determining who belongs in Indigenous nations.[1] As a "nonstatus Indian" with Cree and Anishinaabe blood, this question is not only at the forefront of my research, but also my identity. The Indian Act fails to address this question with any inkling towards fairness or respect, and so I have to look for solutions outside it.

In this paper, I explore the need for strengthening Cree and Anishinaabe kinship laws and codes of belonging in Treaty 4 by examining the Indian Act concept of voluntary enfranchisement. I look at the gendered aspects of voluntary enfranchisement, and how, as in my family's case, this kind of legislature disempowers women. I critique Bill C-3, the Gender Equity in Indian Registration Act, for failing to address the issue of voluntary enfranchisement. Finally, I argue that in order to maintain the livelihood of our Treaty 4 nations, it is necessary to reject Indian Act-defined codes of membership, and reinstate our own citizenship laws. Furthermore, this paper asserts that reinvigorating traditional citizenship laws requires the fulfilment of Treaty 4 rights on the terms that were agreed upon, separate from the Indian Act.

Personal Implications

I am interested in this topic because it is a legal matter that has had a tremendous impact on my family and myself. Enfranchisement is the reason why I do not have Indian status or band membership in my father's community, the Pasqua First Nation. As a result, I am not a beneficiary of Treaty 4, even though my relatives were promised that

[1] Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide,* (Cambridge: South End Press, 2005), note 54 at 97

the treaty would take care of their children "as long as the sun shines and water flows,"[2] in exchange for sharing our homelands with the European settlers.

My grandmother belongs to the Cyr family from Pasqua, a Cree and Saulteaux community outside of Fort Qu'appelle, Saskatchewan. The community is named after Chief Pasqua, our last traditionally appointed chief and signatory of Treaty 4. My grandmother was born on the reserve into the hands of her grandmother, Isabel Bear, in 1933. As a child, she was taken to the Lebret Indian Residential School, where she was forced to stay for ten years. My grandmother was a bright student and the nuns encouraged her to train as a nurse technician in Manitoba. After graduation, she followed their advice, and while training she fell in love with my grandfather Léandre Jubinville, a French Canadian. He asked for her hand in marriage, and they agreed to wait two years until the spring of 1955, after they both finished their post-secondary training.

Six months before her wedding date, my 21-year old grandmother returned home to Pasqua. While she was home, the Indian Agent paid her a visit to remind her that her upcoming marriage to a non-Native man would result in the automatic loss of her Indian status, in accordance with the Indian Act at the time. He gave her paperwork, explaining that in exchange for her Indian status, she would receive a one-time payment. She knew that she had no choice about losing her status, and the payment would help pay for the wedding. Although my grandmother doesn't believe she received any payment in the end, the Indian Registrar alleges that on November 3rd, 1955, my grandmother voluntarily gave up her Indian status, or in legal terms, she "enfranchised by application."

---

[2] Alexander Morris, *"The Treaties of Canada with the Indians of Manitoba and the North-West Territories: Including the Negotiations on Which They Were Based, and Other Information Relating Thereto: by Alexander Morris*" (Toronto: Belfords, Clarke & Co, 1880), 96

My grandmother's Indian status, as well as my father's, was restored in 1985 under Bill C-31, the amendment that struck enfranchisement rules from the Indian Act.[3] According to the Bill C-31 amendments, my grandmother was registered under the provisions of Section 6(1)(d) of the Indian Act, and my father was registered under Section 6(2). Registration under Section 6(2) means that one can only pass on Indian status to their children if the other parent is also a status Indian. Since my mother is not a status Indian, I am not entitled to be registered under the Act.

My family's situation raises many questions about justice. Was my grandmother's so-called 'voluntary' decision to enfranchise legally binding? How can the logic of enfranchisement be applied to my generation, even though it no longer exists within the Indian Act? And, why do I even need Indian status to receive treaty benefits?

Indian Act Enfranchisement

The term enfranchisement was first introduced in Canadian Indian policy in 1857, via the Gradual Civilization Act.[4] Enfranchisement "meant that an Indian was no longer an Indian in law, had become civilized, and was entitled to all the rights and responsibilities of other Canadian citizens."[5] In order to enfranchise, an Indian man had to prove that he was of " reasonably well educated, free of debt, and of good moral character as determined by a commission of non-Indian examiners."[6] The 1857 enfranchisement laws targeted males and emphasized the idea of 'civilization' through the ownership of private

---

3 NWAC, "Guide to Bill C-31: An explanation of the 1984 amendments to the Indian Act," (Ottawa: 1986), 4

4 Kathleen Jamieson, *Indian Women and the Law in Canada: Citizens Minus* (Ottawa: Minister of Supply and Services Canada, 1978), 27

5 Ibid.,13-14

6 Royal Commission on Aboriginal Peoples, "Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada," (Ottawa: Royal Commission on Aboriginal Peoples, 1996), part 2 section 4

property. These policies represented the beginning of a trend towards "better management" and control over Indigenous peoples in settler state law, and built on the reports and recommendations of a Commission of Inquiry established in 1841 to "investigate the condition of the Indians."[7] The 1996 Royal Commission of Aboriginal Peoples characterized enfranchisement as "a euphemism for one of the most oppressive policies adopted by the Canadian government in its history of dealings with aboriginal peoples."[8]

In 1869, two years after Canadian Confederation, the Gradual Enfranchisement Act was passed. This act penalized Indian women who married non-Indian men, by automatically enfranchising them as Canadians.[9] In the case of non-Indian women marrying Indian men, the opposite rule applied. Non-Indian women who married Indian men gained Indian status for themselves and their children. As far as settler state policy was concerned, Indian women were the property of men.

More elaborate forms of control over the definition of "Indian" were introduced with the Indian Act of 1876. Other Indians who were automatically enfranchised included "professionals," meaning lawyers, doctors, ministers, or anyone with a university degree.[10] Prior to 1956, it was not possible to simultaneously be an Indian and a Canadian citizen in Canadian law,[11] and other reasons for voluntary enfranchisement may have included the want to enlist in the army or vote in federal elections, which Indians could not do until 1960.[12] Between 1918-1922, the Canadian government granted itself the right

---

7 Jamieson, *Indian Women and the Law in Canada: Citizens Minus,* 29, 22

8 Report of the Royal Commission on Aboriginal Peoples: Looking Forward, Looking Backward, vol. 1 (Ottawa: Canada Communication Group Publishing, 1996) at page 271

9 Ibid., 5

10 Jamieson, *Indian Women and the Law in Canada: Citizens Minus,* 44

11 Ibid., 14

12 Ibid., 47

to enfranchise any Indian who met the requirements for voluntary enfranchisement, but this law was overturned due to opposition, and application was again necessary.[13]

In 1951, the membership and enfranchisement sections of the Indian Act were changed significantly, to the detriment of Indian women.[14] Prior to 1951, Indian women who lost their status by marrying non-Indians could still obtain some treaty and band rights with a "Red Ticket," though they and their children lost the right to live on reserve.[15] After 1951, Indian women who "married out" lost their status, band and treaty rights. An enfranchised woman would have 30 days to dispose of any property she held on the reserve, as she could no longer live there.[16] Applications to enfranchise could still be made under the 1951 legislature, pending proof of self-sufficiency and the consent of the band.[17]

Between 1856 and 1985, very few Indians enfranchised voluntarily, in comparison to involuntary enfranchisements. Only one Indian enfranchised between the passing of the Gradual Civilization Act of 1856 and the Indian Act of 1876.[18] Though relatively small, the number of Indians who enfranchised "voluntarily" after 1876 is likely misleading, as many of these enfranchisements may have happened prior to marrying out, as in the case of my grandmother. As I will discuss later, this decision was not voluntary at all, given that there was no other option.

Enfranchisement policies continued until 1985, when the Canadian government passed Bill C-31, in response to Indigenous women's activist and litigation efforts to end

---

13 Ibid., 50
14 Ibid., 59
15 Ibid., 61
16 Ibid., 63
17 Ibid., 61
18 Royal Commission on Aboriginal Peoples, "Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada," (Ottawa: Royal Commission on Aboriginal Peoples, 1996), part 2 section 4

gender discrimination within the Indian Act, which also generated international pressure.[19] Additionally, the Canadian government was trying to repatriate the constitution, and the proposed Charter of Rights and Freedoms required that laws apply equally towards men and women.[20] Bill C-31 ended involuntary enfranchisement through marriage, as well as enfranchisement by application. As a result, my grandmother got her Indian status and band membership back, and my father's status and membership was recognized as well. However, the "second generation cut-off" rule meant that I did not qualify for status.

Bill C-31 did not meaningfully address gender discrimination, because the "second generation cut-off" rule only applied to the grandchildren of women who got their status back through Bill C-31, whose parents were reinstated under the new and lesser category of Section 6(2). This is still gender discrimination, because if it was my grandfather who was Indian instead of my grandmother, my father would have been a 6(1) Indian, with the ability to pass on his status (and, if my grandfather was Indian, no one in our lineage would have lost their status and band membership to begin with, because he never would have faced the possibility of losing his status through marriage to a non-Indian). Indigenous women continued to fight this injustice, and the court case McIvor v. Canada led to the passing of Bill C-3, the Gender Equity in Indian Registration Act, in 2011. Under Bill C-3, the second generation cut-off rule was amended to include another generation (but then cut off).

---

19 Bill C-31, an *Act to Amend the Indian Act*, included various amendments to different sections, not just Section 91.

20 "Enfranchisement," UBC First Nations Studies Program, accessed April 7, 2014, http://indigenousfoundations.arts.ubc.ca/home/government-policy/the-indian-act/enfranchisement.html.

Bill C-3: Gender Equity in Indian Registration Act

Specifically, Bill C-3 grants status to those who meet the following criteria: (1) the "individual's grandmother lost her Indian status as a result of marrying a non-Indian man;" (2) "one parent is registered, or entitled to be registered, under sub-section 6(2) of the *Indian Act;"* and, (3) the "individual or one of the individual's siblings was born on or after September 4, 1951."[21] Letters addressed to me from Aboriginal Affairs and Northern Development Canada (AANDC) reference the criteria set out by Bill C-3, and state "[Your paternal grandmother…] lost her entitlement to Indian status under the provisions of a former *Indian Act* when she enfranchised by application on 1955/11/03."[22] The letter goes on to explain that:

> [T]here is no provision in the current *Indian Act* to allow for the registration of a person when one of the parents is registered under Section 6(2) of the *Indian Act* and the other parent is not entitled to be registered under the *Indian Act.*[23]

Despite the fact that my grandmother did, in every practical sense, lose her entitlement to registration as a status Indian as a result of marrying a non-Indian, AANDC does not interpret her application to enfranchise this way. Because AANDC narrowly interprets the criteria of Bill C-3 to only include those women who lost their status automatically through marriage, those grandchildren of women who lost their status by application, prior to marrying out, are not eligible for status under this bill.

While there are no published critiques about how voluntary enfranchisement is inextricably tied to involuntary enfranchisement, or how Bill C-3 fails to address the issue of "voluntary" enfranchisement, Bill C-3 has been widely criticized. Bill C-3 as it is

---

21 Aboriginal Affairs and Northern Development Canada, 2013

22 T.M. Cloutier (Deputy Indian Registrar, Aboriginal Affairs and Northern Development Canada), letter to the author, January 27, 2015

23 Ibid.

written does not truly address the issue of gender discrimination; it just puts off the problem for another generation.[24] In addition, the bill has many shortcomings, including that it replicates the same logic it claims to overcome, it adds confusing wording to an already confusing piece of legislature, it "does not provide adequate protections" for new registrants with regards to band membership, and it is still in conflict with the Charter of Rights and Freedoms.[25] In spite of the fact that enfranchisement is no longer possible, this unconstitutional logic is still applied to thousands of Indigenous peoples across Canada, including myself.

Indigenous women in particular have fought the gender discriminatory nature of the Indian Act in domestic and international settings, and still continue to deal with the psychological and material damage done by this legislature. Most gendered analyses of the Indian Act focus on involuntary enfranchisement through marriage, marital property rights, and the "double mother clause," but almost no sources look at the gendered dimension of enfranchisement by application. My grandmother's story shows that it is likely many of those women who supposedly enfranchised voluntarily actually had no choice in the matter, as they were about to lose their status involuntarily. While Bill C-3 granted status to the grandchildren of women who were involuntarily enfranchised through marriage to a non-Indian, no explicit rules apply for the grandchildren of women and men who enfranchised by application, and therefore our status applications continue to be denied. Voluntary enfranchisement, then, is another one of the many ways that the Indian Act has targeted the removal of Indigenous women from Indigenous lands, and

---

[24] Pamela Palmater, "Presentation to the Standing Committee on Aboriginal Affairs and Northern Development (AANO) Re: Bill C-3 Gender Equity in Indian Registration Act," Ottawa, 2010, p. 8, http://www.indigenousnationhood.com/docs/aaon-submit/Dr-PP.pdf

[25] Ibid., 8-10

through which the Federal Government excuses itself from its fiduciary and legal obligations to Indigenous peoples.

"Indian," the Indian Act, and Treaty

By creating the tightly controlled legal category "Indian," Canada found a way to slowly but surely legislate itself out of its responsibilities to the first peoples of this land. After almost 150 years of implementation, government control over Indian identity is still uncomfortable, but in many ways normalized. It is important to examine what business Canada had in determining who is and is not an "Indian," as well as when, how, and why this came to be accepted by Indigenous peoples.

Building on the Gradual Enfranchisement Act of 1869 and the Gradual Civilization Act of 1856, the Indian Act "defined Indigenous peoples as 'Indians,' with criteria that specifically excluded Indigenous women and their children, as well as the female children of Indian men."[26] The Indian Act came into effect in Canadian law in 1876, two years after Treaty 4 was signed in Fort Qu'appelle, SK, and shortly after the making of Treaty 6. Saskatchewan treaty historians Ray, Miller, and Tough note that:

> [P]arliament codified legislation affecting First Nations in the Indian Act of 1876, the same year in which Plains Nations won major advances in the Treaty of Fort Carlton and Fort Pitt, Treaty 6. The latter document embodied a relationship between nations that contemplated a future based on dialogue and accommodation. The former, the Indian Act, treat First Nations throughout Canada as legal minors and approached them as a problem to be administered.[27]

---

[26] Palmater, "Forcing Our Hearts," 4

[27] Arthur J. Ray, Jim Miller, and Frank J. Tough, *Bounty and Benevolence: A History of Saskatchewan Treaties* (Montreal: McGill-Queen's University Press, 2000), 202

In the historical records of the Treaty 4 and 6 negotiations, no reference was made to "status Indians," enfranchisement, or the Indian Act, and there is no mention of these terms in the written treaty agreements, either.[28]

Although there are no documented conversations about the Indian Act during treaty making, numerous records showing that the colonial government clarified many times who was bound to the treaty. Promises similar to this appear several times in the shorthand reports of the proceedings submitted by head treaty negotiator, Lieutenant Governor Alexander Morris:

> I will pass away and you will pass away. I will go after my fathers have gone and you also, but after me and after you will come our children. The Queen cares for you and for your children, and she cares for the children that are yet to be born. She would like to take you by the hand and do as I did for her at the Lake of the Woods last year. We promised them and we are ready to promise now, to give five dollars to every man, woman and child, and long as the sun shines and water flows.[29]

There are no qualifiers like "only status Indians" or "only Indians as defined by the Indian Act" benefit from the treaty. The colonial government made it very clear that all the descendants of the treaty communities are bound to the treaty.

While the subject of Métis people came up during both Treaty 4 and 6 talks, with the Indian Chiefs asking for the Métis to be included and the colonial government promising to deal with them separately, it seems that these references to "Half-breeds" are specific to organized Métis communities, and not mixed-blood people more generally. The Treaty 6 record states:

> A request was then made that the treaty should include the Half-breeds, to which the Governor replied: "I have explained to the other Indians that the

---

28 Alexander Morris, "The Treaties of Canada with the Indians of Manitoba and the North-West Territories: Including the Negotiations on Which They Were Based, and Other Information Relating Thereto: by Alexander Morris," (Toronto: Belfords, Clarke & Co, 1880), 92-125

29 Ibid., 92-93

> Commissioners did not come to the Half-Breeds: there were however a certain class of Indian Half-breeds who had always lived in the camp with the Indians *and were in fact Indians*, would be recognized, but no others.[30]

At this time, Indian and Métis were not distinguished from one another based on race or blood quantum alone.[31] Rather, arbitrary lines were drawn based on a several factors, including "biology, culture, lifestyle, moral comportment, and the ability to support oneself and one's family."[32] During treaty making, clear distinctions between Indian and Métis were never made, nor was access to treaty rights made contingent upon Indian status. Many people who considered themselves "Indian" took half-breed scrip, and many people who considered themselves "Métis" took treaty. Shortly afterwards, however, the legal-administrative categories of "Indian" and "half-breed" became more tightly controlled, in order to extinguish claims to rights under those categories.[33]

The shift in attitudes that the Indian Act represented was served alongside the "collapse in of the Plains buffalo economy," and the "harsh atmosphere that prevailed after the Northwest Rebellion."[34] At the outset, implementation of the Indian Act on the ground must have been tentative at best, given that Indigenous peoples clearly saw themselves as sovereign at treaty negotiations, and that Canadian sovereignty was still "pretentious and largely fictitious."[35] In the years following Treaty 4, however, starvation on the plains, disease, tightening measures of enforcement, and the creation of the reserve system were some of the reasons why the Indian Act came be accepted as law.

---

30 Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories,* 228
31 Ibid., 42
32 Ibid.
33 Andersen, *Métis*, 40-41
34 Ibid.
35 Kent McNeil, "Sovereignty on the Northern Plains: Indian, European, American and Canadian Claims," JOW 39, no. 3 (2000): 12

Today, benefits associated with treaty negotiations, like the education, health, hunting, and fishing, are administered through the Indian Act. Although it may not be the government's stated policy to administer treaty rights through the Indian Act, without Indian status, there is no alternative way to access treaty rights. The Canadian government has a vested interested in conflating treaty rights with Indian Act benefits. By controlling who is and who is not "Indian," Canada will eventually free itself of its treaty obligations. If there are no status Indians, then there are no annuities to be paid, or lands to reserve. However, the Indian Act is completely separate from treaty, and undermines not only the original spirit and intent, but also the terms on which the treaties were signed.

It is imperative, then, that we understand what our treaty rights and responsibilities are, as well as who is bound to them. In Treaty 4, the treaties were signed with the understanding that we would govern ourselves, free from the colonial government's meddling. Therefore, we retain the right to determine who we are, who we belong to, and who is bound in responsibility to the treaty. Our own laws of belonging and membership can help us in this regard.

Kinship Laws in Treaty 4: Beyond the Indian Act

When thinking about who belongs in our Treaty 4 nations, it is necessary to understand the laws that informed our ancestors' negotiations. The first question we might ask is, for whom were our ancestors negotiating? Our chiefs signed the treaties on behalf of the families in their communities, and kinship laws formed the basis of belonging within those families. The difference between Indigenous and colonial views of citizenship

within Indigenous nations was a point of contention; in the Treaty 4 records, leaders express their dissatisfaction with the government's exclusion of the Métis, stating that in their minds, the Métis, Crees, Saulteaux (Anishinaabe), and Stonies are one:

> The Gambler: Now when you have come here, you see sitting out there a mixture of Half-breeds, Crees, Saulteaux and Stonies, all are one, and you were slow in taking the hand of a Half-breed. All these things are many things that are in my way."[36]

In the pre-treaty period, identity in Treaty 4 was fluid and diverse, with Cree, Anishinaabe, Assiniboine, and Métis, people living closely together, while still maintaining distinct stories and cultural practices.[37] Colonized thinking about identity and belonging does not reflect the diversity of culture, blood, and language that exists in Treaty 4.[38] Innes argues that kinship was the "central unifying factor" that allowed Indigenous peoples of the northern plains to "integrate others into their bands" and live relatively free of conflict.[39]

In Treaty 4, kinship laws formed the basis of nationhood, because they allowed citizens to intermarry outsiders; adopt enemies; spread across vast distances; incorporate a wide range of outsiders into families; and still remain unified.[40] Unlike the Indian Act system, kinship does not present two stark choices: assimilate into the dominant culture, or be excluded from it. On the contrary, the flexibility of kinship laws, which are based on mutual responsibilities, allowed our people to survive.[41]

Today, Indigenous livelihood is compromised by a number of complex and overlapping factors, including oppressive Indian Act policies, consistent underfunding,

---

36 Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories,* 98

37 Innes, Robert, *Elder Brother and the Law of the People: Contemporary Kinship and Cowessess First Nation,* (Winnipeg: University of Manitoba Press, 2013), 72

38 Ibid., 71

39 Ibid., 72, 82

40 Ibid., 75

41 Ibid., 75-76

asymmetrical resource distribution, systemic racism, and the lasting effects of centuries of colonial violence. Yet, the Queen's representatives promised the Treaty 4 leaders that their families would maintain a high quality of life, in perpetuity, as a result of those negotiations. In reality, the Canadian government has failed to implement the numbered treaties in a way that is true to what was said during treaty making. As a result, Indigenous peoples face the lowest quality of life of any population in Canada. While benefits associated with the treaties are administered haphazardly through the Indian Act, many Indigenous peoples cannot access those benefits, because of Indian Act defined codes of membership and identity. It is important for Indigenous leadership to remember that the Indian Act did not exist at the time of treaty, and that enfranchisement policies, which continue today, and which discriminate against women, are one of the Canadian government's main strategies for escaping its treaty responsibilities. Planning, building, and fighting for healthy Indigenous communities in Treaty 4 will require strategic thinking towards creating the sense of belonging and unity that existed prior to 1876. To that end, we have to strengthen our ancestral kinship laws, while demanding that Canada fulfill its treaty and fiduciary obligations to all Indigenous peoples. We need our entire families to be resurgent nations, not just those who are status Indians.

Conclusion

In this paper, I began with the reason why I do not have Indian status, and examined the concept of "voluntary" enfranchisement in the Indian Act. I found that voluntary enfranchisement was not so voluntary at all, and was another way that the Indian Act targeted the removal of Indigenous women from Indigenous lands. I added to critiques of

Bill C-3, the Gender Equity in Indian Registration Act, by pointing out that because the bill fails to address the discriminatory nature of voluntary enfranchisement, the logic of enfranchisement still exists. Next, I questioned the validity of the Indian Act, and showed that Treaty 4 and the Indian Act are two completely separate things, the former not to be determined by the latter. Finally, I discussed kinship laws as the basis of belonging in a Treaty 4 community, and found that these laws must be strengthened. At the same time, Canada must honour the treaties, according to the terms that were agreed upon.

I originally undertook this research to find a solution within Canadian law to gain Indian status, to which I believed my cousins and I were entitled. However, the research process led me to an alternate conclusion, which is that gaining Indian status is not the only important outcome. Indigenous communities have experienced immense change over the last 200 years, yet Canadian legislation remains essentially the same. The intention to assimilate and eradicate the Indigenous population is still alive and well in state policy. Yet, today we have slightly more room to move than our ancestors did. Therefore, it is pertinent that we ask ourselves why we are allowing the Indian Act to shape our lives.

Our treaty rights and the Indian Act are two completely separate things. The colonial system will always act in a self-interested way, and the purpose of the Indian Act is so that eventually Canada will be able to legislate itself out of its treaty obligations. What would it look like if we refused our status cards but still demanded our constitutionally recognized treaty rights? What would it look like if we refused to uphold the band council system? No doubt these questions are scary, as they threaten peoples' jobs and would require a massive restructuring of our communities. But would we really

be any worse off? The reality is that the Indian Act is barely meeting our basic needs for survival, and it comes at the expense of our humanity. The Indian Act threatens our self-worth, our sense of belonging, and the unity within our communities. It undermines our spiritual and cultural ways of life, by creating intense limitations on who we are, where we can go, and what we can become.

I have heard stories of political gatherings, where people waved their status cards in the air, as if to say that only those with status cards have a voice. I imagine our ancestors looking on these situations with heartbreak in their eyes. What does our future look like, if we are going to let the Indian Act take us there? The Indian Act was designed to undermine our livelihood and it will do just that – it has done just that. If we are serious about decolonization and self-determination, we have to say *No* to those things that are harming us. I am not saying we should abandon efforts to require Canada to meets its financial and treaty obligations to Indigenous peoples, but I am saying that we need to imagine and articulate ways for this to happen outside the shackles of the Indian Act.

It may seem as if, with this paper, I am searching for a way to belong in Treaty 4. But in many ways, I know that I already do. My family accepts me as their own, I always have a place to stay in our territory, and when I mention my family name I am instantly welcomed by people I have never met. In this way, we keep our Cree and Anishinaabe kinship laws alive. These are the laws that keep us full and accountable, and so these are the laws that we must invest in, for the future strength of our nations.

Bibliography

Aboriginal Affairs and Northern Development Canada, 2013. 'Report To Parliament - Gender Equity In Indian Registration Act'. https://www.aadnc-aandc.gc.ca/eng/1360010156151/1360010230864#chp2.

Andersen, Chris. 2014. *Métis: Race, recognition, and the struggle for indigenous peoplehood*. Vancouver, BC: UBC Press

Innes, Robert. *Elder Brother and the Law of the People: Contemporary Kinship and Cowessess First Nation.* Winnipeg: University of Manitoba Press, 2013

Jamieson, Kathleen. *Indian Women and the Law in Canada: Citizens Minus.* Ottawa: Minister of Supply and Services Canada, 1978

McNeil, Kent. 2013. "Indigenous Nations and the Legality of European Claims to Sovereignty Over Canada," *in Philosophy and Aboriginal Rights*. Toronto and Oxford: Oxford University Press Canada.

Morris, Alexander. *The Treaties of Canada with the Indians of Manitoba and the North-West Territories: Including the Negotiations on Which They Were Based, and Other Information Relating Thereto: by Alexander Morris*. Toronto: Belfords, Clarke & Co, 1880

NWAC, "Guide to Bill C-31: An explanation of the 1984 amendments to the Indian Act," (Ottawa: 1986), 4

Palmater, Pamela. 2012. "Forcing our Hearts." Fuse Magazine 35, (3): 4

---. Presentation to the Standing Committee on Aboriginal Affairs and Northern Development (AANO) Re: Bill C-3 Gender Equity in Indian Registration Act. Ottawa, 2010. http://www.indigenousnationhood.com/docs/aaon-submit/Dr-PP.pdf

Ray, Arthur J., Miller, Jim, and Tough, Frank. *Bounty and Benevolence: A History of Saskatchewan Treaties*. Montreal: McGill-Queen's University Press, 2000

Royal Commission on Aboriginal Peoples. 1996. "Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada." Ottawa: Royal Commission on Aboriginal Peoples.

Smith, Andrea. *Conquest: Sexual Violence and American Indian Genocide.* Cambridge: South End Press, 2005.

The Canadian Bar Association. 2010. *Bill C-3 - Gender Equity in Indian Registration Act*. Ottawa. http://www.cba.org/cba/submissions/pdf/10-21-eng.pdf.

The Canadian Press. 2012. “Ont. Woman’s Question to Gain Indian Status Closer to End,” CBC News Online. http://www.cbc.ca/news/canada/sudbury/ont-woman-s-quest-to-gain-indian-status-closer-to-end-1.1174409

The Supreme Court of Canada. 2012. “Summary 33140: Angel Etches (now known as Angel Sue Larkman) et al. v. Her Majesty the Queen as represented by the Registrar of the Department of Indian Affairs and Northern Development, et al.” http://www.scc-csc.gc.ca/case-dossier/info/sum-som-eng.aspx?cas=33140