

CASE STUDY:

Indigenous People and the Right to Vote

Indigenous people have not always had the right to vote in Canada's federal elections. The pathway to recognising this right has been complex.

Before Confederation: A Patchwork of Rules

Before Confederation, there was a patchwork of rules determining voter eligibility. Each colony of British North America had its own set of rules. In most colonies, Indigenous people were not explicitly restricted from voting. However, voter eligibility was determined through land ownership, British citizenship, and/or the ability to read and write English. These requirements excluded most Indigenous people from voting.

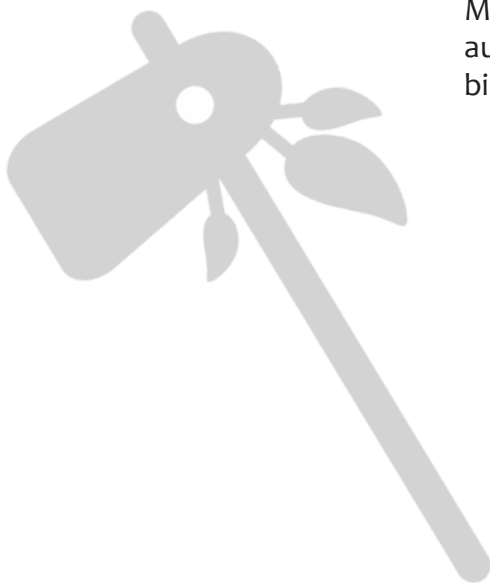
1867-1898: Growing Restrictions

Following Confederation, each province of the newly formed Dominion of Canada retained the right to determine who was eligible to vote in all elections: provincial, municipal, and federal. However, the federal government took control of many Indigenous voting rights in 1876, when the *Indian Act* came into force.

Anyone defined as “Indian” under the *Indian Act* did not have the right to vote in federal elections. “Indians” could only gain the right to vote if they gave up their Indian status, had completed a university degree, became a doctor or lawyer, or joined the clergy.

Nine years later, in 1885, the Conservative government of Sir John A. Macdonald proposed a sweeping electoral reform bill. Macdonald wanted the federal government to have complete authority over federal elections. Included in Macdonald's reform bill were proposals to:

- extend the right to vote to single women and widows, and
- extend the right to vote to Indigenous people.



Opposition to Macdonald's bill was widespread. He was forced to withdraw several of his most radical proposals in order to get it passed. Voting rights for women were taken off the table. As well, the right to vote for Indigenous people was limited to Indigenous people who lived outside of:

Manitoba, British Columbia, Keewatin, and the North-West Territories, and any Indian on any reserve elsewhere in Canada who is not in possession and occupation of a separate and distinct tract of land in such reserve, and whose improvements on such separate tract are not of the value of at least one hundred and fifty dollars.

In other words, almost no Indigenous person gained the right to vote in a federal election under Macdonald's reforms.

The few Indigenous people who were given the right to vote under Macdonald's 1885 reforms had their rights taken away by Wilfred Laurier's Liberal government in 1898. Laurier reinstated the voting restrictions of the *Indian Act*.

1898-1960: Small Changes

Only two changes to Indigenous voting rights happened between 1898 and 1960. In World War I, the law was changed so that Indigenous people who fought for the armed forces would gain the right to vote. And in 1950, Inuit people were given the right to vote. Lawmakers of the day classified Inuit people as "ordinary citizens" because they did not have treaties or live on reserves.

1960: Major Change

When John Diefenbaker came to power in 1957, he was determined to increase the influence of Indigenous people in Ottawa. He nominated James Gladstone as the first Indigenous senator in Canada, and he changed voting laws, giving the right to vote to people defined as "Indian" under the *Indian Act*.

It may seem peculiar, but not many Indigenous people were particularly interested in having the right to vote. Reasons included:

- Some Indigenous people distrusted the government's motives. They feared that the right to vote would take away treaty rights, or their status under the *Indian Act*.
- Some Indigenous people felt that they were not properly consulted about the change.
- Some Indigenous people believed the federal government's energies should be spent addressing pressing socio-economic issues.

For example, an article in the January 19, 1960 *Ottawa Journal* recounted a meeting at the St. Regis Mohawk Indian Reserve, now known as the Mohawk Nation of Akwesasne. Attendees "left no doubt they wanted nothing to do with White Man's elections." Community members carried banners with such inscriptions as "Diefenbaker Drop Dead," "Would you throw your rights away," "Senator Gladstone is a yes-man for Ottawa," and "Ottawa, did you run out of beads?"

Facing such opposition, Diefenbaker worked hard to assure Indigenous people that his motives were based on a long-standing commitment to increasing rights and justice for Indigenous people. Diefenbaker told Maisie Hurley, the editor of *The Native Voice*, that "I most solemnly assure them that the exercise of this right can and will in no way affect the other rights or the status which our Indian people enjoy."

At the time of Diefenbaker's voting reforms, at least 122 Indigenous people had given up their Indian status in exchange for the vote. The government assured people who surrendered Indian status that they would regain their status when the law changed.

When Indigenous people gained the right to vote, public opinion was muted. Nobody thought much of the accomplishment, including many people in Indigenous communities. It took several years before Indigenous turnout in federal elections rose to significant levels.

Even today, the right to vote in Canada's federal elections is not universally viewed by Indigenous people as desirable. For example, Pamela Palmater, a Mi'kmaq lawyer and Associate Professor in the Department of Politics and Public Administration at Ryerson University, has said that voting is further assimilation. Palmater argues that it undermines the ability for Indigenous people to gain recognition as distinct nations, to make claims of genocide under international law, and to negotiate treaties with the Canadian government.

DISCUSS

1. According to Elections Canada's *History of the Vote in Canada*, suspicions remain that Sir John A. Macdonald inserted voting rights for Indigenous people and women in his 1885 reform bill "as a sacrificial lamb, never intending that it survive final reading of the bill."
What do you think? Was Macdonald serious about extending voting rights to women and Indigenous people? Can we ever really know?
2. John Diefenbaker discusses his relationships with Indigenous people in his memoirs *One Canada*, beginning with the positive experiences his family had with Indigenous neighbours when they first moved west in 1903. Diefenbaker says that "I felt it most unjust that they were treated as less than full citizens of Canada, that they did not have the vote."
 - a) Was Diefenbaker doing the right thing in extending the franchise?
 - b) Did he go about it in the right way?
3. How did voting rights for Indigenous people change their relationship with the Canadian state?