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Registry Department

Questions and Answers

from 2012 Squamish Nation Community Forums

Please Note: These questions and answers have been collected from all of the Community Forums held on the following dates:

May 29, 2012 – North Vancouver
June 6, 2012 – Squamish Valley
November 20, 2012 - Squamish Valley
November 21, 2012 – North Vancouver

We have taken great care to not change the wording of the original questions and have answered them to the best of our team's abilities.

If you have any concerns or questions, please contact:

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Background

To provide some background on the Federal Government of Canada's Bill C-3, a woman named Sharon McIvor took the federal government to court because of discrimination regarding Indian Status in the *Indian Act*. The Courts agreed and told the government to amend the *Indian Act*. In 2011, the Act was amended to include the grandchildren of Bill C-31 returning women. The Squamish Nation 1987 Membership Code recognized the Bill C-31 returning women and their children as members, but not their grandchildren. This has resulted in a situation where the grandchildren of Bill C-31 returning women now have status, but are not eligible to be Squamish Nation members.

Questions related to Ballot Question #1

Do you consent to the Membership Code being amended to allow an individual who has Indian status because of Bill C-3 and who has at least one parent who is or could be a Squamish member to have membership in the Squamish Nation as a lineal member?

Q1: Why are we voting on this issue?

A1: The Federal Government of Canada's Bill C-3 is the reason we are having these meetings and voting on amendments to the Squamish Nation Membership Code in April 2013.

Sharon McIvor took the federal government to court because of discrimination regarding Indian Status in the *Indian Act*. The Supreme Court agreed and told the government to amend the *Indian Act*. In 2011, the Act was amended to include the grandchildren of Bill C-31 returning women. The Squamish Nation 1987 Membership Code recognized the Bill C-31 returning women and their children as members, but not their grandchildren. This has resulted in a situation where the grandchildren of Bill C-31 returning women now have status, but are not eligible to be Squamish Nation members.

Since that time, we have been encouraging grandchildren of the Bill C-31 women to apply for status. However, as they couldn't gain membership under the 2000 Membership Code, we decided to educate our community about the discrimination of the Indian Act inadvertently mirrored in the 2000 Membership Code. The current Squamish Nation Membership Code would need to be amended to allow people who have received status under Bill C-3 to become members.

We have had a number of meetings, large ones and smaller roundtables (about 18 meetings to this point) to better understand the concerns of our membership.

Q2: I remember when this started, we were originally talking about 106 potential new members, and now we are talking about 200 potential new members. Why the increase?



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A2: We have been dealing with this issue for more than 19 months. Last year we only had 106 applications, but now we have 150. In order to come up with an estimate, we looked at the women who lost status (and not those who were enfranchised for other reasons), and from that we can anticipate at least 20 more applications will come in, for a total of 170. However, we are being generous, and have estimated 200 total potential members.

Q3: Can you explain enfranchisement?

A3: Enfranchisement occurred when our people lost their Indian status as a result of making a choice to not be Indians anymore, or people who had no choice: for example, Indian women who married non-Indian men, our people who lived off-reserve for more than 5 years, our people who made the military their career, or those who became a lawyer or entered a religious order.

Q4: Why were some members paid when they left the Squamish Nation?

A4: Years ago, the Department of Indian Affairs made a decision that individuals would be enfranchised and given a per capita payment from the capital account when they left the nation. This came from the general revenues of the nation at the time, even though the Nation had no involvement in these decisions.

Q5: 200 members may be coming back, but how much will it cost to pay for dental, medical, education, glasses, etc. for these new members?

A5: If potential new members have status under Bill C-3, Non-Insured Health Benefits (NIHB) and education are covered by Aboriginal Affairs and Northern Development Canada (AANDC), formerly known as Indian Affairs. If it is not covered, people can make applications to the Squamish Nation Health department (for example) for costs above what is paid for by AANDC. However, there are benefits that come from the Nation's Own Source Revenue, for example housing, that would not be covered by AANDC.

Q6: If we accept Bill C-3 individuals, it will lead to damage for our people - if we have to look after them, build them schools, it will cost the band millions of dollars. We should only accept if the government will give us more homes and land.

A6: We need to emphasize that we are only talking about up to 200 new members – not thousands more. The most important issue is that our current Membership Code inadvertently treats people differently based on gender. We need to decide if we, as Squamish people, would like to address this different treatment and treat the grandchildren of Bill C-31 women in a fair and equal way. The Squamish are a generous people, and we are proud of our ability to take care of our own. We as Squamish people have to define who we are and who we want to be. It should not be about money, it's about equality, equal access and fair treatment.

Q7: We as the Squamish Nation made a decision regarding 50% minimum blood quantum, but is the Indian Affairs blood quantum still 25%? Why didn't our lawyers anticipate the problems with discrimination in the Squamish Nation Membership Code?

A7: The Federal Government of Canada's Bill C-3 recognizes these specific people who have 25% blood - the grandchildren of those women who had lost their status and got it back under Bill C-31. This is the only part of the *Indian Act* that is being amended. We knew that this was coming.



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In 1997 58% of our membership said no to accepting them as members, because they didn't have Indian status, and they thought that we couldn't afford to take care of them. The issue of no Indian status has been removed, and we are coming back to you again to ask if we should accept the grandchildren of Bill C-31 women as members. When we talk about the Federal Government's Bill C-3, we talk about Indian women who lost their status and their grandchildren. This does not apply to all of the others, such as our people who lost their status as a result of making a choice to not be Indian anymore, or our people who lived off-reserve for more than 5 years, or our people who made the Military their career, or those who became a lawyer or entered a religious order.

Q8: Regarding the grandchildren of the Bill C-31 women, do they have less than 25% blood quantum?

A8: These grandchildren have 25% Squamish blood quantum.

Questions related to Ballot Question #2 (which has 2 parts):

Part A: Do you consent to the Membership Code being amended to allow a Squamish descendant member's child whose other parent is a non-Squamish Status Indian to have membership in the Squamish Nation as a descendant member?

Part B: Do you consent to the Membership Code being amended to allow a Squamish lineal member's child whose other parent is a non-Squamish Status Indian to have membership in the Squamish Nation as a lineal member?

Q9: Why would children of Squamish Descendant Members and someone from Musqueam be only a Lineal Member?

A9: Currently, the Squamish Nation Membership Code doesn't recognize Indian blood from anywhere outside of the Squamish Nation. This is why the Squamish Nation membership is starting to decrease in numbers. We are treating other Indian blood as non-Squamish blood.

Q10: I am worried that non-Native adopted children of Bill C-31 women will get status, like they did in the past. Could that happen if we agree to these changes?

A10: These changes we are discussing are only to our Membership Code and do not impact the federal government's rules regarding status.

Non-Indian adopted children are not eligible for Squamish Nation membership.



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Q11: If the vote goes through, will the decision be retroactive? Or is it only effective as of the voting day?

A11: If the questions in ballot question #2 are approved, we would request that people come back and re-apply, so that we can re-categorize them.

Q12: Do we recognize our American relatives in the Squamish Nation Membership Code?

A12: The way the code is written, we recognize individuals with federal government of Canada Indian Status, who are of Squamish Nation descent. Residency is not the issue, the focus is on bloodline.

Q13: Chief Joe Mathias said that no person with Squamish Nation blood would be left out. What are you going to do when the membership list gets too small? How do we resolve the decrease in the population of Squamish Nation membership? How do we strengthen our Indian blood?

A13: One solution is the recognition of Indian blood from other First Nations.

Q14: We have heard that in 20 years our population will double, but I understand that may not be true under our current Membership Code. Do we have any projections?

A14: The way our Membership Code is written today there is a concern that our population will soon begin to decline. Our yearly growth rate has actually fallen, for example, for those members who were born between 2001 and 2012, only 139 are Descendant Members (600 are Lineal Members and 3 are Acquired Members). The number of Descendant Members is decreasing every year. **This means that we will need to rely on 504 Descendant Members to continue to populate our nation.**

Decline in Squamish Nation Members:

Of the 762 members born between 1988 and 2000: 52% are Lineal, **48% are Descendant**

Of the 742 members born between 2001 and 2012: 81% are Lineal, **19% are Descendant**

Q15: If my granddaughter does not marry a Squamish Nation man, then my great grandchildren will not be Squamish. Do my granddaughters have to marry their cousins to stay Squamish Nation members?

A15: We can address this by recognizing other First Nations. We did this up to the 2000 Membership Code. In the 2000 Membership Code vote, our members voted to only recognize Squamish Nation blood, but we need to take another look at this issue, as this is also a type of discrimination.



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Questions related to Ballot Question #3:

Do you consent to the Membership Code being amended to allow the non-Squamish Status Indian male spouse of a Squamish descendant member to apply for membership in the Squamish Nation as an acquired member?

Q16: By accepting men as members in the past, have we set a precedent?

A16: In the 1970s, membership voted to accept men as members, however membership at that time did not agree to do so in the future. However we need to re-examine this issue because having different treatment based solely on gender opens the door for litigation based on a gender discrimination claim.

Questions related to Ballot Question #4:

Do you consent to the Membership Code being amended to allow future amendments to the Membership Code to be approved by 50%+1 of those who vote in a Membership Code amendment referendum provided 50%+1 of the eligible voters participate in that referendum ?

Q17: We need 1314 voters to vote yes – but how many came out to vote last time? It seems like this is being set up to fail. What will be done differently this time?

A17: The 1987 Membership Code stated that we needed to have a majority – 50% +1 of eligible voters, and our membership approved this threshold and this section was carried over to the 2000 Membership Code. During the last land designation vote, 1040 people participated in total, and 80% of these voters were over the age of 40, so we need to engage our young people. The last land designation referendum was distinctly different from this one – this issue impacts our people differently than a land designation. It is about our identity and our future.

It is important to note that during the last Membership Code votes, in 1987 and 2000, we met the threshold. People showed up and voted. At that time we used mail in ballots – we were the first to do this. This time around, youth are asking us to look into the possibility of using online voting. We looked into security issues, and Chiefs and Council has decided to use this method of voting, in addition to voting by mail-in ballot or at a polling station (at Chief Joe Mathias Centre and Totem Hall). Again, we will be among the first to do this.

We are always looking for innovative ways to encourage our people to vote, and we are creating an Outreach Committee – people who want to help to get the message out to our families.



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Q18: How can we make sure that young people understand the importance of this vote?

A18: Youth are important - they are essential to this process, and our message to all membership is to encourage our youth to participate and vote. We have an excellent Youth Core Committee, and are planning a lot of activities to engage youth and ensure they understand the issues related to the vote that will take place on April 4, 2013. We have a lot of meetings planned with youth, and we are undertaking an extensive social media plan to reach youth through the Internet.

In our events with youth so far, it has been inspiring to see how the young people want to talk about helping the community, how they could make it better. None of them talked about how this would take something away from them. The young people were focused on generosity – they feel that culture, belonging, family and language are important. The youth are the most likely to have a child in the next 10 years, and therefore those children are going to be impacted. If the youth don't get involved to make a change, the fear is that we will be heading down the path to extinction.

Q19: 52% of the Squamish Nation members are under the age of 30. What is the percentage of youth who are voting age (between 18 and 30)?

A19: 32% of youth (610) are voting age. This is a significant portion of our voting population.

Q20: What happens if you don't get all the votes needed?

A20: The vote will not be successful – in that case we would need to come back to our membership to understand why that happened.

Q21: Why wouldn't we have a vote on the issue of voting threshold first (Ballot Question #4), then vote on the remaining issues? It just makes more sense to figure out how we will vote first.

A21: If membership agrees that the threshold should be lower through this vote, it will not affect the April 2013 vote, it is only the next vote after April that will have a lower threshold.

Q22: If we change the threshold for the required number of votes, can it be reversed? I am worried it will be a problem if the nation grows.

A22: The Membership Code is a living and breathing document. The decision could be reversed through another vote, but since it is based on a percentage and not a fixed number, growth in the nation would not be an issue.

Q23: If we change the number of votes required, when would the membership be advised about the reduction in the voting threshold? Shouldn't we find out at least a month ahead of time?

A23: The amendment to the threshold would not affect the April 2013 vote, so we still need to meet the higher threshold this time around.



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Other Questions not Directly Related to the Ballot Questions

Q24: Why are we moving forward so quickly? Is the April 4, 2013 vote set in stone?

A24: It is important to note that we have been dealing with this issue and meetings have been going on for *19 months*. To date, there have been 18 meetings for consultation and input – including meetings with families, elders, youth and Chiefs and Council. Many more meetings are planned between now and the vote in April.

We originally planned to have the vote in December of 2012, however, we realized we needed more time to engage with our elders, youth and community. We understand that laws are complex – our Membership Code is complex. We know that when it comes time to vote, we have to help our people understand the issues.

Q25: It was my understanding we were only talking about Bill C-3, but now we have a number of other questions that we are being asked. Why have you added additional questions?

A25: We are responding to requests from membership. When we started to talk to membership about Bill C-3, they asked for a review of other sections of the Code and we can't ignore those requests. This is true engagement.

Q26: I see there are four (4) questions. Do they all need to be approved by membership?

A26: It is important to note that we have four (4) separate questions (although Ballot Question number 2 has two parts) that will be considered by membership in April 2013. If one of the questions fails, it doesn't affect the others. In the 1997 referendum, we had five (5) questions and only four (4) were approved.

Q27: I am concerned about new members coming here and then leaving. They go away, and rent out their houses.

A27: As a community we may need to address the housing policy. People are able to rent out their homes under our current housing policy.

Q28: Regarding the sample questions – are these going to be yes/no questions?

A28: Yes, we will adjust the materials to demonstrate that these will be yes/no questions.

Q29: There are some people who are getting status under Bill C-3 and not getting membership from other nations, as the nations are undecided whether to accept them. What if those people come to Squamish Nation for membership? People should decide which nation they belong to – I don't think they should be able to belong to two.

A29: According to Section 10 of our current Membership Code, you must give up your membership in the other band before you can be considered a member of the Squamish Nation.

Q30: We need to make sure that new members understand our history.

A30: As Squamish, we always protect our customs and traditions. We want to make sure that new members have an opportunity to understand what it means to be Squamish. Many people who have Squamish blood but are not currently members are already being raised in the Squamish culture and traditions.



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Q31: If we hold our own family meetings, could Monica and staff from the Registry Department come to meet with us?

A31: Absolutely. In fact, Monica and her team have already accepted invitations to attend family meetings to discuss issues related to Bill C-3.

Q32: Will we see the revised Membership Code before we vote on it?

A32: By the end of January we will have the draft wording for membership to review.

Q33: I received my status under Bill C-31 and I had an older son who got status under Bill C-31. I have 2 other children who want status, should they apply under Bill C-31 or Bill C-3?

A33: They should apply under Bill C-31. Please have them contact the Registry Department.

Q34: What is the process to apply under Bill C-3?

A34: There are application forms in the Registry Department office. In addition, the federal government also maintains a website that you can access for more information at <http://www.aadnc-aandc.gc.ca/eng/1305747570701/1305747904278> and for application forms <http://www.aadnc-aandc.gc.ca/eng/1100100032776/1100100032782#ir>

Q35: Can I get an original copy of the first Squamish Nation Membership Code, as well as copies of all of the amendments to the Code from 1987 until now? I would like to be fully informed before I vote, and I would like to know exactly what was changed.

A35: Yes, we are committed to ensuring that our members are fully informed before they vote in April 2013. Copies of the 1987 and 2000 membership codes are available at the Registry Department office (or at Totem Hall, please contact Linda Williams), and they have also been posted on the Squamish Nation website. In addition, the Registry Office released a bulletin, dated October 28, 2011, which provides a historical analysis of membership in the Squamish Nation, including an overview of the 1987 and 2000 codes and the amendments to these codes. Copies of this document are also available at the Registry Department office, and is also posted on the Squamish Nation website.

Q36: It is my understanding that the Squamish Nation is already being sued over the Membership Code. Is this true?

A36: We are not aware of any lawsuits related to the Squamish Nation Membership Code at this time.

Q37: Someone at Indian Affairs told me that no matter what, we are under the *Indian Act*, and we should make sure we clarify that this is called a referendum vote. Is this true?

A37: No, that is not true. We are no longer under the *Indian Act* with respect to Membership. In 1985, when Bill C-31 came into place, the federal government gave First Nations two years to produce a membership code, or Indian Affairs would have taken control. We took the opportunity at the time, because we are the Squamish People, and the federal government has discriminated against us in the past. In 1987 we developed our first Membership Code and then amended it in 2000. This is the code we have today.



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Further, this is not an *Indian Act* referendum, this is our own process. A normal referendum under the *Indian Act* requires fewer voters, and our voting threshold is currently higher than a normal referendum.

Q38: I have uncles who married non-nation members. Their children are married to other non-nation members, and they are registered. There are members on the list that are not Squamish but their children are on the list. What is the nation going to do to correct these injustices and inequalities?

A38: Unfortunately we have to deal with classifications under the law. If these individuals were classified prior to 1985, we cannot retroactively remove them. Section 10 of the *Indian Act* states this.

Q39: Who selected the Membership Committee?

A39: Chiefs and Council appoints committee members, based on applications received through an open call to membership.

The creation of the Membership Committee was one of the major changes introduced by the 2000 Membership Code (Section 17 of the Membership Code notes that the Committee will be comprised of at least two (2) elders, four (4) members and the Registrar). Decisions concerning membership in the Squamish Nation are no longer made by the Membership Registrar. It is the Membership Committee which determines whether or not an applicant is entitled to be a member. Challenges to the decisions of the Membership Committee are heard by the Appeals Committee. This structure ensures that there are checks and balances regarding decisions concerning membership.

Q40: Can we have a database to show the ancestral blood of all members? Also, a database of DNA should be established.

A40: No. At this time we only have a database on family ancestry. Blood and DNA databases are extremely expensive.

Q41: Anyone should be allowed to fill out application forms and have help to do so. Also, all applicants should get a written reply to explain why they are not accepted, rather than a verbal response.

A41: We understand your frustration, but you must understand that since we are located close to an urban centre, many people who have no blood ties to the Squamish Nation come off the street and request applications for membership. At times, we have denied acceptance based on the requirement of Squamish lineage. However, if you feel you have been unjustly denied, please make an appointment with the Registry Department, and we can go over the application together.

Q42: Why can't we change the Membership Code to suit us and not use terms like Lineal Member? These codes hurt a lot of our people, and as a people we should change this.

A42: In 1987, we based our membership on blood quantum. At that time, our people said that no one had 100% Squamish blood, which is why we have the categories that we do now. It is now based on who is eligible to pass on membership.



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Q43: Can we eliminate the necessity of a card to say you are a Status Indian?

A43: No. This is a federal government of Canada policy, not a Squamish Nation policy.

Q44: Can we make sure that the people who have lived here all their lives get homes before all the new members?

A44: The Squamish Nation housing policies are based on date of application.

Q45: Isn't this is part of the Squamish Nation Membership Code already? Why do the people who received their Indian Status through Bill C-3 have to wait for band membership, if the code says that the Membership Committee can okay membership?

A45: The Membership Committee is required to make decisions based on the existing Membership Code. Unfortunately, the current Membership Code does not recognize those who received Indian Status through the Federal Government's Bill C-3. It will be up to Squamish Nation membership to make a decision on who is considered to be Squamish, through the vote on April 4, 2013.

After the vote, and if the amendments are approved, the Membership Committee will be able to make decisions about those who received status from the Federal Government of Canada's Bill C-3.

For more information about the impact of the current Membership Code, please see the diagrams in Membership Code Bulletin #5.

Q46: Is the Federal Government's Bill C-3 law?

A46: Yes, it became law on January 31, 2011.

Q47: We have various classifications of members, have you identified the numbers under each classification?

A47: As of November 2012:
Total Squamish Nation Membership: 3,667
Descendant Members: 2,052
Lineal Members: 1,492
Acquired Members 123

