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WHAT IS IT ABOUT US
THAT YOU DON'T LIKE?

THERE IS A STORY I KNOW. It's about the earth and how it floats in space on the back of a turtle. I've heard this story many times, and each time someone tells the story, it changes. Sometimes the change is simply in the voice of the storyteller. Sometimes the change is in the details. Sometimes in the order of events. Other times it's the dialogue or the response of the audience. But in all the tellings of all the tellers, the world never leaves the turtle's back. And the turtle never swims away.

One time, it was in Moncton I think, a woman with a baby in the audience asked about the turtle and the earth. If the earth was on the back of a turtle, what was below the turtle? Another turtle, the storyteller told her. And below that turtle? Another turtle. And below that? Another turtle.

The woman began to chuckle and rock her baby, enjoying the game, I imagine. So how many turtles are

there? she wanted to know. The storyteller shrugged. No one knows for sure, he told her, but it's turtles all the way down.

The truth about stories is that that's all we are.

"There are stories that take seven days to tell," says the Cherokee storyteller Diane Glancy. "There are other stories that take you all your life."¹

I like Coyote stories. And one of my favourites is the one about Coyote and the Ducks. Not the one where the Ducks dance around with their eyes shut while Coyote grabs them one by one and tosses them in his hunting bag. And not the one where he tries to talk the Ducks into teaching him how to fly.

The other one.

The one about the feathers.

And it goes like this.

In the days when everything was beginning, and animals were still talking to humans, Coyote had a beautiful fur coat of which he was very vain. Every day Coyote would come down to the river and look at his reflection.

Goodness, but I have a lovely coat, Coyote would whisper to the water, and then he would give himself a hug.

One day while he was admiring his fur coat, he saw six Ducks singing and dancing and swimming around in circles. Back and forth they went, spinning and turning and diving and leaping in the sunshine. Now, in those days, Ducks had lovely long feathers that shimmered and flashed like the Northern Lights. And when the Ducks

had finished singing and dancing and swimming around in circles, they carefully cleaned each feather and straightened it and fluffed it up, so that it glowed even more than before.

That is certainly a wonderful song, said Coyote, who was a little dizzy from watching the Ducks swim around in circles. And that is certainly a beautiful dance.

Yes, said the Ducks. We sing to keep everything in balance, and we dance for peace and generosity, and we swim around in circles to remind everyone of our relationship to the earth.

And those are certainly lovely feathers, said Coyote.

Yes, said those Ducks, they certainly are.

I would certainly like to have one of those lovely feathers, said Coyote. It would go so well with my excellent fur coat.

Now, in those days, Ducks were very agreeable. All right, they said. Just be careful with it, for we are quite fond of our feathers.

I will, said Coyote, and he stuck the feather behind his left ear and ran off to show it to all his friends.

What do you think of my feather? he asked everyone he saw.

It certainly is unusual, said Bear, who tended to be more critical than he needed to be. Too bad you only have one, for now you look a little lopsided.

Oh, dear, said Coyote, and he ran back to the river to find the Dancing Ducks.

Excuse me, Coyote shouted, would it be possible to get another feather?

Another feather? said the Ducks.

Yes, said Coyote, as you can see, having only one feather makes me appear lopsided.

Ah, said the Ducks. You're right. You do look a little lopsided. And the Ducks gave Coyote another feather. But this is the last one, they said. Don't ask for any more, for we need our feathers.

I won't, said Coyote. I promise.

And Coyote stuck the feather behind his right ear and ran off to show it to all his friends.

Aren't these the most beautiful feathers you've ever seen? said Coyote.

They certainly are, said Raven. And such an improvement on that ratty fur coat.

You don't like my wonderful fur coat? said Coyote.

Fur's okay, said Raven, but feathers are so much better. They are? said Coyote.

Certainly, said Raven, stretching out one wing as far as she could. Anyone who is anyone has feathers.

Well, you can imagine poor Coyote's distress. If Raven was right, and she was seldom wrong, then fur had somehow fallen out of fashion. Oh dear, oh dear, said Coyote, I'm going to need more feathers. And back to the river he went.

When the Ducks saw Coyote waiting for them on the bank, they ruffled their feathers and looked quite annoyed.

We hope you haven't come to ask us for more feathers, said the Ducks.

I wouldn't do that, said Coyote, and he smiled so all his teeth showed. I've come to protect you.

Protect us? said the Ducks. From what?

Human Beings, said Coyote, who on occasion can be clever. I heard them talking. They plan to steal all your feathers.

Steal our feathers! shouted the Ducks.

They might even try to eat you, said Coyote.

Eat us! said the Ducks. Human Beings eat Ducks?

Coyote pretended to shudder. You'd be amazed what they will eat, he said.

But then who will sing for them? said the Ducks. Who will dance for them? Who will remind them of their relationship with the earth?

Never mind that stuff, said Coyote, and he lowered his eyes and lowered his voice and looked around to make sure no one was watching. I have a plan that might save you. You give me half of your feathers and I'll pretend to be a Duck and I'll let the Human Beings chase me around until they get tired and give up.

Half our feathers? said the Ducks.

You'll get to keep the other half, said Coyote. And you'll be safe.

So the Ducks talked it over, and they agreed that half their feathers was better than no feathers, and certainly better than being eaten.

But what happens if they catch you? said the Ducks.

Oh, don't worry, said Coyote, they won't catch me. For I am exceptionally fast and very tricky.

Well, you can imagine just how good Coyote looked with his long shimmering Duck feathers. Even Bear was impressed.

They're okay, said Bear. If you like that sort of thing. Look at me, Coyote cried, as he ran through the woods and over the mountains and down into the valleys, the feathers trailing behind him, flashing in the light. Look at me!

But Coyote was not very careful with the feathers. He didn't clean them or straighten them or fluff them up as the Ducks had done, and, after a few weeks, the feathers were bent and dirty and ragged, and they looked very, very sad, for they no longer shimmered and glowed.

We can't have this, said Coyote, and he threw the feathers away and went back to the river.

When the Ducks saw Coyote without the feathers they had given him, they were concerned.

What happened to all our feathers? said the Ducks.

The Human Beings took them, said Coyote. They caught me while I was sleeping.

How horrible, said the Ducks.

What's worse, said Coyote, is I need more feathers.

More feathers! shrieked the Ducks. Absolutely not! No, no, no, no!

Then, said Coyote, puffing out his chest as best he could, we'll fight them together.

Fight? Fight whom? said the Ducks, who were well versed in the rules of grammar.

Human Beings, of course, said Coyote. For they can be very fierce when they don't get what they want.

Well, the Ducks didn't know what to do. They talked about flying away but their long feathers made flying tiring, and they talked about swimming away but they

didn't know where they would go, and they talked about running away but their legs were too short to do that. Besides, they were happy just where they were.

These Human Beings, said the Ducks, what is it about us that they don't like?

Oh, they like you well enough, said Coyote. They just like your feathers better.

Now, I could finish this story but you already know what's going to happen, don't you? The Ducks are going to keep giving up their beautiful long feathers. Coyote is going to make a mess of things. The world is going to change. And no one is going to be particularly happy.

Besides, this particular story is a long one that takes days to tell. A good storyteller can keep it going for a week. We don't really have the time. And there are other stories that are just as much fun and much shorter.

Such as the one we like to tell ourselves about injustices and atrocities and how most of them have happened in the past. We tell ourselves that, as we have progressed as a species, we have gotten smarter and more compassionate. We say of slavery, for example, yes, that was a horror. We know better now, and we won't make that mistake again. Of course, segregation was a problem, too, wasn't it.

And if we do make such a mistake in our lifetime, say, for instance, dumping raw sewage into the ocean or dropping bombs on people, we say that this was an aberration, a creature of the moment. We say that it was the times, that the fault was in our stars, that you had to have been

there. As if what we did was set in motion by natural forces outside our control, something that caught us unawares or took us by surprise.

Indians, for example.

One of the surprising things about Indians is that we're still here. After some five hundred years of vigorous encouragement to assimilate and disappear, we're still here.

Don't worry, this is not the prelude to a flock of sweeping generalizations and caustic complaints. I'm not going to carry on about genocide or residential schools or blankets infected with smallpox (no one has ever been able to prove that one anyway). I'm not going to mention Big Bear or Louis Riel or the Lubicon Lake Cree or the Mi'kmaq at Burnt Church or the Innu at Davis Inlet or Dudley George at Ipperwash or Neil Stonechild and the Saskatoon police.

I'm not going to talk about the forced removal of Indians from their homes or the reserve system or the paternalistic manner in which governments manage the affairs of Native people.

What I want to talk about is legislation.

In the old days, when we were still a problem, the military solution was as good as any. But after a hundred years or so of killing each other, both sides decided that wars were expensive. They cost money. They cost lives. And so, in North America, where Indians and the British and the French and the Americans spent a good deal of time and effort fighting each other, it was eventually

agreed that making treaties was better than making war. A rather enlightened decision, if I do say so. The problem was that, like the Ducks in the Coyote story, the first rule of treaties was that Indians had to give up most of their feathers in order to keep some of their feathers for themselves.

At the time, treaties were a poor deal for Indians and a good deal for Whites. But lately, they've been a better deal for Indians and not such a good deal for Whites, because like Coyote, Whites haven't been happy with only most of the feathers.

You might suppose that in the story about Coyote and the Ducks, eventually, Coyote winds up with all the Ducks' feathers, and, in fact, that is what happens. Sort of.

While the Ducks do give up all their large feathers, the new feathers that grow in are much smaller, and they don't shimmer quite so much and they don't glow quite as brightly as before, and Coyote leaves the Ducks alone for the moment as he looks around for more valuable acquisitions.

With Native people, while our land base was drastically reduced in the early years of treaty making, that erosion has slowed. Even stopped in some areas. Mind you, we don't have much land left, but feathers are feathers. And even if all the large ones are gone, after a while, Coyote is going to come back, looking for the smaller ones. For he has an insatiable appetite.

However, there is a problem with this story: as long as there are Indians, there will be a plethora of "Indian

things." Feathers, if you will. Indian land. Indian rights. Indian resources. Indian claims.

Gnarly, difficult, tempting things that try the patience of governments, affront corporations, annoy the general public, and frighten the horses.

What to do?

What to do?

Indians. You can't live with them. You can't shoot them.

Well, not anymore.

So it's just as well we have legislation.

And legislation, in relation to Native people, has had two basic goals. One, to relieve us of our land, and two, to legalize us out of existence. I know that probably sounds like a rather harsh and cynical statement, and it's not completely true. In the Proclamation of 1763, for example, the British government, partly out of fear of the French presence in North America, allowed that each tribe was an independent nation subject only to tribal law and exempt from British law. But this was a mistake that, later, American and Canadian governments would not repeat.

In 1887, the U.S. Congress passed the General Allotment Act, or the Dawes Act as it was popularly known. Driven by the government's desire to control tribes, by the desire of settlers for cheap land, and by the popular notion that land set aside for Indians was the antithesis of North American values and fair play, the General Allotment Act sought to "re-imagine" tribes and tribal land.

Assisting in this matter was a group of reformers, known euphemistically as "Friends of the Indian," who

felt that breaking up the tribal estate and turning Native people into landowners would help rescue them from their communal but primitive state and hurry them into the mainstream as full and functioning members of society. The key to this, as far as the Friends were concerned, was private ownership of land and an appreciation for the concept of profit.

Merrill E. Gates, one of the Friends, summed it up in a speech on Indian reform. "We have, to begin with," said Gates, "the absolute need of awakening in the savage Indian broader desires and ampler wants. To bring him out of savagery into citizenship we must make the Indian more intelligently selfish before we can make him unselfishly intelligent. We need to awaken in him wants. In his dull savagery he must be touched by the wings of the divine angel of discontent. The desire for property of his own may become an intense educating force. The wish for a home of his own awakens him to new efforts. Discontent with the teepee and the starving rations of the Indian camp in winter is needed to get the Indian out of the blanket and into trousers — and trousers with pockets in them, and with a pocket that aches to be filled with dollars."²

And the Ducks thought they had problems.

The heart of the act lay in the division of each reservation into pieces. Indians got some of the pieces — as a rule, 160 acres went to each head of household — while the surplus was auctioned off or sold to White settlers. Indians would become citizens, and magic, presto, be transformed into . . . well, not Indians.

Of course, this isn't exactly what happened, but while the act was in effect — from 1887 to 1934 — the legislation was able to reduce the tribal estate in the United States from 150 million acres to about 48 million acres. Native people would have probably lost more land but the act was repealed in 1934 and besides, by then, much of the land that was left was desert.

Canada, which is generally seen as lagging behind the United States in most things — capitalism, taxation, aggression — actually took the lead in legislating Indians out of existence with the 1876 Indian Act.

It would be too torturous a journey to try to explicate the Indian Act at one sitting, for it is a magical piece of legislation that twists and slides through time, transforming itself and the lives of Native people at every turn. And sprinkled throughout the act, which, among other things, paternalistically defines who is an Indian and who is not, are amendments that can make Indians disappear in a twinkling.

An 1880 amendment allowed for the automatic enfranchisement of any Indian who obtained a university degree.

Get a degree and, poof, you're no longer an Indian.
Serve in the military and, abracadabra, you're no longer an Indian.

Become a clergyman or a lawyer and, presto, no more Indian.

Legislative magic.

Duncan Campbell Scott, the deputy superintendent general of Indian affairs (among other things), speaking

candidly in 1920 of Canadian Indian policy said, "Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian department."³

Hocus-pocus!

Indians. Now you see them. Now you don't.

If you're a scholar of Native history, you're probably waiting for me to get to the U.S. Indian Reorganization Act of 1934. Sometimes called the "Indian Magna Carta" (though I have no idea why), it marked a departure from the general run of legislation that sought to appropriate the Indian estate and to assimilate Indians.

In particular, the act guaranteed to Indians the right to practise traditional religions. It ended the General Allotment Act and allowed that any remaining surplus lands from that process should be returned to the appropriate tribes. It re-established tribal governments. It promoted bilingual education. It even provided the secretary of the interior with an annual appropriation of some two million dollars to buy back portions of Indian land that had been lost, and, from 1934 to 1947, the Native land base in the United States was actually increased by almost four million acres.

So why do I sound unhappy?

After all, the Indian Reorganization Act was a step in a different direction than North American legislation had been taking. Or, more properly, it was a stumble. For in spite of making its way through Congress and in spite of

having many of its ideas implemented, the Indian Reorganization Act went against the national temper.

That's a polite way of saying that it annoyed too many people to be successful or long lived. Politicians were opposed to it because it inhibited their free run at Indian land. The clergy, wanting to maintain their religious monopolies, were appalled that Indians could now choose between their traditional beliefs and Christianity. Bureaucrats, afraid that the basic premise of the act suggested that they had not done the job of advocating Indian interests, complained that the new rules and regulations were difficult to administer and impossible to enforce. Even Indians argued against it. After all, in every other instance when the government had come along with a program that was going to make their lives better, things usually got worse.

In 1964, I caught a tramp steamer out of San Francisco and worked my way to New Zealand. I don't know exactly why I went. Adventure, I suppose. That must have been it.

New Zealand was a beautiful country, but it had a problem. Deer. Some bright lad had decided to import deer so erstwhile hunters would have something bigger to shoot than possums and trout, and because the deer had no natural enemies — other than the aforementioned hunters — they multiplied and began eating up the countryside. This caused a great deal of erosion in forests and a great deal of consternation in the forest industry, and the government, in response to complaints from their

lumber constituents, put together a band of merry men to roam the woods and control the problem.

Deer cullers.

I needed a job, and deer culling, for reasons I can no longer remember, sounded exciting, and before the week was out, I found myself heading into the woods with the sun above me, a knapsack on my back, a rifle slung over my shoulder, a song in my heart.

Follow the stream, the government man had told me when he dropped me off at the trailhead. Eight miles in, start looking for the cabin.

Anyone who has ever gone hiking knows that eight miles along a stream in the woods is not the same as eight miles walking a paved road. By the time the sun disappeared, I wasn't sure I was any closer to the cabin than I had been when I started.

Indian lost in the woods.

It's a little embarrassing to admit this. But there I was. Lost. In the wilds of New Zealand, tripping over supplejack, wading through cold water, wondering if this was how the country got rid of tourists on thirty-day visas who tried to work illegally.

I was about to give up and find a cold spot to spend the night when I heard a voice and saw a light coming through the trees.

Hey! the voice said, over the clatter of the water. You the Indian?

The Indian Reorganization Act had a thirteen-year lifespan. Some scholars argue that World War II cut it short,

and this could be true because by the time Americans came home from Europe and the dust of conflict and nuclear bombs had settled, the Indian Reorganization Act was replaced by another piece of legislation that did not share the IRA's concern for the cultural, social, or political life of Native people.

In 1953 the U.S. Congress passed House Concurrent Resolution 108, more commonly known as the Termination Act. If anyone thought that the Indian Reorganization Act was a shift in the winds of racism, then they would have been surprised to see termination blow in from the west. But for those who knew that the IRA was just a lull in the storm, termination came as no surprise.

The goal of House Concurrent Resolution 108 was to abolish Indians. It sought to accomplish this by terminating federal treaty obligations and special concessions to all tribes, dismantling reservations and "liberating" Native people from poverty and exclusion, and moving them to more urban centres where assimilation would be quick and painless.

This effort was managed by the commissioner of Indian affairs, Dillon S. Myer, who, ironically, had been the director of the War Relocation Authority, which had imprisoned over one hundred thousand Japanese Americans during World War II, and by Arthur Watkins, a senator from Utah whose dislike for Indians was legendary, as was his insatiable appetite for Indian land and resources. Between 1954 and 1962, Congress stripped sixty-one tribes of all federal services and protection.

Coyotes and Ducks.

Canada followed suit sixteen years later with its own termination plan, the 1969 White Paper. Brought in under the Trudeau government with the able assistance of then minister of Indian affairs Jean Chrétien, the 1969 White Paper, even though it never became official government policy, was virtually a carbon copy of House Concurrent Resolution 108. Both had a single goal. To get government out of the "Indian business."

Or, conversely, to get Indians out of the government's business.

They were sorry. Governments, that is. Sorry that they had promised Indians anything. Sorry that they had made treaties with Native people. Sorry that they had given First Nations the impression that they had any special rights under Canadian or international law.

Sorry, sorry, sorry.

And while they were apologizing and complaining, governments were also convincing themselves that they had given these things to Native people out of the goodness of their hearts, that Native rights were something that had flowed from governmental largesse, or, to restate the matter in the dubious phrasing of philanthropic neologisms, that Native rights had been "gifted" to Native people.

It's a lovely sentiment, isn't it. Gifts. The Great White Mother and Father and their Red Children sitting around a Christmas tree, enjoying the holidays, the Indians eager to see what presents their parents have bought for them.

A Currier and Ives moment.

And if you point out that all of these so-called gifts were paid for by Native people, sometimes more than once, and that treaties are legal, binding documents that cannot be dispensed with just because one party suddenly finds them inconvenient, bureaucrats, politicians, and an uninformed public roll their collective eyes and mumble platitudes about the "need to move ahead" or the danger of "living in the past" or the fact that "times change."

Deer cullers worked in pairs. Two men in a small log cabin with a fireplace. No amenities unless you wanted to count silence. The guy who found me in the river trying to look, well, not lost was an ex-Australian named Paul Gibson and he was, by and large, an interesting guy. Most cullers saw the job as a temporary thing. Paul saw it as a career. Living simply in the woods, living off the land, culling deer until all the deer in the country had been culled.

There are things that have value, Paul told me that first night as we drank tea in the cabin, and there are things that don't, and the trick to happiness is knowing which one you are. Deer and sheep both eat the vegetation and can cause erosion that will ruin the forest industry, but sheep have value and deer don't, so that's why we shoot them.

It was an intriguing philosophy, one with a certain amount of merit.

Take me, for instance, he said. I don't have no value. That's why I stay here and hunt the deer. What about you?

I told him I thought I had some value.

No sense kidding yourself, he said. Guy like you runs away and comes to New Zealand to live in the woods with a guy like me and hunt deer. You see what I mean?

I told him I wasn't planning on staying forever, that I just needed some money to get started.

Indians, he said. They're pretty much like Maoris, aren't they?

More or less, I told him.

Then you and the deer should get along just fine.

Okay. Let's forget about the past for a moment.

After all, everything I've mentioned so far is at least thirty years old, most of it over a hundred. So let's look at the present, and, in particular, at the U.S. Indian Arts and Crafts Act and the Canadian Bill C-31.

Both are "termination" legislation (if you're American) or "enfranchisement" legislation (if you're Canadian), and unlike earlier legislation that implicitly asked the question "Who is an Indian?" these newer offerings ask the more modern question, "Whom will we allow to be an Indian?"

In the United States, the Indian Arts and Crafts Act was enacted to keep cheap reproductions of Native arts and crafts off the market and to ensure that, if something said "Made by an Indian," it was. Within the legislation were fines for fraudulent representation, but, more importantly, there were also rules and regulations that described who could be an Indian and who could not.

According to the act, an Indian tribe is any tribe, band, nation, Alaskan Native village, or other organized group

or community that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or any Indian group that has been formally recognized as an Indian tribe by a state legislature or a state commission or similar organization legislatively vested with state tribal recognition authority.

The term "Indian" means any individual who is a member of an Indian tribe or, for the purposes of the act, is certified as an Indian artisan by an Indian tribe.

It's a well-meaning law that was aimed at unscrupulous businesses and individuals selling arts and crafts as "Indian made" when in fact they were not, and it allows members of the public to feel secure in their purchases. And the act has hefty punishments for violations. Individuals who violate the law can be fined up to \$250,000 and sent to prison for five years, or both. Businesses that violate the act can face civil penalties and fines up to \$1 million.

The only problem is that there are Indian tribes that are not federally or state recognized, and there are individual Indians who, for one reason or another, aren't federally recognized and don't have tribal status.

Shadow Indians.

Grey Indians.

Not really Indians at all.

And if these Shadow Indians produce any arts and crafts for sale, they may not refer to themselves as "Indian artists" or by a tribal designation. No matter what their ancestry, community, or background. Just how big is this

problem? How many Shadow Indians does this law affect? Does the value of the law outweigh the problems it might cause for a few individuals?

Well, those really aren't the questions, are they?

In the case of Canada's Bill C-31, you have a similar but different conundrum. In 1985, Bill C-31 amended the Indian Act, in part to redress the discrimination against Native women. Prior to C-31 any Indian woman who married a non-Indian or a non-status Indian automatically lost her status, as did any children. The same was not true for Indian men. If they married a non-Indian or a non-status Indian, the woman gained status, as did her children.

Bill C-31 allowed Native women who had lost status because of the Indian Act to regain status, along with their children. And in that respect, the bill was a great success.

Since the act was amended in 1985, some hundred thousand Native people who were non-status because of the discriminatory provisions of the Indian Act have been able to regain their status. And if we look at that figure alone, it would appear that Bill C-31 is about the business of creating new Indians (as it were) rather than legislating us out of existence.

So before Bill C-31, you could gain status or lose status through marriage depending on gender. After Bill C-31, no one could gain or lose status through marriage. You would suppose then that status is safe, protected by legislation, approved by the government, available to every treaty Indian in Canada.

Did I mention about appearances being deceiving? Status, as it is currently defined, is safe only as long as status Indians marry status Indians and their children marry status Indians. The minute a status Indian marries out of status, their children and their children's children are at risk.

Because, as it turns out, while you can't gain or lose status through marriage, your children can.

And here's how it works.

A status Indian marries a status Indian. They have two children, both of whom are status. One child marries a status person and the other child marries a non-status person. The children produced by the status/status couple are status. The children produced by the status/non-status couple are status.

Nothing amiss so far.

Now those children get married. The child from the status/status couple marries a status person and the child from the status/non-status couple marries another non-status person. The children from the status/status/status couple are status. The children from the status/non-status/non-status couple are not. Even if everyone married full-blood Indians. Even though everyone has status great-grandparents.

It's actually more fun than I'm making it, because within the category of status are two subcategories called, euphoniously enough, six-ones and six-twos, referring, of course, to the sections of the legislation that create status. Six-one Indians are status and, for legal purposes, are considered to be full-bloods even if they aren't, while

six-two Indians are status and for legal purposes considered to be half-bloods even if they aren't.

Now I won't swear that this is absolutely accurate, but as I understand it the effects of the Indian Act and Bill C-31 are as follows: Six-ones who marry six-ones produce six-one children. Six-ones who marry six-twos produce six-one children. Six-ones who marry non-status produce six-two children.

And six-twos who marry six-twos, or who marry non-status, produce non-status children. And those children can never, ever be status.

Now that's a good trick.

But what the hell happened?

If we were in the States, the answer would be blood quantum. But here in Canada we have what is called the "two-generation cut-off clause." Marry out of status for two generations, and the children from the last union are non-status.

Oh, you can continue to call yourself an Indian, but you can't live on a reserve. You can continue to tell people that you're Cree or Blackfoot or Ojibway or Mohawk, but you can't vote in band elections. You can go to powwows, sing at a drum, sell arts and crafts if you like, but you are no longer eligible for treaty benefits, and neither are your children or their children or their children right down to the end of time.

The two-generation cut-off clause.

No need to send in the cavalry with guns blazing. Legislation will do just as nicely.

And right now about 50 percent of status Indians are

marrying non-status folk. No one knows for sure how long it will take, but according to John Borrowes and Leroy Little Bear, two of Canada's leading Aboriginal scholars and teachers, if this rate holds steady, in fifty to seventy-five years there will be no status Indians left in Canada. We'll still have the treaties and we'll still have treaty land held in trust for status Indians by the government.

We just won't have any Indians.

Legally, that is.

So, as the Ducks would say, what is it about us that you don't like?

At that cabin in the mountains of New Zealand, Paul spent the first morning showing me how to bake bread in a pot over an open fire, how to dress a deer haunch, how to sharpen a knife on a river stone. Useful stuff for a life in the woods. Paul was disappointed to discover that I didn't know how to track or read signs, but he reckoned that Indians raised in cities lose those skills.

Don't worry, he told me, in a year or so, you'll be as good as me.

For the next four days, I followed Paul around, watched him set up on a deer trail, watched him shoot deer, watched him cut off their tails so he would have proof that he was doing his job. On the morning of the fifth day, he sent me off on my own.

Make yourself useful, he said. Shoot as many of 'em as you can.

That morning I shot my first deer. That afternoon I packed up my stuff and left Paul a note.

Thanks, it said.

Then I hiked the eight miles out to the trailhead and caught a ride north with a trucker.

So what is it about us you don't like?

You're probably thinking racism is the answer.

Maybe.

Certainly part of it is racism. Not the same brand of racism that created apartheid in South Africa or slavery and segregation in the United States. It's a kinder racism that is cut with a genuine fondness for Natives and Native culture, a racism infused with a suffocating paternalism that can gently strangle the life out of a people. To be sure, it is an affection that is most times misplaced, an affection that is focused on the more exotic, erotic, mysterious, and spiritual aspects of Native life, but it is, nonetheless, an appreciation that is deeply felt and maintained.

So if it's not racism per se, maybe you don't like us because we control large tracts of land and valuable resources, or maybe it's because we get government subsidies and "special" privileges. But none of these should present a serious problem. Corporations own land. They own resources. They get government grants and subsidies. It's one of the benefits of a free-market economy, where the facade of capitalism is supported by public largesse. Matter of fact, if it weren't for the infusion of free public money into the private sector, capitalism would have a very difficult time maintaining itself. Just ask Air Canada or Bombardier or any of the major players in the Alberta oil industry.

Of course, we don't call it "free money." We refer to these public generosities as tax incentives, without mentioning that the incentive is not to create a better society but to make a profit.

Even the fact that Indian land is, by and large, unavailable to the general public shouldn't bother us much. Private hunting clubs own land that no one but club members can hunt on. Fishing clubs own stretches of river that are off-limits to the hoi polloi. Timber companies own vast stands of trees that no one but the company itself can harvest. Drive to the Augusta National Golf Club in Augusta, Georgia, any day of the week and try to play a round of golf. If you're not a member, you can't tee up. Or drive to any one of the gated communities in North America and try to explain to the guard on duty that you just want to look around.

We understand the philosophy of ownership. We believe in the sanctity of property rights. We relish the mystique of exclusivity.

So just think of Indians as a business or an institution or a country club.

If it helps.

But, of course, it doesn't.

I didn't leave deer culling because I was afraid that Paul was right about the world, that things either had value or they didn't. And I didn't leave because I understood that if you believed in such a world, there would be no end to the killing.

Though I should have.

I left because there was no point in my staying. Killing one deer was more than enough, and having done it once, I could not imagine doing it again.

What is it about us you don't like?

Maybe the answer to the question is simply that you don't think we deserve the things we have. You don't think we've worked for them. You don't think we've earned them. You think that all we did was to sign our names to some prehistoric treaty, and, ever since, we've been living in a semi-uncomfortable welfare state of trust land and periodic benefits. Maybe you believe we're lazy/drunk/belligerent/stupid. Unable to look after our own affairs. Maybe you think all we want to do is conjure up the past and crawl into it.

People used to think these things, you know, and they used to say them out loud. Now they don't. Now they just think them.

But if we are successful in that middle-class or upper-middle-class way, if we are able to, as middle North America likes to say, make something of ourselves, and here you can find any number of good Canadian examples — John Kim Bell, Tomson Highway, Dr. Marlene Brant Castellano, Tom Jackson, Nellie Cournoyea, Douglas Cardinal, Mavis Callihoo, Dorothy Grant, Robbie Robertson, Maxine Noel, Daphne Odjig, Graham Greene, Susan Aglukark . . . me — then you tell us we're a credit to our race, the implication being that the rest of our people are not. Or you divide us up into categories where those of us who have not been successful in that

peculiar way that North America measures success are seen as authentic, while those of us who have become doctors and educators and artists and politicians and entrepreneurs are dismissed as counterfeit.

What is it about us that you don't like?

Let's look at the matter from a different angle. Why is the government concerned about defining who is an Indian and who is not? There's not an Italian Act that defines who is and who is not an Italian. Or a Russian Act. Or a Greek act. Mind you, in California, in the nineteenth century for a while, Mexicans were legally defined as "White," while Chinese were legally defined as "Indians." But even with the French in Quebec, who occupy much the same position in Canada as Native people do, there has been no legislative effort to distinguish between French and non-French. No French Act.

Yet, like Indians, the French float in a sea of English influence. They control an entire province, a larger land base and more resources than any of the tribes in all of North America. They seem to annoy the English as much as, if not more than, do Native people. And they have to deal with the attitude of many in this country who believe that the special rights the French enjoy — a distinct language, a distinct society — are benefits that, like Native rights, are unearned and undeserved.

The French, I'm sure, feel that they constantly have to reaffirm their right to exist, but they don't have to deal with laws that try to get rid of them. There are no legal divisions for status French and non-status French, the concept of the pure *laine* being a social construct, not a

legal one. Consequently if a French woman marries an English man and her children marry Italians and Greeks and their children marry Australians and Germans and maybe even Indians, they don't, by law, lose their claim to being French.

The only obvious difference between the French and the Indians is that the French represent a formidable voting block, which can decide who comes to power and who does not.

Ah, there's the rub.

And because there's no legal distinction, the French can go on creating more French no matter whom they marry. All they have to do is maintain their language and culture, and they will never lose status, while Indians can disappear even with their languages and cultures intact.

So is the right of identity simply a privilege of power?

Unlike most other ethnic groups, we have two identities, a cultural identity and a legal identity, and the argument that I want to make is that we should be able to take both of them with us wherever we go, whatever we do, and with whomever we do it. For the reality of identity legislation has not simply been to erase Indians from the political map of North America, it has also had the unforgivable consequence of setting Native against Native, destroying our ability and desire to associate with each other. This has been the true tragedy, the creation of legal categories that have made us our own enemy.

When Bill C-31 was passed, for instance, a number of band councils sought to deny members of their own nation — Indians who had reacquired status through the

legislation — membership in the band out of fear that the influx of C-31 Indians would drain the tribe's limited resources. And because they did not want to share with people they considered to be outsiders.

As soon as Bill C-31 was passed, it was challenged by three Alberta bands — the Sawridge First Nation, the Tsuu T'ina First Nation, and the Ermineskin First Nation — who insisted that the bands, and not bureaucrats in Ottawa, should be able to set their memberships. "It's not just where do you draw the line," Catherine Twinn, legal counsel for the bands, insisted, "but who draws the line."⁴ A valid enough argument as long as you ignore the troublesome echoes of Merrill E. Gates and his "intelligently selfish" Indians.

The bands argued that their objection to Bill C-31 was neither racist nor sexist, that they had no objection to non-status people regaining status, only to the proposition that status and band membership were the same thing and that bands no longer had the legal right to control that membership.

The eight-month-long court case that followed was a montage of the horrors that legislative racism, judicial arrogance, and Native xenophobia can create. The government, which had originally stripped Indians of status, blithely gave it back with little regard to the potential consequences. The judge in the case characterized Indians as primitive and adolescent, in need of governmental control, and argued that oral-history testimony was unreliable and at odds with the authentic, written, historical record that had been created by non-Indians. And the

bands, in an unsightly display of fear and loathing, suggested that accepting back into membership people who, for various reasons, legal and personal, had neither lived on the reserve nor been part of the community could have disastrous consequences, including the possibility that the reinstated Indians could band together and vote to liquidate band assets and sell the land.

An ugly thing from all angles.

No doubt there is some clever cretin somewhere who will make the argument that termination legislation is, in fact, the answer to the Indian problem, that once every last legal Indian has been terminated/enfranchised/vanished, and once every reserve/reservation has been surveyed and sold, Indians will no longer have to deal with the barriers that status has created.

No more Ducks.

But then who will sing for us? Who will dance for us? Who will remind us of our relationship to the earth?

Who will tell our stories?

The one about Coyote and the Ducks, for instance.

Take it. It's yours. Do with it what you will. Tell it to your children. Turn it into a play. Forget it. But don't say in the years to come that you would have lived your life differently if only you had heard this story.

You've heard it now.