

## Book Club Kit Discussion Guide

### *21 Things You May Not Know About the Indian Act* by Bob Joseph

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## Biography

Bob Joseph, founder of Indigenous Corporate Training Inc., has provided training on Indigenous and Aboriginal relations since 1994. As a certified Master Trainer, Joseph has assisted both individuals and organizations in building Indigenous or Aboriginal relations. His clients include all levels of government, Fortune 500 companies, corporate enterprises, and Indigenous peoples in Canada, U.S., Central and South America, and in the South Pacific. In 2006, Joseph co-facilitated a worldwide Indigenous Peoples' round table in Switzerland, which included participants from across the world. Joseph has also worked in cultural relations and corporate training for many years, and taught at Royal Roads University as an associate professor.

Bob Joseph is an Indigenous person, or more specifically a status Indian, and is a member of the Gwawaenuk Nation. The author comes from a proud potlatch family and is an initiated member of the Hamatsa Society. As the son of a hereditary chief, he will one day become a hereditary chief.

Source: **Strong Nations**

<https://www.strongnations.com/gs/show.php?gs=3&gsd=5415>

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## Review by Christine Misonoodinkwe Smith

### *Book Review: 21 Things You May Not Know About the Indian Act*

August 10, 2018

In “21 Things You May Not Know About the Indian Act: Helping Canadians Make Reconciliation with Indigenous Peoples a Reality,” the author Bob Joseph endeavors to provide insight into 21 rules, regulations and prohibitions of the Indian Act. He writes about some of the paternalistic rules and regulations of the Indian Act and how they have led and continue to lead into stereotypes and myths about Indigenous peoples to this day.

Since its creation in 1876, the Indian Act has governed Indigenous peoples of Canada. It has largely been a policy that has been paternalistic and geared towards the assimilation of Indigenous peoples as a whole. According to Joseph:

“The roots of the Indian Act lie in the Bagot Report of 1844 that recommended that control over Indian matters be centralized, that the children be sent to boarding schools away from the influence of their communities and culture, that the Indians be encouraged to assume the European concept of free enterprise, and that land be individually owned under an Indian land registry system in which they could sell to each other but not to non-Indians. The Bagot Report provided the framework for the Indian Act, 1876.”

The paternalistic attitude that came from the governance of the Indian Act gave way to punitive rules, prohibitions and regulations that dehumanized Indigenous people, and led to many stereotypes that non-Indigenous people came to believe as factual. One stereotype was how Indigenous peoples governed themselves before European contact. Indigenous nations had their own distinctive political institutions, traditions, leadership system, culture, and economy. They also had autonomous control over their territories and the resources within. It was when European style elections for Chief and Council were introduced in 1869, that the imposed system did not honour Indigenous forms of government and displaced traditional political structures and did not reflect, consider or honour Indigenous needs and values. The impetus behind this new elective system was to replace what the federal government viewed as an “irresponsible” system with a responsible system. Opposition to the adoption of the European electoral process was observed by the government at the time as “the Indian mind, is in general slow to accept improvements.”

Another aspect of the Indian Act was how control of the reserve system was passed into the hands of the Department of Indian Affairs because it was of the opinion that Indigenous peoples were considered unsophisticated and incapable of managing their own affairs.

The Indian Act has been detrimental in many ways. It has disrespected, ignored and undermined the role of women in many ways, and with this, has left Indigenous women very vulnerable. The reality for bands that were under the reserve system was that they not only lost land, but were also constricted in their ability to hunt, trap, fish and harvest traditional foods to sustain themselves. The list goes on—it

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encouraged voluntary and enforced enfranchisement, renamed individuals with European names because Indian agents did not understand traditional naming practises, and also perpetuated the myths that Indigenous persons were savage and unable to be a part of regular Canadian society without the restrictions that the Indian Act placed on us.

Joseph believes that if Canada and Canadians are to reconcile with Indigenous peoples, then the existing relationship—the one based on the Indian Act—has to be rebuilt. The past cannot be overlooked or dismissed as “ancient history” because it isn’t—the impacts of the past are still ongoing.

Joseph also believes that Canada is changing and foresees a future in which the Indian Act will be a chapter in Canada’s history, and that the Indian Act was designed for a specific purpose that no longer exists in this country that is committed to reconciliation.

Though this book is an important read for those who want to understand the Indian Act better, and it is hopeful in its message that Indigenous people will see a better future, without the Indian Act governing them, I am doubtful of this happening. Reconciliation seems to be another empty promise by our present government.

“21 Things You May Not Know About the Indian Act: Helping Canadians Make Reconciliation with Indigenous Peoples a Reality” is written by Bob Joseph and published by Indigenous Relations Press and is 189 pages.

Source: **Anishanabek News**

### **Book Review: 21 Things You May Not Know About the Indian Act**

Smith, C.M. (2018, August 10). *Book Review: 21 things you may know about the Indian Act*. Anishanabek News. <https://anishinabeknews.ca/2018/08/10/book-review-21-things-you-may-not-know-about-the-indian-act/>



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## Review by Daniel Sims (excerpt)

### #514 Consider the Indian Act

April 2, 2019

In my wallet is a piece of plastic issued by the federal government that clearly identifies me as “an Indian within meaning of the Indian Act, chapter 27, Statutes of Canada (1985).” It reflects that I have 6(1)(a) status and my status number is 609XXXXXXX. To someone familiar with the Act, and Indian status in particular, I just told you how I got status (technically no one is born with status) and what region and First Nation I am from. To someone uninitiated with the Indian Act, what I just said makes little sense. The first of the two books under review, Bob Joseph’s *21 Things You May Not Know About the Indian Act*, aims to rectify the latter situation.

For a piece of legislation, the Indian Act has come to symbolize many things to many different people, with some Canadians ruled by it and other Canadians unaware of its existence or what it means. First passed in 1876, it consolidated previous pieces of colonial (pre-Confederation) legislation that formed the nucleus of Canadian Aboriginal policy. Numerous amendments have followed, with the most recent ones made on December 22 2017 to try to remove sexism from the laws that determine who can get status.

Yet the Indian Act remains the only piece of current Canadian legislation aimed directly at a particular racial group. Many Indigenous people, including Bob Joseph, are calling for its complete repeal. But simply repealing the act is problematic, as was revealed in 1969 when Prime Minister Pierre Trudeau and his Minister of Indian Affairs, Jean Chrétien, proposed to do so. They ran into the complexity of the things the Act legitimized and with which it was associated. I say legitimized rather than created because treaties, for example, predate the Indian Act and do not need the Act to exist or provide legal weight to them.

Bob Joseph is a hereditary chief of the Gwawaenuk Nation, which is itself part of the larger Kwakwaka’wakw Nation. The main Gwawaenuk settlement, Hekhums (Hopetown), is on Watson Island, within their traditional territory in Broughton Archipelago on the north side of Queen Charlotte Strait on the Central Coast of British Columbia.

Not to be confused with his father, Chief Dr. Robert Joseph Sr., Bob Joseph is the founder and president of Indigenous Corporate Training Inc., commonly abbreviated as ITCINC. While in theory aimed at providing awareness training to organizations that interact with Indigenous peoples, the ITCINC blog has proven to be a major source of information for the public about Indigenous topics. As an instructor in both Indigenous history and Indigenous studies, I regularly have students consult and cite it, often in comparison to Chelsea Vowell’s *Indigenous Writes* or Lynda Gray’s *First Nations 101*.<sup>[1]</sup>

The title and list of “top” 21 items reveal the online origin of this book. To use a colloquialism, both are “clickbaity” and, frankly, reveal the genius of Joseph. Ultimately, *21 Things You May Not Know About the Indian Act* is about a piece of legislation. How then has it been consistently a bestseller since its release

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in April 2018? Partly Joseph wrote it in an easy to understand, approachable, accessible manner for readers with little to no understanding of the Indigenous situation in Canada.

The structure of *21 Things* is suited to its intended audience. Joseph begins by briefly explaining what the Indian Act is, followed by 21 outrageous and unbelievable aspects of it, and concluding with his main argument that the Act should be replaced by Indigenous self-government. Forget the latest Indigenous theorist: the evidence Joseph cites, combined with the way he provides it to the reader, clearly explains why the Indian Act is inherently problematic. The five appendices, covering basic terminology, residential schools, and suggested classroom activities, show that Joseph wanted to reach the widest audience possible, including those within the classroom. I am considering using *21 Things* in one of my introductory Indigenous studies courses.

This book's greatest strength is also its greatest weakness. Real life is complicated, and when introducing someone to a new concept or topic, it is important not to get bogged down in finer details, exceptions, and interpretations. *21 Things* does not get caught up in these. For this reason, I would recommend it to anyone wanting to learn the basics of the Indian Act. To the specialist, however, in numerous sections of the book the lack of nuance is obvious. For the most part, it is insignificant. In a few instances, though, it does create problems because the legal and regional ramifications of the Indian Act are hard to understand in their entirety in such a short presentation.

For example, in talking about the right to vote, Joseph omits the property qualifications and regional limitations of the Electoral Franchise Act of 1885 when it came to the Indigenous right to vote (p. 80). Similarly, in citing 1960 as the year all Indigenous peoples in Canada could finally vote, he ignores the provincial franchise and the fact that in Québec, Indigenous people could not vote in provincial elections until 1969 (p. 82). This lack of specificity can even create contradiction. In Joseph's section on enfranchisement, he states that:

*Later, enfranchisement was extended to include Indians who joined the military. Indian veterans returning from World War II found that while they may have fought for their country, they had lost their Indian status in the process and had no home to return to (p. 30).*

Not only are there numerous examples across Canada where this involuntary enfranchisement did not occur, but in a 2012 blog entry on the ICTINC website, Joseph himself writes that some veterans lost status because they had been absent from their reserve for four years, in violation of the Indian Act.<sup>[2]</sup> Further compounding the matter, Joseph also cites the Royal Commission on Aboriginal Peoples on how Indigenous veterans were barred membership in the Royal Canadian Legion because they had Indian status (p. 44).

While a closer attention to detail would have avoided these issues, they do not diminish from the fact that *21 Things* does what it was intended to do. And, of course, I am not the intended audience of this book. I have a Ph.D. in Indigenous history and have been studying and teaching the Indian Act, Electoral Franchise Act, enfranchisement, and Indigenous veterans for years. It is highly unlikely that the book's average reader would know any of these topics in detail, and therefore any book delving into the finer

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points might cause needless confusion. Joseph simply wants to tell non-Indigenous Canadians why the Indian Act should be replaced — and he delivers, in 21 ways.

**Endnotes:**

[1] Chelsea Vowell, *Indigenous Writes: A Guide to First Nations, Métis & Inuit Communities in Canada* (Winnipeg: Highwater Press, 2016); Lynda Gray, *First Nations 101: Tons of Stuff You Need to Know About First Nations People* (Vancouver: Adaawx Publishing, 2011).

[2] Indigenous Corporate Training Inc. (ICTINC), “Aboriginal Veterans: Equals on the Battlefields, but Not a Home.” *Indigenous Corporate Training Inc.* 2 November 2012: <https://www.ictinc.ca/blog/aboriginal-veterans>

Source: **The British Columbia Review**

**#514 Consider the Indian Act**

Sims, D. (2019, April 2). #514 Consider the Indian Act. The British Columbia Review. <https://thebcreview.ca/2019/04/02/514-consider-the-indian-act/>



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## Interview by Katie Hyslop

*21 Things This Book Can Tell You About the Indian Act: Bob Joseph's new book explains Indian Act's attempts at assimilation and how Canadians can find a hopeful path forward.*

March 16, 2018

Reconciliation runs in Bob Joseph's family. The son of Reconciliation Canada founder Chief Robert Joseph of the Gwawaenuk First Nation, Bob Joseph has spent more than 20 years training corporations and Canadian governments to work effectively and respectfully with Indigenous communities through his business Indigenous Corporate Training.

As part of that work Joseph spends a lot of time educating non-Indigenous people about the Indian Act, legislation almost as old as Canada itself. Yet most Canadians know nothing about it.

"So I thought I'd just put together a [blog] post, '21 Things You May Not Have Known About the Indian Act' just as a way to get that information out there to people," Joseph said in a phone interview with The Tyee earlier this week.

The piece went viral, accumulating 55,000 shares on Facebook alone. Three years later the article still gets upwards of 1,500 hits a month.

"People were definitely interested in it, and that's what got us thinking here's a chance, something that really peaks a curiosity for people to deep dive Indigenous issues. We should really think about expanding on the '21 Things' and offering a few hints for reconciliation," he said.

That expansion turned into a book of the same name, *21 Things You May Not Know About the Indian Act*, which comes out April 10. While the Act is much larger and more comprehensive than the book, Joseph touches on the key elements of racism and inequity Indigenous people living in Canada still experience today. That includes the forced internment on reserves, the Canadian government determining band membership and the forced removal of thousands of Indigenous children from their communities, language and culture via our ongoing child welfare crisis.

Joseph provides a path to move forward that requires partnership between an educated settler population and Indigenous people. The Tyee spoke to Joseph about his book, the Act, and why he remains hopeful about our collective future.

**Katie Hyslop** What does reconciliation mean to you?

**Bob Joseph** A little bit of a look back into history to see where we've come from, what the thinking was and to really contrast it with where we are now and what the future can bring. And there's lots of opportunities there for all Canadians.

**Katie Hyslop** Why should non-Indigenous people care about the Indian Act?



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**Bob Joseph** Because you can actually dismantle it like the current federal government is talking about and replace it with other forms of governance. I think it will fundamentally change the relationship.

[Government's] big concern, obviously, is how much money goes into running programs: healthcare, housing, education, that kind of stuff. And unfortunately the Indian Act and Indigenous and Northern Affairs Canada, not so much recently but in its heyday, was designed to assimilate. And it seemed that assimilation would happen, and the feds took on a fiduciary duty or legal obligation to continue to fund it until they assimilated. So that number has actually grown into a pretty staggering number.

But in essence, though, it's really created dependency problems with peoples and communities, which they're unhappy with to the point of saying, we want to get out of this relationship, we want to dismantle the Indian Act, we want to become self-reliant. They're really looking for three selfs: self-determination, nobody in Ottawa gets to tell us who our people are anymore; self-government, we can govern ourselves and be transparent and accountable in the Canadian state; and self-reliance, we'll look after ourselves.

The Nisga'a Nation used to be an Indian Act band with Indian Act chief and council, but through the negotiation of treaties they actually dismantled the Indian Act and took on their own form of government, the Nisga'a Lisims government. My big test for it all is you don't hear much about them, which to me it means things are working. If things weren't working we'd certainly hear about it.

Just the financial benefits alone are staggering. I remember years ago the Vancouver Sun, '94 or '95, ran an article talking about the cost of Indian land claims and that they would be \$10 billion. And taxpayers were disappointed: the economy was in a tailspin, there was a deficit and a debt, and now they were going to have to pay another \$10 billion.

But what if I told you we could self-finance a \$10 billion treaty process if we just changed the funding relationship, and gave people an opportunity to be more self-reliant?

PricewaterhouseCoopers was commissioned in the early 1990s by the province to take an economic impact assessment of [settling] land claims on B.C.'s economy. At that time, they estimated about \$1 billion of direct investment, plus about 1,500 jobs, just in two sectors: forestry and mining.

So what I would tell people is we can self-finance \$10 billion B.C. treaty process in about five years if we change the funding relationship, the funding transfers, and stopped spending all the money on fighting court cases about the land claims. It would be a much cheaper proposition, plus I think there would be more prosperity. Certainly the Nisga'a are interested in economic opportunities.

**Katie Hyslop** Where would this self-sufficiency money come from?

**Bob Joseph** When we talk about the Treaty Process, people often think: is that treaty a cookie cutter? And I always like to tell my learners no, you're a chef, but you're not a pastry chef. You're a dim sum chef with 16 menu items and each community will decide which menu items work for them.

So some of them will be very pro-business, but when I say that we can compare the Nisga'a to the Westbank First Nation, who has over 10,000 non-First Nations people living on lands paying leaseholder

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fees and taxes to Westbank First Nation. So that's their style of economic development, where Nisga'a, because of their location, was looking into forestry resources. I'm certain that they're collecting stumpage fees and mining royalties, and all of the other things that they negotiated.

So there will be some difference in how they achieve that self-reliance piece, but certainly there was a transfer of cash, a transfer of lands and resources. Nisga'a actually agreed to pay taxes, they saw more net benefit to the Nisga'a nation if their people were paying taxes than if they weren't paying taxes.

**Katie Hyslop** Would that mean the end of federal funds for First Nations people entirely?

**Bob Joseph** Yeah, through the Indian Act it would. But what the Nisga'a said was if our people are paying taxes, they should be entitled to programs available to other Canadians, taxpayer equity funding, because they're taxpayers now. So that was a big deal for them, because if we looked at just education they got a certain amount of money to run their K through 12 education and there was less money for band schools than there were for other schools.

So they were saying if we're paying taxes, we want taxpayer equity funding, because that's just what every Canadian gets for the payment of taxes, and that's where they saw that more long-term benefit to the Nisga'a nation.

**Katie Hyslop** Weren't they already paying taxes?

**Bob Joseph** It would depend on whether or not they were working on reserve. If you're a status Indian working on reserve and being paid on reserve, then you're considered tax exempt. Section 87 of the Indian Act talks about the tax exemption piece. You could be a status Indian but not work on the reserve and that becomes a much tougher proposition to get income tax exempt because Revenue Canada really looks at where the work is occurring and where they're being paid.

There is truth to the notion that they don't pay taxes, but not all of them. Especially remote communities, I don't know what the levels of unemployment are, but it starts to give you an idea of how many people would actually benefit from an income tax exemption.

But when we talk about Nisga'a, though, because they transferred title of the reserve, the Indian Act disappears, the governance is replaced by a Nisga'a Lisims and some village governments. That's certainly not available to them: they're participating in the economy, paying taxes. That's been a long-term objective. What they were saying and many others is give us some land and some resources, give us the ability to make decisions about those lands and resources, and we'll participate in the political and economic mainstream, but in a way that protects our culture.

*21 Things* gives an opportunity for people to see some of the things that were part of that Indian Act that really were designed to assimilate. Women could lose status by marrying non-Indian men, that meant you couldn't live on reserve. It was the basis for residential schools, we need to take away the kids to really have influence on them.

If we think just about reserves, think about a utility that wants to run a corridor on the reserve, the best practice today is to go the band and try to find some arrangement with the band in order to have it

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there. But they still need to have Indigenous and Northern Affairs Canada in to sign the paper because title to the reserves rests with Her Majesty.

So it created the band council system; it banned potlatches, powwows and ceremonies; it didn't let them vote until 1960 federally — they were considered anybody other than persons; they had to get permits to sell.

[Chief Robert Joseph] actually did some peace mission work and they travelled to the Middle East. They were talking to Palestinians and Israelis and trying to spread the word of peace. He came back from that it was one of the most horrible things he'd ever witnessed, the animosity and how vitriolic people can be. He said we're not doing that, we're not going to let this country go that way, that's not healthy for anybody's kids.

**Katie Hyslop** How do you dismantle the Indian Act without hurting the people who currently rely on the services?

**Bob Joseph** That's what the challenge is for Indian and North Affairs Canada, and they're saying we're going to look at it on a case by case basis, to experiment and figure it out. And I think that it comes down to sort of a governance question, and that the communities should really drive, and I think Paul Martin's made a lot of sense in some of his comments: they get to decide what it looks like, they should come to the table when it's ready, and then they can slowly figure out how to make that transition.

Not too slowly, though. If there's pilot programs and over 600 bands: you do two pilot programs a year, then that's 300 years to make the change. I think it has to happen quicker than that.

**Katie Hyslop** In B.C. would those community-driven conversations be the same as treaty negotiations?

**Bob Joseph** It can happen in treaties, but we've also seen self-government conversations happen outside of treaty negotiations. Westbank First Nation, for example, wasn't able to work it out with their fellow community members. So they have a self-government agreement that allows them to govern their reserve lands and resources without having to go to the Minister of Indian Affairs for every decision.

**Katie Hyslop** How important is the transfer of land? Some people say reconciliation can't happen without it.

**Bob Joseph** If you think about a community with reserve land, they don't own it, it's harder to sell. The best you can do is a 99-year head lease. The big problem for the members is they can't borrow money against it. It gets into other social issues like basic housing.

There are instances where the government has said we're going to do a First Nations home owners loan program, so they'll lend you the money to do the bricks and mortar, but you still don't own the dirt you build on. And most Canadians will tell you the money's in the dirt, not the depreciating asset piece.

But there's a really fundamental piece here: that whole Nisga'a treaty process was fundamentally a human rights process, the ability of people to be who they are, where they are, for as long as that's

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possible. They didn't come here from anywhere. So they really need a place and a space to protect their cultures and look after their people.

When you look back at the Indian Act, we were actually trying to take all of that away from them.

**Katie Hyslop** What gives you faith that we can untangle the relationship between Indigenous people and settlers?

**Bob Joseph** Faith in the Constitution: Section 35 recognizes and affirms the existing Aboriginal and treaty rights of the Aboriginal peoples in Canada.

I was just downtown yesterday training one of the big federal agencies, and you can see a shift. When I get there they're asking why should we do this? What's in it for me? And why can't they be equal?

By the time they leave they're saying how can we fix this? What can we do? How can we change this? And they're actually really taking in the hints and tips on how to work on things effectively, protocol, pronunciation.

Honestly I think most settlers want it to change. I've had lots of people apologize to me personally. I don't know how to deal with that, actually. All I can say is thank you. Sometimes, though, on the legal side for political reasons we do a lot of legal challenges.

Source: **The Tyee**

### **21 Things This Book Can Tell You about the Indian Act**

Hyslop, K. (2018 16 March). *21 things this book can tell you about the Indian Act: Bob Joseph's new book explains Indian Act's attempts at assimilation and how Canadians can find a hopeful path forward*. The Tyee. <https://thetyee.ca/Culture/2018/03/16/21-Things-Book-About-Indian-Act/>



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## Interview with Sheilagh Rogers

*Bob Joseph believes Indigenous reconciliation can be realized sooner rather than later*

January 25, 2020

Bob Joseph, a member of the Gwawaenuk Nation, is the founder and president of Indigenous Corporate Training Inc., which offers training on Indigenous relations to government and corporate clients.

He's also the bestselling author of *21 Things You May Not Know About the Indian Act*, which is a guide to understanding the 1876 Indian Act and its repercussions on generations of Indigenous Peoples.

The book, which was one of the top 10 bestselling Canadian titles of 2019, examines the legacy of the legal document that he notes has shaped the lives and opportunities of Indigenous peoples in Canada.

He spoke with Shelagh Rogers about *21 Things You May Not Know About the Indian Act*.

### **'Short, brutish lives'**

"A lot of the Indian Act's policy was put into place on the basis of Indigenous people living 'short brutish lives.' It was created with the idea that Indigenous people needed help to make things better for them. When we look at the genesis of the Indian Act, a federal government agent would go around to Indigenous communities around the country, documenting people with the goal to make them 'status Indians.'

"It was about finding ways to legally racially define us and then finding ways to illegally racially define us. Intermarriage played a huge role in the status of Indian men before 1985. If I married somebody who wasn't Indigenous at all, as long as I married before 1985, she could become a status Indian.

"But for women, they lost status. If an Indian woman married a non-Indian man prior to 1985, she lost her status, and so did her children. That meant you couldn't live on the reserve because reserves are set aside for the use and benefit of status Indians. It was very discriminatory against Indian women."

### **The land question**

"In British Columbia, we don't have treaties. The province has wrestled with what we call 'land claims' or 'the land question.' It's been an important conversation to have.

"When I first started working on this issue, it was a very budding field. We had some tough road to plow — who wants to learn about Aboriginal awareness? That was actually a kind of a hurdle in itself.

"We thought we have to really make it engaging and tackle all of the things that need to be tackled. But I realized that it's okay to actually talk it through and ask about anything."

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## The design for dismantling

"Every once in a while I just pinch myself — I get to talk about dismantling the Indian Act. And the book is a bestseller. Who would have thought? But the Indian Act is still here. We have to figure out how to dismantle it and reach the political objectives of Indigenous peoples across the country.

"We're looking at three concepts here: self-determination, self-government and self-reliance. The legislation needs to go for these reasons and we're very close. We've abandoned forced cultural assimilation. We're just working out how to best accomplish that for the 605 different nations and 11 major language families. That's the real task."

*Bob Joseph Jr.'s comments have been edited for length and clarity.*

Source: **CBC Radio: The Next Chapter**

### Bob Joseph believes Indigenous reconciliation can be realized sooner rather than later

Bob Joseph believes Indigenous reconciliation can be realized sooner rather than later. (2020, January 24). *CBC Radio*. <https://www.cbc.ca/radio/thenextchapter/full-episode-aug-15-2020-1.5437977/bob-joseph-believes-indigenous-reconciliation-can-be-realized-sooner-rather-than-later-1.5438015>



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## CBC Story by Stephanie Cram (based on Radio Interview with Rosanna Deerchild)

*Author calls the Indian Act 'a post-confederation assimilation tool'*

June 19, 2020, last updated October 8 2021

In 2015, Bob Joseph, a member of the Gwawaenuk Nation, wrote a blog post about the surprising things people may not know about the Indian Act.

Joseph says the blog post "hit a nerve" with Canadians and went viral, which later inspired him to expand it into the book, *21 Things You May Not Know About the Indian Act*.

At its core, the book dismantles stereotypes of what it means to be a Status Indian under the Indian Act.

"A lot of people think that people living on reserves under the Indian Act live in some kind of Shangri-La, that they're getting free housing, free education, and they don't pay taxes," Joseph said.

"The Indian Act is a post-confederation assimilation tool, so we're going to protect their property from the erosion of taxes on the face it sounds really helpful, but ... in a more current context, it really just holds the Nations back."

Joseph said that living on a reserve comes with its challenges.

He gives the example of buying a car, saying that some dealerships won't sell a car to someone living on a reserve. If payments on a car located on a reserve aren't made, the company can't seize the car since "reserves are not subject to seizure."

He also gives a more personal example of when he went to the bank to get a loan for a new car.

"I was just starting out my career working for a big firm here in British Columbia ... I was married, I had a job, a post-secondary education, if I was a lender, I was the perfect candidate," said Joseph.

"But they refused to loan me the money and wanted my wife — who's not Indigenous — to cosign."

### **The creation of the reserve system**

Joseph added one thing that is outlined in the Indian Act, that continues to impact the lives of many First Nation people, is the reserve system.

"The reserve system was really created as part of this old philosophy [that] by the time we confederate, Canada believed that the Indians — as they're called in the Indian Act — were a dying race of people, that they're not going to be here for much longer," he explained.

"A reserve is really a holding pen, it's a place where we're going to put [First Nation people] until they assimilate."

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Joseph noted that reserve land is not owned by the nation, instead it is owned by the federal government.

"Initially [the government] put them on to reserves and, often for the most part, left them where they were situated," he said.

"[Nations] were supposed to use those lands and put them to their highest and best use ... but [the government] doesn't want to compete with them in the markets," Joseph explained.

"So [the government took] away their ability to sell off of reserve, they can't sell without written permission from the Indian agent or the Department of Indian Affairs."

In his book, Joseph outlines how if communities wanted to purchase farming equipment to start cultivating their lands, they had to get permission from the Indian Agent, a request that was often rejected.

And as cities in Canada continued to grow, a 1911 amendment to the Indian Act allowed the government to remove communities from reserves within an incorporated city.

"Think about a place like Vancouver, today there's just lots and lots of people and urban sprawl, but in those days there wasn't much there," said Joseph.

"But then [the government] went back and took it away because [the Nations] weren't being enterprising peoples."

In addition to putting First Nations on reserves, the federal government also overruled traditional forms of governance, introducing the Chief and Council system which still exists today.

"[The federal government was] trying to get them to give up who they are and become like everybody else, [the government] saw these forms of Indigenous governments as really an impediment to that process," he added.

"Hereditary Chiefs and matriarchs and elders ... [were] in the way of assimilation."

"[Chief and Council] are elected by their people, but they're really accountable to Indian Affairs, and their primary responsibilities [are] really around health care, housing and education, certainly not designed to approve major infrastructure projects."

### **Moving beyond the Indian Act**

There is growing pressure among some First Nations for the federal government to get rid of the Indian Act all together.

"I'm definitely in the camp that sees us getting rid of the Indian Act ... if it's coming down to the survival of the Nation, it can't survive under the Indian Act," Joseph said.

Instead, he turns to modern treaties, like the one signed with the Nisga'a Nation in 1976, as inspiration for how federal government and First Nation relations could look.



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"I'm not promoting the Nisga'a model, I'm just saying that it's something that works for them," Joseph said, explaining there is no cookie cutter model of how nations should negotiate treaties with the federal government.

Joseph said that under the Nisga'a Treaty, the Nation agreed to continue to pay taxes, as a way to guarantee that they receive access to services equal to other Canadians.

Looking at education in particular, Joseph added that K-12 education under the Indian Act is "chronically underfunded."

"So their view is, if our people are paying taxes, we get taxpayer equity funding for our school, we'd be better off as a nation in the long term."

Joseph said that decisions like this must be made on a case-by-case basis with the many First Nations across the country.

And as more and more First Nations challenge the Indian Act, Joseph believes it is on its way out.

"We've been working diligently ... on self-determination, self-governance and self-reliance," said Joseph, who uses the [Westbank First Nation self-government agreement](#) signed in 2005 as another example of success.

"People are always concerned — taxpayers especially — that it's not going to work or that something's going to go wrong."

"There's a fair bit of chicken-littling, you know, the sky is going to fall. And what we've seen is ... the sky isn't falling, that there's actually some fairly functioning relationships between local governments, and provinces, and the feds [with Nations]."

Source: **CBC Radio: Unreserved with Rosanna Deerchild**

### **Author calls the Indian Act 'a post-confederation assimilation tool'**

Cram, S. (2020, June 19). Author calls the Indian Act 'a post-confederation assimilation tool'. CBC Radio. <https://www.cbc.ca/radio/unreserved/how-the-indian-act-continues-to-impact-the-lives-of-first-nation-people-1.5614187/author-calls-the-indian-act-a-post-confederation-assimilation-tool-1.5617428>



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## Indigenous Corporate Training Original Blog Article by Bob Joseph

*21 Things You May Not Have Known About the Indian Act – Original Blog Article*  
June 2, 2015

This Indigenous Corporate Training Inc. article authored by Bob Joseph in 2015 led to him writing and publishing the book of the same name in 2018.

Source: **Indigenous Corporate Training Inc.**

### **21 Things You May Not Have Known About the Indian Act (blog article)**

Joseph, B. (2015, June 2). 21 things you may not have known about the Indian Act. *Indigenous Corporate Training, Inc. – Working Effectively with Indigenous Peoples Blog*.  
<https://www.ictinc.ca/blog/21-things-you-may-not-have-known-about-the-indian-act>



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## Discussion Questions

1. Which of the 21 things Bob Joseph mentions about the Indian Act was most unfamiliar to you?
2. How does the author frame enfranchisement and citizenship in the context of the Indian Act?
3. What was your prior knowledge about the reserves system? Did the book offer you new insight or clear any misconceptions?
4. How do you think residential schools have contributed to current issues faced by Indigenous Peoples?
5. The author interweaves excerpts from government documents and other sources into his text. How does this affect your reading of the book?
6. Why do you think the White Paper released in 1969 in an attempt to abolish the Indian Act failed?
7. The book includes the full text of the findings of the Truth and Reconciliation Committee. Which of these do you think you can address in your daily life and as part of your work?

Note: Further discussion questions are available in Appendix 4 of the book on pages 165-166.

## Discussion Themes

*Canadian History | Canadian Law | Racism | Colonialism and Implications*