

Angel Sue Larkman Indian Status: Woman's Quest To Gain Indian Status Closer To End

By [Colin Perkel, The Canadian Press](#) 07/29/2012

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TORONTO - An Ontario woman's long and byzantine quest to gain Indian status — lost because her grandmother was "enfranchised" under a discredited federal government statute — is set to enter a new phase.

Federal Court will soon have to decide whether a 1952 cabinet decision that stripped Angel Sue Larkman's grandmother and her descendants of their Indian status was the result of fraud.

"I'm really sad that she couldn't be here to see this because she was a big part of it," Larkman said of her grandmother, who died two years ago.

"I feel like I need to win this for her — to make right the wrong that was done."

Larkman's struggle to become Indian, which she began in earnest in 1992, has been through several layers of court up to the Supreme Court over the years without any final decision on her situation.

The saga began when her grandmother, Laura Flood, of the Matachewan First Nation west of Kirkland Lake, Ont., lost her Indian status through "enfranchisement."

The legal framework — started in 1857 — aimed to eradicate aboriginal culture and fold First Nations into mainstream society.

The enfranchised received Canadian citizenship, land and some money. In return, they had to renounce their Indian status for themselves and all living and future descendants. They also lost their tax exemption and right to live in their aboriginal communities.

More than 11,000 Indians lost their status to enfranchisement, excluding the many more family members affected, statistics indicate.

"It's just another version of residential schools — 'civilizing First Nations for their own benefit'," said Sunil Mathai, Larkman's lawyer.

The Royal Commission on Aboriginal Peoples in 1996 described enfranchisement as a "euphemism for one of the most oppressive policies adopted by the Canadian government in its history of dealings with aboriginal peoples."

With the advent of the charter the law was abolished in 1985 and ensuing changes to the Indian Act allowed the enfranchised, along with their children, to be reinstated as Indians.

Larkman's grandmother and mother — but not Larkman and her siblings — regained their status in 1988.

"It felt unfair that somebody else made some rules that we had to follow yet it didn't mesh with the rest of our family," Larkman said.

"We always believed we were Indian. We knew we grew up with grandmother and were all descendants of hers. It felt like, 'How come you get to tell me whether I'm an Indian or not?' It was really hurtful."

Larkman, 40, an office manager in Timmins, Ont., maintains her grandmother was the victim of fraud. She says she only came to realize the circumstances when her initial request for registration as an Indian was turned down in 1995.

Records show Flood was enfranchised after documents in her name were sent to the local Indian agent. However, she could only write her name, and was unable to read.

Flood maintained the chief of the Matachewan First Nation and the Indian agent placed an already filled-in application in front of her and told her to sign, court records show. She did so because she trusted the chief and "always obeyed" the Indian agent and had no idea she would lose her status. She also said she received none of the money she should have.

Cabinet signed an order-in-council in December 1952 enfranchising her.

In a decision in March 2008 that followed seven years of hearings, the Ontario Superior Court sided with Larkman and Flood, ruling the enfranchisement invalid because it was either involuntary or the result of fraud.

The federal government appealed, arguing Superior Court had no jurisdiction. The Ontario Court of Appeal ruled in Ottawa's favour, saying only the Federal Court could invalidate an order-in-council. The Supreme Court of Canada refused to hear the case in October 2009.

Almost a year later — and two months after her grandmother died — Larkman turned to Federal Court, asking it to review the enfranchisement. The government argued the timelines to ask for a review had long been exceeded.

This month, the Federal Court of Appeal sided with Larkman.

"This case is far from normal," the court said in allowing her to file her application for review with Federal Court, something she has now done.

Mathai said he's hoping the case will finally get heard in December.