



First Nations and the Right to Vote Case Study

This case study examines the history of federal voting rights for First Nations peoples in Canada from 1867 to today.

Note: This lesson does not cover the larger story of First Nations' rights, governance and law, or the voting rights of the Inuit and Métis.

✖ Background information

Hundreds of distinct First Nations governed themselves for thousands of years before European settlers arrived in what is now Canada. Each First Nation had its own ways of making decisions based on its community's needs and values. These ways were different from the systems that European settlers introduced. Many of these distinct First Nations ways of governance continue today.

After Europeans arrived, the French and British colonial administrations had several types of governance arrangements, such as treaties, with First Nations peoples. At Confederation in 1867, responsibilities were divided between federal and provincial levels of government. The federal government (Government of Canada) took on responsibility for First Nations. (They were called Indians at that time.) First Nations were not consulted about this change.

Federal officials of the day thought that First Nations peoples lacked the knowledge and ability to make responsible decisions about public matters. As a result of this viewpoint, the lives of First Nations peoples in Canada were governed by laws that the federal government passed without any input from the people affected by them. The most significant of these laws was the *Indian Act*, which was passed in 1876. Under this law, First Nations peoples, or "Indians", did not hold the same rights as other Canadians.

The *Indian Act* has been amended many times and is still in force today. This complex law was based on the premise that it was the Crown's responsibility to care for and protect the interests of First Nations by acting as a "guardian" until First Nations could fully integrate into Canadian society. It defined "Indian status" and set out rules and rights for First Nations peoples who were considered Status Indians.

First Nations peoples did not have the right to vote federally without conditions until 1960. Sometimes they were excluded from voting because they did not meet the qualifications, such as owning property. Mostly, however, they were excluded because they were "Indians."

With some exceptions, until 1960, First Nations peoples had to give up their Indian status through *enfranchisement* to gain the right to vote in federal elections.

Enfranchisement gave citizenship rights but stripped the person of their Indian status. If a man was enfranchised, his wife and children were automatically enfranchised with him.

The government encouraged First Nations men to enfranchise as part of its effort to assimilate them into Canadian culture. At the time, only men had the right to vote in federal elections. Voluntary *enfranchisement* was introduced as early as 1869. A First Nations man who wished to become enfranchised had to reject his own language, culture and traditions and adopt mainstream Canadian ways. He would also have to leave the reserve and would no longer be allowed to live there. Federal officials would decide whether a person was ready to be enfranchised.

Few First Nations men chose to become enfranchised voluntarily.

The federal government introduced involuntary *enfranchisement* in different ways at different times. In the 1890s, First Nations men who earned a university degree or became a doctor, lawyer or religious official were automatically enfranchised. They lost their Indian status under the law and gained citizenship benefits, including the right to vote, when they obtained their degree or started their professional career. In an effort to increase *enfranchisement* in the 1920s, the government enfranchised over 5,000 First Nations individuals of various professions and levels of education without their consent.

During the First and Second World Wars, First Nations men and women who served in the military gained the right to vote in federal elections without giving up their Indian status. After the wars ended, those veterans who lived on a reserve lost the right to vote.

A parliamentary committee studied the *Indian Act* after the Second World War; this process included hearing testimony from First Nations leaders. In 1948, the committee recommended that First Nations peoples have the right to vote in federal elections without restrictions. However, in 1951, amendments to the *Indian Act* did not grant this right to First Nations peoples.

In 1960, First Nations men and women were granted the right to vote in federal elections without conditions. They could vote whether they lived on or off reserve, and they no longer had to give up their Indian status under the law to vote. Voting rights for all Canadian citizens were enshrined in the *Canadian Charter of Rights and Freedoms* in 1982.

Why was the right to vote in federal elections restricted for First Nations peoples before 1960?

- At Confederation and under the *Indian Act*, First Nations peoples were seen as incapable of managing their own affairs or voting.
- The federal government took various actions to assimilate First Nations peoples into mainstream Canadian society.
- One such action was to give voting rights only to First Nations people who gave up their Indian status.

What changed?

- The military service of First Nations peoples during the First and Second World Wars led Canadians to feel that First Nations should have the full rights of citizenship.
- The goal of Indian policy in Canada was shifting from assimilation to integration.
- During the 1957 election campaign, Prime Minister John Diefenbaker promised to extend the vote to First Nations peoples. He kept his promise and changed the electoral law in 1960.

What is the situation now?

- First Nations peoples in Canada have had the right to vote without conditions since 1960.
- About half of all First Nations peoples in Canada live on reserve. Voter turnout for them has tended to be lower than for the general population. (Turnout rates are available only for those living on reserves, not for all First Nations voters.)
- Among First Nations voters, opinions about voting in federal elections are mixed. Some see it as going against principles of self-government. Others see it as an important way to participate in the country's democratic process.
- In 2015, voter turnout on reserves was approaching the general population turnout but in 2019, it declined. Voting rates change over time. For the most up-to-date information, check elections.ca.

✘ Optional Extension

Have your students watch the video *Marcie's Story* from the resource *Does Voting Matter?* to see a first-hand account of one First Nations woman's experiences with voting in a federal election.

✘ Terminology

- **Aboriginal rights**

Rights that apply to all First Nations, Métis and Inuit in Canada. These are legal rights that were affirmed in the Constitution in 1982.

- **Enfranchisement**

In most other historical contexts, *enfranchisement* simply means gaining the right to vote. *Enfranchisement* has a specific meaning in relation to First Nations peoples in Canada. Through this process, a Status Indian could gain full citizenship, including the right to own property and vote, but would no longer be considered an Indian under the law.

A First Nations person who was enfranchised lost Indian status and treaty rights. This meant they lost the right to live on a reserve and lost all rights associated with being an Indian. *Enfranchisement* could be voluntary (through applying for it) or compulsory (such as by earning a university degree).

- **First Nations**

First Nations are distinct and separate peoples from Métis and Inuit. There are more than 600 First Nations in Canada.

- **Indian**

From the arrival of the first Europeans until the 1990s, the most common term for First Nations individuals was "Indian." That is why this term appears in the resource. The registered status for First Nations peoples is still legally referred to as "Indian status" today.

- **Indian Status**

Indian Status is the legal status of a person who is registered as an Indian under the *Indian Act*. Under the *Indian Act*, status Indians may be eligible for a range of benefits, rights, programs and services offered by the federal and provincial or territorial governments.

- **Time immemorial**

This term refers to the past beyond memory or record. In the context of First Nations, the term "since time immemorial" is often used to describe their presence in what is now known as Canada.

- **Treaty rights**

Treaties are agreements between specific groups of First Nations and the Crown (the federal government) that recognize certain rights, such as rights to land and resources. Some treaties were signed before Confederation, while others are very recent; all of them are still in effect. These nation-to-nation agreements create binding obligations on both parties.