



II. INVISIBILITIES

CERN RECEPTION, MEYRIN, SWITZERLAND. COUTESY: UNSPLASH.COM/PHOTOS/JUFCQXGCXWA

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DISRUPTING THE REGISTER: *TreatyCard.ca* and Indigenous Counter-Archives

IN THIS ESSAY, I analyze the Indian Register as a key source of documentation in the archive of settler colonial law. This system of “Indian” registration and the archive it has generated served to literalize the claims of the *Indian Act*—a piece of legislation designed to segregate yet paradoxically assimilate people mistakenly, and offensively, called “Indians.” As a legislative document, the *Indian Act* asserts the “Indian” as object of settler sovereign authority, articulates the conditions under which “Indian” life becomes visible, and authorizes settler colonial law as the exclusive arbiter of “Indian” identity. Introduced by the Canadian federal government in 1951, the Indian Register is a racialized list of people who have certain “benefits” due to their status under the *Indian Act*. Moreover, the implementation of the Indian Register has generated documentation asserting evidence of “Indians,” which has naturalized the racial taxonomy within state agencies and in the broader settler society. As such, the Register’s techniques of documentation impose a constrained frame through which Indigenous peoples are made visible to agents of the settler colonial state. Consequently, the *Indian Act* and the documentary work of the Indian Register have symbolically and materially shaped for Indigenous peoples what Audra Simpson calls the “terms of even being seen.”¹ As both a collection of records and an active site of administrative governance, I argue that the Indian Register simultaneously operates as an archive of settler colonial law-in-action and of the encounters between Indigenous individuals and the *Indian Act*’s racial taxonomy.

The first two parts of this essay will develop my claims through an analysis of the Indian Register’s historical context. I attend to its application forms as a key site where settler colonial law operates and archives its operations. Such settler laws, however, exist in relation to legal traditions, representations, and narratives that challenge the legitimacy and refuse the authority of claimed Canadian sovereignty. Cree/Métis artist Cheryl L’Hirondelle’s *TreatyCard.ca* is an instance of a counter-archival intervention that destabilizes settler colonial law’s claims to authority.² Through her website, L’Hirondelle invites users to register themselves as treaty partners and “treaty card” holders. In the final section of this essay, I analyze this artwork and the ways in which the terms of L’Hirondelle’s alternative register expose the limited frames of visibility that the Indian Register imposes on Indigenous identity. My analysis prompts a counter-reading of the Register’s archival function by articulating the specific ways settler colonial law aims to render Indigenous relations, identities, and histories invisible. Through this counter-archival disruption to the authorial power arrogated to colonial registrars and their archives, I suggest that *TreatyCard.ca* is a radically open register wherein participants author—and authorize—their own identity at a remove from the state and its sovereign archival desires.

Implementing the Register

The 1876 *Indian Act* is a central document in settler colonial law. It defined “Indian” life and asserted measures of control over “Indians,” their lands, and their resources. The Act was also a condition of possibility for establishing a Euro-Canadian settler society and, ultimately, “a racially stratified capitalist economy and colonial state.”³ As such, the Act contributes to the broader settler colonial desire for territorial acquisition in service of establishing new political communities—territories from which Indigenous inhabitants must be eliminated.⁴ As Simpson observes, “the desire for land produces ‘the problem’ of Indigenous life that is already living on that land.”⁵ For the representatives of Euro-Canadian sovereign power, reckoning with the so-called “problem” of the presence and claims of Indigenous nations was a central condition for acquiring territory and making it available for settlement.

The 1951 *Act to Amend the Indian Act* introduced several key changes to the Canadian government’s approach to the so-called “Indian Problem,” which included stricter registration criteria and centralized bureaucratic operations. When canvassed about desired changes to the Act, many Indian Agents requested clarification on the definitions of “Indian” and the terms of registration.⁶ To assuage this grievance and streamline the administration of “Indian” policy, the amended Act introduced the Indian Register and the position of Indian Registrar. The Register was to become a centralized list of all “status Indians” in the country. Unlike policies of direct, physical violence,⁷ the repressive work of administrative governance took the form of basic tasks necessary to the functioning of a modern state in ways that archived “Indians.” As such, the state’s collecting of documents forms an archive of law-in-action, Renisa Mawani has argued, and is a site from which sovereign claims to legitimacy, authority, and meaning emerge.⁸ Importantly, the ordinariness of Indian Register documentation and other bureaucratic practices obscured the original violence of colonialism—the claim to settler authority over the lives and identities of Indigenous nations in usurped lands. Thus, rather than an act of explicit repression, registration is articulated as the paperwork necessary for the efficient functioning of a modern state. The Indian Register—and the pro forma documents it collects, adjudicates, and archives—was and continues to be a technique of settler colonial sovereignty that “cloaks coercion in banal procedure.”⁹

Until 1951, registration of individuals under the *Indian Act* was the responsibility of individual Indian Agents working out of Indian Affairs Department field offices across Canada. Between 1876 and 1951, techniques for keeping track of registered status Indians varied across field offices and regions. As a result, the collection of lists failed to offer a clear sense of how many “status Indians” were recognized by the Canadian government, how this population was changing, and other information deemed necessary for effective policy development.¹⁰ However, the names of individuals included in the Register were gathered through the consolidation of the various lists being used in different Indian Affairs field offices, such as lists of band members receiving treaty annuities.¹¹ The Registrar then entered the collected lists into a database using new standardized forms, which created the official Indian Register.

The stated goal for the centralization of registration records was “the need to determine *exactly who* came under the federal government’s responsibilities for Indians.”¹² This desire for a precise picture of the individuals subject to governance under the *Indian Act* was a concern driven by fiscal

conservatism and was aligned with increasingly restrictive definitions of “status Indian.”¹³ The definition of “Indian” in the 1876 Act had hinged on an individual’s claim to being a child of “any male person of Indian blood or reputed to belong to an Indian band.”¹⁴ However, the 1951 *Indian Act* replaced the language of “Indian blood” with the notion of registration. The amended definition required tracing lineage through paternal descent to someone with “status” in 1867, to someone who was a band member when a treaty was signed, or someone who appears on a band membership list or general list of “Indians.”¹⁵ Practically, claiming one’s eligibility to register as a “status Indian” now required documentary evidence of one’s paternal lineage. Traced through access to birth certificates, marriage licenses, divorce agreements, death certificates, and other administrative re-presentations of relational bonds, “Indianness” was given a bio-archival form. To be “Indian” after 1951 no longer turned on a claim to blood and community. The crucial heritable trait became archival—visibility as “Indian” required the appropriate documentation verified by state representatives and reflective of state ways of seeing.

The narrowed, document-driven 1951 definition of “status Indian” served settler colonial logics of elimination by increasing the burden of proof for claiming status and, crucially, by making it harder for women to retain and pass on status. While the 1876 *Indian Act* contained provisions for revoking status if an “Indian” woman married a non-status man, such women retained their rights to treaty monies and to distributed band revenues and, in some cases, were able to remain on reserves. Conversely, the 1951 revisions forced women off reserves with a one-time payment from band funds and terminated connections to relations and community—a measure designed to reduce administrative costs.¹⁶ A practice of restrictive accounting, the tightening of rules governing marriage and status sought to ensure a decrease in the “status Indian” population over time.¹⁷ This has had the effect of undercutting women’s autonomy and consolidating heteropatriarchal structures within band politics.¹⁸

The Registration Form as Archive

The Indian Register is a documentary project in service of settler colonial policy objectives. In acquiring, adjudicating, and archiving records of those Indigenous people deemed visible as “status Indians,” the Register produced centralized documentary evidence pointing to the “fact” of the *Indian Act*’s racial taxonomy. More precisely, the collection and adjudication of applications by the Registrar generated an archive of the encounter between an individual and settler colonial law. The adjudication of each registration form was an instance of settler law—in the form of the *Indian Act*—making itself material and asserting claims to sovereign authority. The authority attributed to the Register’s records by the Canadian state was rooted in a broader investment in the capacity of documents to objectively verify the phenomena they record.¹⁹ The paper trail generated by the circuit of application submission, adjudication, and decision not only resulted in the Indian Register as a list of “status Indians,” but also an archive of settler law’s actions and their effects.

Thus, the Indian Register is an archive of settler colonial law. The formation of the Register, its documents, and the office of the Registrar reflect the dual meanings of place and power that Jacques Derrida identified in his etymological analysis of the Greek *arkheion*. As both the residence of superior magistrates (or, *archon*) and holding place for documents, the *arkheion* was the space where

the magistrate's right to interpret documents was exercised.²⁰ Here, the law's powers of procedure and precedent were made material through the creation, maintenance, and interpretation of documents—activities over which the magistrate held exclusive authority. The Indian Registrar similarly exercises the power of procedure and precedent with respect to the application forms received. The symbolic force of the *Indian Act* and its racial taxonomy are made material when they are invoked in the Registrar's adjudication of forms and supporting documents. Similarly, Michel Foucault described the archive as "the first law of what can be said" and a "system of enunciability."²¹ In this sense, the *Indian Act* operates through the Registrar's right to interpret applications and determine which individuals can be said to be "Indian." The resulting list of "status Indians" archives not only the specific decision-making power of the Registrar but also the repetitive functioning of settler colonial law.

The documents archived by the Indian Register define a range of visibility and, thus, possibility. To describe this productive heart of documentation, Ben Kafka repeats a frequently cited dictum of Spain's King Philip II: "*quod non est in actis, non est in mundo*; what is not in the records is not in the world."²² Similarly, what is not "Indian" in the Indian Register is not in the world. That is, not in the world as perceived by settler colonial law, which seeks to exclude and eliminate Indigenous voices, bodies, communities, and histories. The Register, borne of layers of authorized documentation of "status Indians" and their relations, established the archival presence of the "Indian" population and confirmed their existence as instances of an abstract racial category with the claimed objectivity of administrative pro forma documentation. Lives outside the narrow *Indian Act* definition are obscured—they may appear to the state in a variety of other ways, but not as "Indian".

The Application for Registration Under the Indian Act replicated the formula for determining an individual's visibility to the state as a "status Indian." Forms, and the ways they structure fields of information, are a bureaucratic technique for framing visibility. As a specific genre of documentation, the form is designed to replicate a formula and demands completion.²³ The type and format of information compelled by Applications for Registration Under the Indian Act reproduced the constrained conditions under which Indigenous life was made to appear to the settler state and its representatives. The application form was, and continues to be, a material site of interaction between the body of the individual applying for registration and settler colonial law. The transactional nature of these forms obscured the violence involved in the settler state's attempts to assert authority over Indigenous identities and to demand that Indigenous peoples present themselves in ways that conform to settler colonial grids of intelligibility.

The information required by these application forms is premised on how the *Indian Act* frames "Indian status." The materiality of the forms and their political effects documented many aspects of settler colonial histories. Each "status Indian" was registered individually, reiterating both the Canadian government's definition of "Indian" as a status held by individuals and the undermining of Indigenous nations as political entities with the authority to determine their membership. Written in French and English, application forms compelled the inscription of people and place names in either colonial language. The inscription of band name and number repeated the *Indian Act's* imposition of bands as the only state-recognized administrative entities, which further fractured Indigenous nations and their systems of political, economic, and social relation.²⁴

Applications for registration and the subsequently produced records reiterated these legislative frames of individualized “Indians” organized into federally-structured bands. In early records completed by Indian Agents, the first field of recorded information was the applicant’s band name, followed by the name of the individual. Forms currently in use are completed by individual applicants, begin with applicant names, and request band names last. In Part A of the contemporary form, applicants request to be “registered in the Indian Register” and to have their name “entered in a Band List,” which reiterates the suturing of “Indian” and “Band”. Though it is possible to register without band membership, this type of recognition continues to be the only form of group affiliation possible within this documentation system. Historical application forms also required that individuals list their fathers and mothers. Contemporary forms also include the names of paternal and maternal grandparents. Both forms listed the father prior to the mother and exclusively recognized nuclear family relations, reiterating the model of heteronormative patriarchal family structures and patrilineal descent embedded in broader settler colonial policy.²⁵

As well, applications for registration as a “status Indian” must reference specific forms of evidence that testify to an individual’s identity and family lineage. The forms of evidence required for registration are limited to evidence generated *by* the state: provincial vital statistics documents; court orders and court documents; church records; school or census records; band or other Indian Affairs records; and, lastly, sworn affidavits that testify to the applicant’s birth.²⁶ This range of acceptable documentation reveals the regime of truth at the heart of Canadian Indian policy. As Eve Tuck and K. Wayne Yang argue, settler subjects “locate themselves at the top and at the center of all typologies—as simultaneously most superior and most normal.”²⁷ Similarly, the prioritized sources of evidence within colonial bureaucracies are those most removed from the individual requesting registration and closest to settler political authority. Documents infused with the authorial force of state power are readily perceptible as statements of fact. The information sources of last resort are those closest to the individual in question, furthest from political authority, and potentially attest to alternate regimes of truth. Even in cases where the Registrar accepts oral testimony, that testimony is co-authored by the state via the affidavit process where state-recognized authority is appended to the storyteller’s own authority.

As such, the Indian Register operates within the bounds of settler colonial grids of intelligibility. The structure of application forms rendered Indigenous naming practices, nations, and other forms of relations not formally recognized by state policy *uninscribable* on registration paperwork. Moreover, federal and provincial governments generated documentary archives of non-Indigenous subjects. However, the Indian Register archived a list of racialized subjects, which has substantive political implications. Registration framed particular bodies as the homogenized containers for the “benefits” of status, which involved scrutinized access to and restriction from different resources. In tracking marriages and divorces, for example, registration records were the documentary surface on which *Indian Act* sex-discrimination unfolded. Prior to 1985, the amendment of a “status Indian” woman’s registration record to reflect her marriage to someone without status would result in her loss of status.²⁸ These terms of administrative visibility attempted to erase self-determining nations as sources of Indigenous identity, membership protocols, and relations. To rephrase James Scott, there

was no state-naming and state-making without concerted practices of un-naming.²⁹ Under the racialized context of the Indian Register, procedural acts of paperwork enacted and archived settler colonial assertions of authority over Indigenous life.

***TreatyCard.ca* as Counter-Archive**

The Indian Register is an archive of settler law that reproduces colonial relations in Canada. However, its forms and preferred documents exist in relation to other representations that challenge the legitimacy and authority claimed by settler colonial law. One such challenge to the documentary frames of visibility at work in the Indian Register's archive is Cree/Métis artist Cheryl L'Hirondelle's *TreatyCard.ca*. A website created by L'Hirondelle in 2002, *TreatyCard.ca* mimics the process of registration under the Indian Register. Inviting individuals to register for treaty cards, the site generates a mode of visibility detached from the state-produced documents prioritized in the official registration process. I read L'Hirondelle's project as a counter-archive that destabilizes the authorial power arrogated to the Indian Registrar and creates a site for performing self-authorized identifications unintelligible within settler colonial archives. The goal of this counter-archive is not to develop a more inclusive Indian Register with more refined practices of recognition and a better archive of documents.³⁰ Rather, *TreatyCard.ca* targets the logic structuring the Register and consequently disrupts the Register's claimed authority over the visibility of "Indians" and as a source of the "law of what can be said."³¹

L'Hirondelle's introduction to *TreatyCard.ca* frames the artwork as an attempt to "re-dress current relations between natives & non-natives by re-examining the intent, issue and details of the canadian government's 'certificate of indian status' [sic]."³² Given that treaties are agreements between two sovereign parties, L'Hirondelle explains, it follows that both parties ought to hold treaty cards as documents of their mutual subjection to the agreements and their terms. Obscuring the relational core of treaties, Certificates of Indian Status are only given to individuals registered as a "status Indian" under the *Indian Act*. L'Hirondelle's instructions for using the website address three groups of potential users: current holders of "Indian status"; Métis peoples and non-status "Indians"; and non-natives. For those already registered as "status Indians," new *TreatyCard.ca* documents can be made with information that is more relevant to one's lived identity and history. For Métis peoples or non-status "Indians," the project offers an opportunity to obtain one's "own personal facsimile of the gov't issue (if you've been feeling left out of the club) [sic]."³³ In a wry nod to settler derision of the "benefits" of status, L'Hirondelle also offers non-natives the opportunity to register: "never let the words 'i wish I had a treaty card' pass your lips again - sign up today [sic]."³⁴ The registration performed here draws attention to the artificiality of settler-imposed racial categories and invites reflection on how such categories are literalized and reproduced by administrative paperwork.

The simplicity of the form used in *TreatyCard.ca* lends affective force to L'Hirondelle's work as a counter-archival practice. Registering on *TreatyCard.ca* mimics the act of submitting one's identifying information to the state's Indian Registrar. However, the openness of L'Hirondelle's process illustrates the limitations and burdens of the state's registration process. *TreatyCard.ca* interrupts the circuit of state-generated evidence required for registering with the state as an "Indian." The Indian Register

start here to create your own treatycard

given first name:

surname/colonized name:

alias/original/chosen name:

Date Of Birth:

place of origin/birth:

image: (jpg only)

email address:


Cheryl L'Hirondelle, *TreatyCard.ca* (2002). Screenshot of registration form. Courtesy of Cheryl L'Hirondelle.

requires that individuals use the family names and birthplace names translated into either English or French or use names assigned by representatives of the Canadian state as they appear on government issued forms of evidence such as birth certificates, marriage certificates, original treaty lists, and other state-accepted documentation. Alternatively, *TreatyCard.ca* instructions encourage users to enter given names, surnames, aliases, and birthplaces in their original languages and in line with an individual's chosen modes of identification.

L'Hirondelle also offers users a guide to the terminology used in *TreatyCard.ca*, which articulates the project as one of counter-archival critique. The fields for first name and surname/colonized name, the guide explains, are to be populated with names that replace those used in government registration. In defining surname/colonized name, L'Hirondelle articulates the Indian Register's use of state-imposed names as an act of assimilation:

“for some, your last name may have been established because of one of your ancestors' names and changed from its original language into english or french (ie - Littlechief=Okimasis / Apisis=Petite etc) or you may have been given the last name of the priest or the indian agent - hence your last name is 'colonised' [*sic*].”³⁵

Offered as an opportunity to include another preferred name or the name of an ancestor, the field for alias/original/chosen name both disrupts the sense of criminality associated with “alias”—a piece of information gathered on Indian Register applications—and expands the terms of identification to include Indigenous languages and naming practices. Similarly, L'Hirondelle's guide specifies that “Indians” input their band name—written in the original Indigenous language, if possible—to populate the field for place of origin or birth. The inscription of band names in Indigenous languages is framed as an opportunity to performatively correct information archived by the Indian Register and inscribed on existing Certificates of Indian Status. For Métis or non-status “Indian” users, this

| treatycard | | date of birth | place of origin/birth |
|---|---|----------------------------|------------------------------|
| CERTIFICATE OF TREATY STATUS | | 1958-09-20 | edmonton (passpasschasis) |
|  | this is to certify that surname/colonised name | alias/original/chosen name | |
| | <u>l'hirondelle</u> | waynohtew (she returns) | |
| | given first name | holder's signature | |
| <u>cheryl</u> | | | |
| registry number | | | |
| <u>385938476</u> | finder please sign up for your free treatycard at www.treatycard.ca | | |

Cheryl L'Hirondelle, *TreatyCard.ca* (2002). Screenshot of a treaty card generated by TreatyCard.ca. Courtesy of Cheryl L'Hirondelle.

field is to be filled with place names in Indigenous languages. Non-native users are instructed to fill in either their place of birth or where they feel they are “from,” but with the explicit reminder that “if you live on the prairies/plains, you are existing on treaty land [sic].”³⁶

Referencing the imposition and translation of names used by state agents, the *TreatyCard.ca* instructions acknowledge some of the ways Indigenous peoples, lands, and relations have been dislocated by efforts to render them visible in the settler colonial archive. The specified function of the Indian Register is the collection of “status Indian” names and other information for use in streamlining policy and service delivery, but the naming and gendering conducted by official and unofficial representatives of the state also aimed to erase Indigenous systems of identification. The Truth and Reconciliation Commission of Canada recognizes the violence of colonial naming practices in its Call to Action #17:

We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.³⁷

Registration forms refuse the possibility of an individual's “official identity” including one's name in an Indigenous language and instead assume the validity of English or French names and binary gendering. Each data field of the historical registration forms not only asked for names imposed by colonial agents, but for names meant to cancel existing practices of identification and relation. In literalizing the state defined “Indian” identity, the Indian Register has and continues to disavow the authority of Indigenous practices of identification, knowledge, and self-determination. A key critical intervention of *TreatyCard.ca* as a counter-archive, then, is its response to constraining documentary techniques with a radical openness. In explicitly inviting participants to create documents that reflect their identities, and to amend and refuse the assimilative names imposed by settler state operatives, L'Hirondelle's work destabilizes the Indian Register's archiving of erasure.

As a self-verifying register, *TreatyCard.ca* is useless to the colonial knowledge-power project at the heart of the Indian Register—it invites individuals to author and authorize their own identity at a remove from the state, its institutions, and its procedures. The invitation to define and claim “Indian” identities points to the arbitrary fabrication of “Indian” as a category. For anyone and everyone to be able to claim “Indian” status through *TreatyCard.ca*, the term fails to operate as an exclusive distinction authorized and archived by settler colonial law. Visitors to the website can explore a registry containing nearly 1,500 names—however, the evidence required by sovereign identity archiving is notably absent. *TreatyCard.ca* contests the observable form of “Indian” life generated via state registration techniques by documenting the many ways Indigenous life exceeds these categories. When there is a multiplication of writing, documents, and documentation techniques, there is a destabilization of roles, actors, and actions.³⁸

The documentary techniques designed to produce the racialized visibility of “status Indians” and other Indigenous peoples are inherently political, but such administrative transactions are frequently insulated from contestation. That is, the Indian Register has lived implications for the individual bodies and nations it documents that become naturalized. As a technique deployed within broader strategies of assimilation and elimination, the Register is a list that was intended to become shorter over time in accordance with the restrictive accounting mechanisms embedded in the codification of “status Indians.” Moreover, the addition and removal of names triggers further administrative processes, such as the extension or retraction of access to resources or the granting and revoking of Certificates of Indian Status. For administrators, the act of registering or unregistering an individual “Indian” is a matter of paperwork—forms are completed, appropriate evidence submitted, applications are adjudicated, and entries or deletions are processed. For individual Indigenous persons, the creation or deletion of a file in the Register’s archive has material, social, and cultural implications.³⁹ The value of the Indian Register and its archives to settler governance hinges on the state’s claim to exclusive authorial power over the definition of the category of “status Indian” and its lived applications—a claim disrupted by the counter-archive of *TreatyCard.ca*.

NOTES

- 1 Audra Simpson, “On Ethnographic Refusal: Indigeneity, ‘Voice’ and Colonial Citizenship,” *Junctures* 9 (2007): 69.
- 2 Cheryl L’Hirondelle, “Treaty Card,” <http://www.treatycard.ca> (Accessed 31 August 2017).
- 3 Glen Coulthard, “Subjects of Empire: Indigenous Peoples and the ‘Politics of Recognition’ in Canada,” *Contemporary Political Theory* 6.4 (2007): 446.
- 4 Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (London: Cassell, 1999).
- 5 Audra Simpson, *Mohawk Interruptus: Political Life Across Borders of Settler States* (Durham: Duke University Press, 2014), 19.
- 6 John Leslie, 1999. *Assimilation, Integration, or Termination?: The Development of Canadian Indian Policy, 1943-63* (Doctoral dissertation, Carleton University, 1999), 79.
- 7 The administrative elements of Canada’s Indian Policy have been imposed alongside the militarized action against Indigenous peoples, such as the violent suppression of the 1885 rebellions and in the 1990 liberation of Kanehsatà:ke.
- 8 Renisa Mawani, “Law’s Archive,” *Annual Review of Law and Social Science* 8 (2012): 337.
- 9 Dean Neu and Cameron Graham, “The Birth of a Nation: Accounting and Canada’s First Nations, 1860–1900,” *Accounting, Organizations, and Society* 31 (2006): 56.

- 10 John Milloy, "Indian Act Colonialism: A Century of Dishonour, 1869-1969" (Vancouver: National Centre for First Nations Governance, 2008), 12.
- 11 Department of Indian Affairs and Northern Development (DIAND), *Identification and Registration of Indian and Inuit People* (Ottawa: Government of Canada, 1993), 5-6.
- 12 *Ibid.*, 6, my emphasis.
- 13 Neu and Graham, "Birth."
- 14 Canada, *An Act to Amend and Consolidate the Laws Respecting Indians* (Statutes of Canada 1876, c.18), Section 3.
- 15 Canada, *An Act to Amend the Indian Act* (Revised Statutes of Canada 1951, c.29), Section 11.
- 16 Leslie, *Assimilation*, 190-1.
- 17 Pamela Palmater, "Genocide, Indian Policy, and Legislated Elimination of Indians in Canada," *Aboriginal Policy Studies* 3.3 (2014): 27-54.
- 18 Mary Ellen Turpel, "Patriarchy and Paternalism: The Legacy of the Canadian State for First Nations Women," *Canadian Journal of Women and Law* 6 (1993): 174-192.
- 19 Suzanne Briet, *What is a Documentation?* (1951), trans. and ed. R.E. Day, L. Martinet, and H.G.B. Anghelescu (Lanham, MD: Scarecrow Press, 2006), 10.
- 20 Jacques Derrida, *Archive Fever: A Freudian Impression*, trans. E. Prenowitz (Chicago: University of Chicago Press, 1995), 2.
- 21 Michel Foucault, 1972. *The Archaeology of Knowledge and the Discourse of Language*, trans. A.M. Sheridan Smith (New York: Pantheon, 1972), 129.
- 22 Ben Kafka, "Paperwork: The State of the Discipline," *Book History* 12 (2009): 345.
- 23 Trish Luker, "Animating the Archive: Artefacts of Law," in *Law, Memory, Violence: Uncovering the Counter-Archive*, eds. Stewart Motha and Honni van Rijswijk (New York: Routledge, 2016), 79.
- 24 Val Napoleon, "Extinction by Number: Colonialism Made Easy," *Canadian Journal of Law and Society* 16.1 (2001): 113-45.
- 25 Scott Lauria Morgensen, "Settler Homonationalism: Theorizing Settler Colonialism within Queer Modernities," *GLQ: A Journal of Lesbian and Gay Studies* 16.1/2 (2010): 105-131; Mark Rifkin, *When Did Indians Become Straight?: Kinship, the History of Sexuality, and Native Sovereignty* (London: Oxford University Press, 2010).
- 26 DIAND, *Identification*, 38-9.
- 27 Eve Tuck and K. Wayne Yang, "Unbecoming Claims: Pedagogies of Refusal in Qualitative Research," *Qualitative Inquiry* 20.6 (2014): 812.
- 28 Pamela Palmater, *Beyond Blood: Rethinking Indigenous Identity* (Vancouver: Purich Publishing, 2011), 42-6.
- 29 James Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998), 64-71.
- 30 See Jennifer L. Culbert, "A Counter-Archival Sense: Picking Up Hannah Arendt's 'Reflections on Little Rock,'" in Motha and van Rijswijk, 17; and Chrystal Fraser and Zoe Todd, "Decolonial Sensibilities: Indigenous Research and Engaging with Archives in Contemporary Colonial Canada," *Decolonising Archives* (L'Internationale Books, 2016), 38.
- 31 Foucault, *Archaeology*, 129.
- 32 Cheryl L'Hirondelle, "About," <http://www.treatycard.ca/about.php> (Accessed 31 August 2017).
- 33 *Ibid.*
- 34 *Ibid.*, emphasis in original.
- 35 Cheryl L'Hirondelle, "About," <http://www.treatycard.ca/help.php> (Accessed 31 August 2017).
- 36 *Ibid.*
- 37 Truth and Reconciliation Commission of Canada. 2015. *Truth and Reconciliation Commission of Canada: Calls to Action* (Ottawa: Truth and Reconciliation Commission of Canada, 2015), 2.
- 38 Bernd Frohmann, "Documentary Ethics, Ontology, and Politics," *Archival Science* 8 (2008): 175.
- 39 Jessica Kolopenuk, "My Girl," *Aboriginal Policy Studies* 3.3 (2014): 109-14.