

METIS ELDERS
SELF GOVERNMENT WORKSHOPS
HANDOUT BOOKLET

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**PROPOSED AGENDA
FOR
METIS ELDERS SELF GOVERNMENT WORKSHOPS**

9:00 AM	Opening Prayer
9:05 AM	Welcoming Remarks
9:15 AM	Introduction to Workshop - Facilitator - Explanation of workshop program - Open discussion on questions
10:15 AM	Break
10:30 AM	Government Structures
NOON - 1:00	LUNCH
1:00 PM	Seniors Issues Identification/Elders Conference Topics
2:30 PM	Break
2:45 PM	Developing Recommendations
4:00 PM	Closing Remarks Closing Prayer

WORKSHOP OVERVIEW

Tansi and Welcome to the Alberta Metis Elders Self Government Workshops. We have a lot of work ahead of us today. I would like to thank you all for coming here to speak about our Alberta Metis Seniors. The workshops have been undertaken in order to get a better idea of what kinds of programs and services we can provide to our Metis seniors, to get your input on the developments of the Metis Government, and to discuss some ideas for how we can meet the needs of our seniors now and in the future.

The first question we will look at is 'Who are the Metis?'. This question is included so that the Metis National Councils Constitution Commission will know that the proposed definition of METIS within the new Metis Government Constitution is correct. In answering this question we will discuss the following points;

1. The Metis Homeland.
2. The Metis Language.
3. Metis Culture.
4. Metis Identity.

The second question we will look at is 'What should our Metis government look like?' In order to answer this question, the planners have included models of the present day federal government structure, the provincial government structure, as well as the suggested government structure outlined within the DRAFT 'Constitution of the Government and People of the Metis Nation' which has been developed by the Metis National Councils' Constitution Commission.

The third question deals with identifying seniors issues in the areas of Health, Justice, Womens Issues, Veterans Affairs, Culture, Housing, and Social Services. We will also try to determine what issues are most important to the Metis Elders to deal with immediately, and what to build into our government structure in order to deal with them effectively in the future.

The planners are aware of the amount of information there is to go through. For this reason, your undivided attention and input is essential. Please accept our gratitude and deep appreciation of your time and commitment to this workshop.

METIS NATION DECLARATION

THE METIS NATION VALUES SELF-RELIANCE, SELF -SUFFICIENCY AND INDIVIDUAL AND COLLECTIVE RIGHTS AND FREEDOMS. THE METIS NATION POSSESSES THE RIGHT OF SELF-DETERMINATION, INCLUDING THE INHERENT RIGHT OF METIS GOVERNANCE WHICH MAY BE EXPRESSED AND IMPLEMENTED BY ITS CITIZENS AT THE LOCAL, REGIONAL, PROVINCIAL/TERRITORIAL AND NATIONAL LEVELS.

CONSTITUTIONAL PREAMBLE

THE PRESENCE OF THE PEOPLE OF THE NORTH WEST, WHO WERE KNOWN AS THE METIS, MICHIF AND HALFBREEDS, FORMED A UNION TO PROTECT THEIR RIGHTS WHICH RESULTED IN THE METIS TREATY OF 1870. THE METIS, MICHIF, AND HALFBREEDS ARE NOW KNOWN AS THE METIS PEOPLE WHOSE RIGHTS AS AN ABORIGINAL PEOPLE ARE RECOGNIZED IN THE CANADIAN CONSTITUTIONAL AMENDMENT OF 1982. THE RIGHTS OF THE METIS PEOPLE ARE DERIVED FROM THREE SOURCES: SUPRA-CONSTITUTIONAL RIGHTS WHICH PRE-DATE THE CANADIAN CONFEDERATION; THE METIS TREATY WHICH INCLUDES THE MANITOBA ACT WHICH BECAME LAW ON JULY 15, 1871; SECTION 35.1 AND 35.2 OF THE 1982 CANADIAN CONSTITUTIONAL AMENDMENT WHICH REAFFIRMED OUR ABORIGINAL AND TREATY RIGHTS.

INTRODUCTION

"THE METIS SENATE CONSTITUTION COMMISSION (MSCC) MANDATED BY THE METIS FEDERAL CABINET (MNC) SHALL IMPLEMENT A CONSULTATION PROCESS WITH THE METIS CITIZENS OF THE METIS NATIONAL COUNCIL TO DEVELOP AND RECOMMEND CONSTITUTIONAL MODELS FOR THE INCORPORATION OF A METIS NATIONAL CONSTITUTION, A METIS PARLIAMENT STRUCTURE AND ITS GOVERNING INSTITUTIONS TO BE LEGISLATED BY THE PROVINCIAL AND FEDERAL GOVERNMENTS."

In keeping with the above stated goal of the National Metis Senate Constitution Commission, the Metis Elders Self Government Workshops have been designed to assist the process of defining "What is a Metis?"; to initiate meaningful recommendations to the Metis Nation of Alberta Association on the development of Self Government models; and to identify those issues relating to Metis seniors which are of paramount importance.

HISTORICAL OVERVIEW

Since the emergence of the Metis Nation in the eighteenth century, the Metis have asserted and exercised their right to govern themselves through democratic structures and procedures. In October of 1869, the Metis formed a National Metis Committee and called for an independent Republic of the Metis Nation. In May, 1870, the Manitoba Act, including most of the demands in the Metis List of Rights (please see page 8) was introduced in the House of Commons and became law. On March 19, 1885, a Metis Provisional Government was formed at Batoche. As in 1869, this Metis government also demanded responsible government; parliamentary representation, local control of public lands, as well as confirmation of land titles according to the riverlot system of survey.

The Metis Association of Alberta was formed in 1929. Following the recommendations of the Ewing Report of 1936, Alberta enacted the Metis Betterment Act which provided for the establishment of 12 Metis colonies. Subsequently, 4 of the colonies were rescinded by Orders in Council, leaving 8 colonies which are still in existence.

In the 1960's, Stan Daniels was instrumental in motivating an upsurge of interest in the reorganization of the Metis Association, and brought attention to the plight of the Alberta Metis by walking to Ottawa with a package of rotten meat sold to him at a store serving a northern Alberta Metis community.

In 1970, the Metis Association of Alberta launched a court action against the province in direct response to it's refusal to pay Metis royalties on oil and gas removed from the Metis colonies. The court refused to accept this action from the Metis Association of Alberta. Consequently, the Federation of Metis Settlements was formed. Additionally in 1970, the Metis of Alberta, Saskatchewan, and Manitoba established the (then) national voice of the Metis, the Native Council of Canada, to pursue the interests of the Metis and Non-status Indians.

In 1981, at the First Minister's Conference, the Metis withdrew from the Native Council of Canada and established the Metis National Council which demanded 2 seats at the Constitutional table for representatives of the Metis people. These seats were gained only after a court action against (then) Prime Minister Pierre Trudeau was launched and settled out of court.

In the Constitution Act of 1982, the 'existing' aboriginal and treaty rights of the 'Aboriginal Peoples of Canada' were recognized and approved. Recognized as a separate and distinct cultural group, the Metis were specifically referred to and included in the list of 'Aboriginal Peoples of Canada.'

In 1985, at the First Ministers Conference, the Metis National Council supported the federal governments' proposal for aboriginal constitutional matters to ensure the Metis priorities of self-government and a land base would be pursued through tripartite negotiations.

In 1987, the Alberta Framework Agreement, which outlined the process of working with the provincial government to establish procedures for the transfer of services from the province to the Metis Nation, was signed.

In August of 1992 the Metis Nation of Alberta Association signed the CANADA - ALBERTA-METIS OF ALBERTA TRIPARTITE PROCESS AGREEMENT. This historic agreement was another step towards self government and the establishment of the Metis Nation as a third order of government. Also in August, the Charlottetown Accord recognized the inherent right to self-government for the Metis and was signed by a majority of Premiers. It was not ratified by the Canadian government in the National Referendum.

In 1993, the Metis National Council established the 'National Metis Senate Constitution Commission' in order to facilitate the consultation process among Metis Elders as to the future directions of the Metis Nation.

On January 18, 1994, it was announced in the Throne Speech that; "A new partnership with Aboriginal peoples, particularly in respect to the implementation of the right of self-government..." was to proceed immediately. The federal government began to develop a plan to implement self government.

In August, 1995, the federal government announced they were prepared to negotiate the implementation of Metis Self-government and released the federal policy guide to aboriginal self-government.

THE METIS OF THE NORTHWEST
by LOUIS DAVID RIEL

The paternal ancestors of the Metis were the former employees of the Hudson Bay and Northwest Fur Companies, and their maternal ancestors were Indian women of various tribes.

The French word 'Metis' is derived from the Latin participle 'mixus', which means 'mixed'; in French 'mele'; it expresses well the idea that is sought to be conveyed.

However appropriate the corresponding English expression 'Halfbreed' might have been for the first generation of the mixture of blood, now that European blood and Indian blood are mixed in every degree, it is no longer general enough.

The French word 'Metis' expresses the idea of this mixture in the most satisfactory manner possible, and thus becomes a proper race name.

A little observation, en passant and without wishing to wound anybody.

People who are ordinarily very polite and well-bred sometimes address a Metis thus: "you don't look like a Metis at all. You surely cannot have much Indian blood. At any rate, you would pass anywhere for a pure white."

The Metis, rather disconcerted by the tone of this remark, would like to assert his origin in the one side as well as on the other. He is restrained by the fear of disturbing or altogether upsetting the speakers' complacency. Whilst he yet is hesitating which to choose amongst the different answers that suggest themselves to his mind, words to this effect put an end to his silence: "Ah, bah! You have almost no Indian blood, not any worth speaking of." This is how the Metis think of this matter in their own hearts. "It is true that our Indian origin is a humble one. But justice demands that we honour our mothers as well as our fathers. Why should we care to what degree exactly of mixture we possess European blood and Indian blood? If we feel ever so little gratitude and filial love towards one or the other, do they not constrain us to say: "WE ARE METIS!"

METIS DEFINITION
by LOIUS LAMOTHE (January 1992)

"CANADIAN CITIZENS THAT CAN TRACE THEIR HERITAGE AND LINEAGE TO THE LINKAGES OF NORTH AMERICAN ABORIGINALS AND EUROPEANS WILL HENCEFORTH BE LEGALLY CLASSIFIED AS METIS."

APPLICATION OF THE DEFINITION:

1. The term 'Metis' will henceforth be generic rather than specific in nature and will be the legal term which replace all others, for example, Chicot, Halfbreeds, Bois-brule, Scorched-wood, Michif, and others.
2. The definition circumscribes those descendants who can trace their lineage to the Red River populations at the time of negotiation and ratification of the Manitoba Act (1870), if they so choose.
3. The definition includes those descendants whose forebears are recorded as having taken 'Scrip' according to Form A; those whose ancestors names appear in Form B (younger than 18 years) whose affidavits were taken by the head of the household in their name; those of Form C (female Halfbreed and spouse and head of household) are henceforth classified as Metis if they so choose.
4. The definition includes those individuals who can trace their lineage and who can show that they are descendants of Amerindian/European linkages, but are NOT descendants of the Red River population at the time of the Manitoba Act (1870) are henceforth classified as Metis if they so choose.
5. The definition includes those individuals who could regain Indian status through the terms of Bill C31, (c.1985/86) but who have no intention of applying for that status, may henceforth be classified as Metis, if they so choose.
6. The federal government, in consultation with the current Metis organizations and the provincial governments, will determine an acceptable period of time within which mixed ancestry (Amerindian/European) individuals will be able to complete the prescribed documentation (affidavits) and select Metis legal status, if they so choose.
7. At no time shall the selection of legal status by any individual, negatively affect current or potential claims which these individuals may have against the Crown.
8. As the Constitutional Process resolves outstanding claims, individuals who so choose may formally extinguish their aboriginal claim to land without extinguishing their aboriginal claims to collective rights (ie: hunting, fishing, trapping).
9. Regardless of the requirement for the extinguishment of land claims, the affected individuals will retain a legal status of METIS and share in any or all benefits awarded to this legal status, if they so choose.

Metis Elders Self-Government Workshops

National Metis Senate
Constitution Committee
DRAFT Constitution

The following is the definition of Metis as proposed within the DRAFT Constitution document produced by the National Metis Senate Constitution Committee.

Metis Definition

6. (1) For the purposes of this Constitution "Metis" means an aboriginal person who self-identifies as Metis, who is distinct from Indian and Inuit and
 - (a) is a descendant of those Metis who received or were entitled to receive land grants and /or scrip under the provisions of the MANITOBA ACT, 1870, or the DOMINION LANDS ACT, as enacted from time to time, or,
 - (b) is recognized as a Metis pursuant to laws enacted by the Metis Nation Parliament.

LIST OF RIGHTS

1. That the people have the right to elect their own Legislature.
2. That the Legislature have the power to pass all laws local to the Territory over the veto of the Executive by a two-thirds vote.
3. That no act of the Dominion Parliament (local to the Territory) be binding on the people until sanctioned by the Legislature of the Territory.
4. That all Sheriffs, Magistrates, Constables, School Commissioners, etc., be elected by the people.
5. A free Homestead and pre-emption Land Law.
6. That a portion of the public lands be appropriated to the benefit of Schools, the building of Bridges, Roads, and Public Buildings.
7. That it be guaranteed to connect Winnipeg by Rail with the nearest line of Railroad, within a term of five years; the land grant to be subject to the Local Legislature.
8. That for the term of four years all Military, Civil, and Municipal expenses be paid out of the Dominion funds.
9. That the Military be composed of the inhabitants now existing in the Territory.
10. That the English and French languages be common in the Legislature and Courts, and that all Public Documents and Acts of the Legislature be published in both languages.
11. That the Judge of the Supreme Court speak the English and French languages.
12. That Treaties be concluded and ratified between the Dominion Government and the several tribes of Indians in the Territory to ensure peace on the frontier.
13. That we have a fair and full representation in the Canadian Parliament.
14. That all privileges, customs and usages existing at the time of the transfer be respected.

All the above articles have been severally discussed and adopted by the French and English Representatives without a dissenting vote, as the conditions upon which the people of Ruperts' Land enter into Confederation.

The French Representatives then proposed in order to secure the above rights, that a Delegation be appointed and sent to Pembina to see Mr. Macdougall and ask him if he could guarantee these rights by virtue of his commission, and if he could do so, that then the French people would join to a man to escort Mr. Macdougall into his Government seat. But on the contrary, if Mr. Macdougall could not guarantee such rights, that the Delegates request him to remain where he is, or return 'till the rights be guaranteed by Act of the Canadian Parliament.

The English Representatives refused to appoint Delegates to go to Pembina to consult with Mr. Macdougall stating, they had no authority to do so from their constituents, upon which the Council was dissolved.

The meeting at which the above resolutions were adopted was held at Fort Garry, on Wednesday, December 1, 1869.

Dated: Winnipeg, December 4th, 1869

THE LAWS OF ST. LAURENT

ARTICLE I - On the first Monday of the month, the President and members of his Council shall be obliged to assemble in a house indicated beforehand by the President in order to judge the cases that may be submitted to their arbitration.

ARTICLE II - Any Counselor who, unless by reason of illness, or impossibility shall not be present at the indicated place shall pay a fine of five Louis.

ARTICLE III - The President, who by his own fault, shall not meet his Counselors in the indicated place, shall pay a fine of three Louis.

ARTICLE IV - Any captain refusing to execute the orders that he shall receive in the name of the Council shall pay a fine of three Louis.

ARTICLE V - Any soldier, who shall refuse to execute the orders of his captain shall pay a fine of one Louis and a half.

ARTICLE VI - Any person who shall insult the Council or a member of the Council in the public exercise of his functions shall pay a fine of three Louis.

ARTICLE VII - Any person who shall be guilty of contempt of any measure of the Council or of one passed in a general Assembly, shall pay a fine of one Louis.

ARTICLE VIII - Any person wishing to plead shall inform the President beforehand and shall deposit with him, as security, the sum of five shillings.

ARTICLE IX - In every case, the plaintiff shall deposit two Louis and five shillings with the President to remunerate him and the members of the Council for their loss of time; but, at the termination of the case, the person losing it shall pay all the costs, and the plaintiff, if he gains, shall receive back the money deposited.

ARTICLE X - Any person who shall call the Assembly together shall pay five shillings to the president and to each member; should he come to a compromise with the other side and abandon the prosecution of the case.

ARTICLE XI - Every witness in a case shall receive two and a half shillings a day.

ARTICLE XII - Any case, once brought before the Council, can no longer be judged by any arbitration outside the Council.

ARTICLE XIII - Any person judged by the Council shall be allowed ten days to make arrangements with the person with whom the quarrel is, at the expiration of that term, the Council shall cause its order to be forcibly executed.

ARTICLE XIV - Any person, who only had three animals, shall not be compelled to give up any one of them in payment of his debts. This clause does not apply to unmarried men, who shall be compelled to pay even to the last animal.

ARTICLE XV - Any person who shall be known to have taken another person's horse without permission, shall pay a fine of two Louis.

ARTICLE XVI - Any contract made without witnesses shall be null and void and its execution cannot be sought for in the Council.

ARTICLE XVII - Any bargain made on a Sunday, even before witnesses, cannot be prosecuted in court.

ARTICLE XVIII - Any bargain, any contract, any sales shall be valid, written in French, English or Indian characters even if made without witnesses, if the plaintiff testifies on oath to the correctness of his account or contract.

ARTICLE XIX - Any affair decided by the Council of St. Laurent shall never be appealed by any of the parties before any other tribunal when the government of Canada shall have placed its regular magistrates in the country, and all persons pleading to it with the knowledge that they promise never to appeal against the decisions given by the Council and no one is permitted to enjoy the privileges of this community, except on the express condition of submitting to the law.

ARTICLE XX - Any money contribution shall not exceed one Louis and every public tax levied by the Council shall be obligatory for the inhabitants of St. Laurent, and those who shall refuse to submit to the levy shall be liable to pay a fine, the amount of which shall be determined by the Council.

ARTICLE XXI - Any young man, who, under pretext of marriage, shall dishonor a young girl, and afterwards refuse to marry her, shall be liable to pay a fine of fifteen Louis: this law applies equally to the case of married men dishonouring girls.

ARTICLE XXII - Any person who shall defame the character of another person and shall attack his honour, his virtue, or his probity, shall be liable to a fine in proportion to the quality and rank of the person attacked, or to the degree of injury caused.

ARTICLE XXIII - Any person who shall set fire to the prairie from the first of August and causes damage, shall pay a fine of four Louis.

ARTICLE XXIV - On Sundays and obligatory festivals, the river ferrys shall be free for people riding or driving to the church, but any person who shall cross without going to church, shall pay as ordinary days.

ARTICLE XXV - All the horses shall be free, but he whose horse causes injury or annoyance, shall be warned and should he not hobble his horse, he shall pay a fine of five shillings a day from the time he was warned to look after his horse.

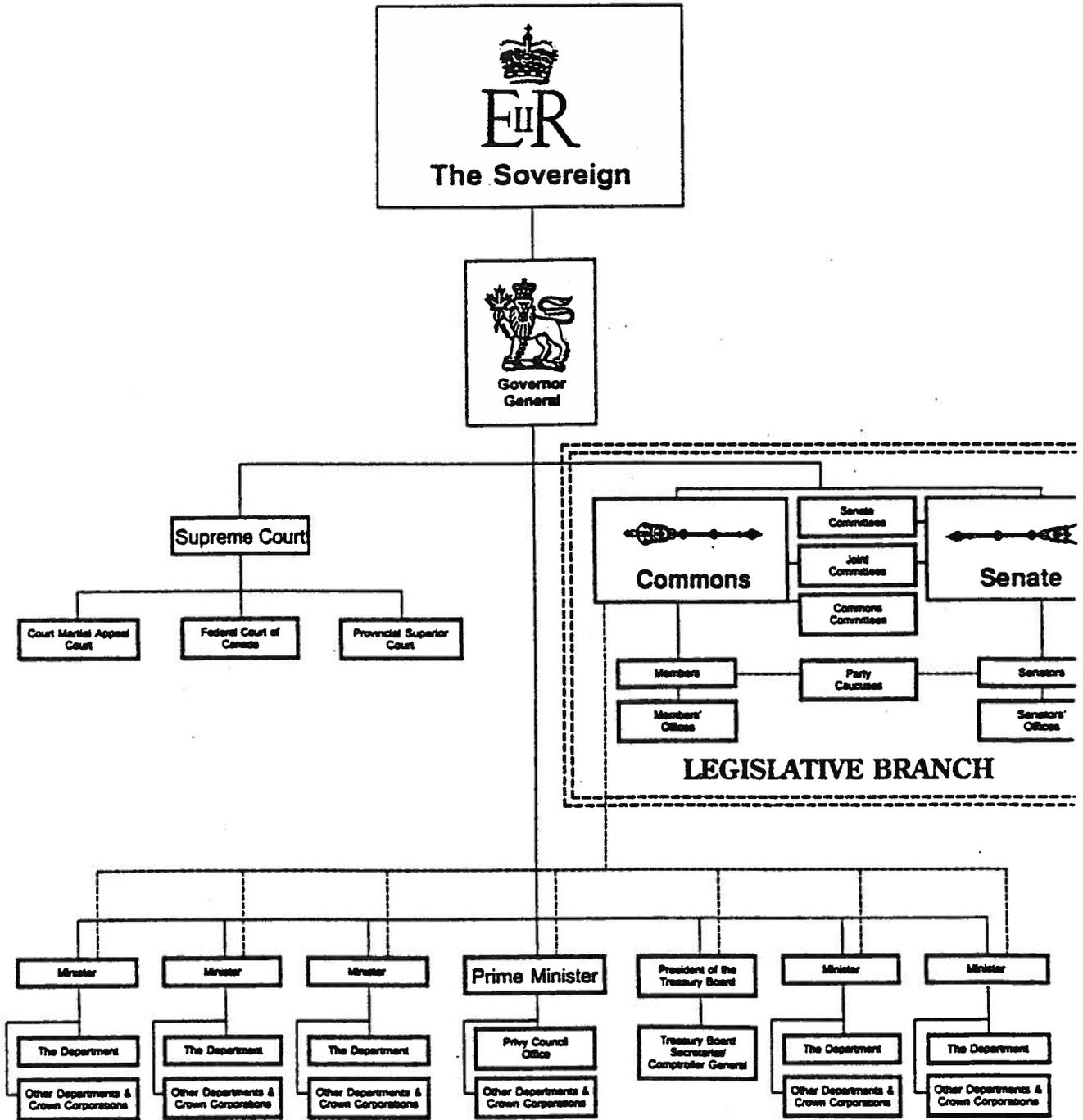
ARTICLE XXVI- If any dogs kill a little foal, the owner of the dogs shall be held responsible for the damage done.

ARTICLE XXVII- Any servant who shall leave his employer before the expiration of his term agreed upon, shall forfeit all right to his wages; in the same way, any employer dismissing his servant without proper cause, shall pay him his wages in full.

ARTICLE XXVIII- On Sunday, no servant shall be obliged to perform any but duties absolutely necessary, however, on urgent occasions, the master can order the servant to look after his horses on Sundays only after the great mass: he shall never prevent him from going to church, at least in the morning.

SAMPLES OF GOVERNMENT STRUCTURES

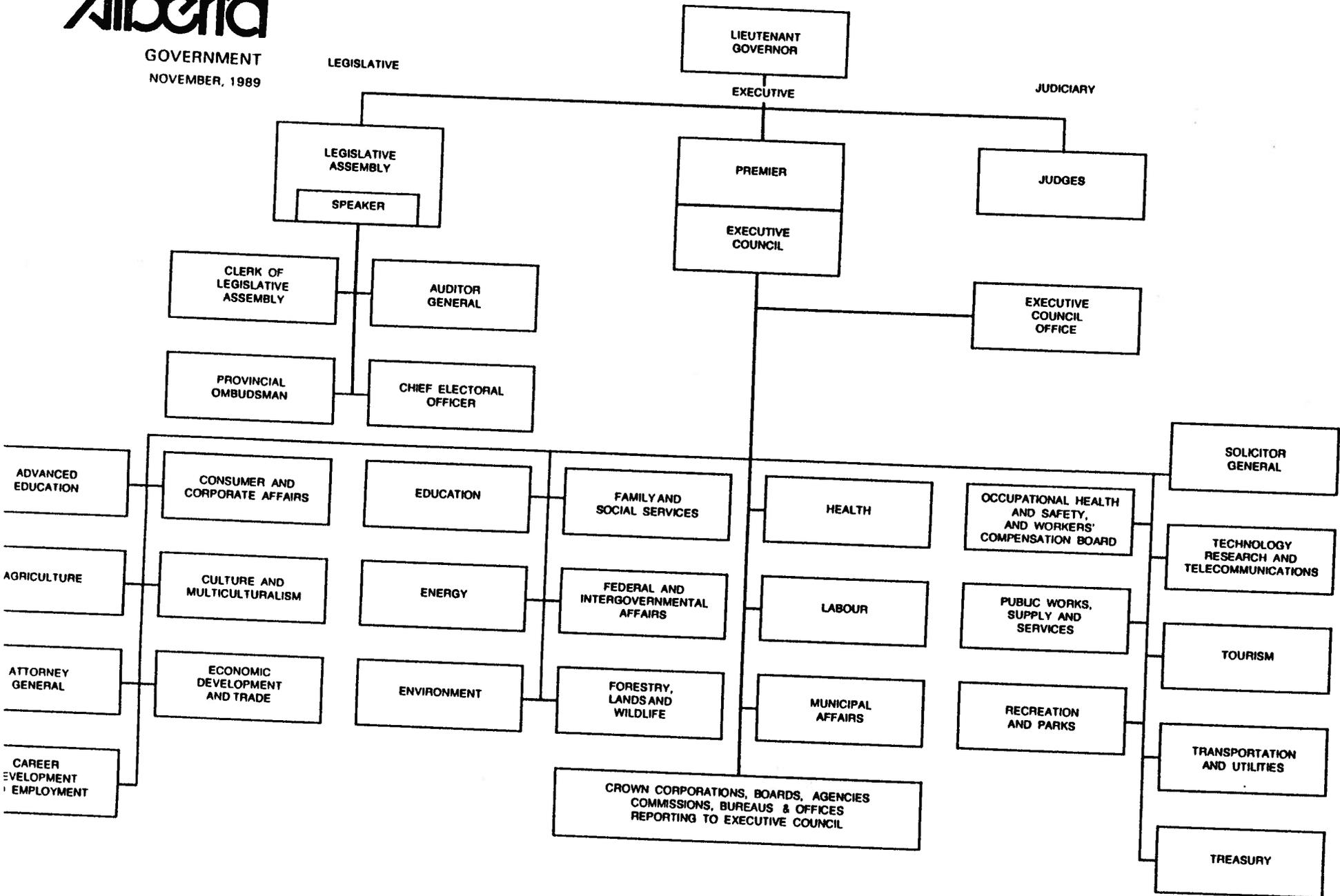
- Page 12a - Federal Government Structure**
- Page 12b - Provincial Government Structure**
- Page 12c - Policy Influences Diagram**
- Page 12d - Proposed Structure of the 'Government of the Metis Nation'**



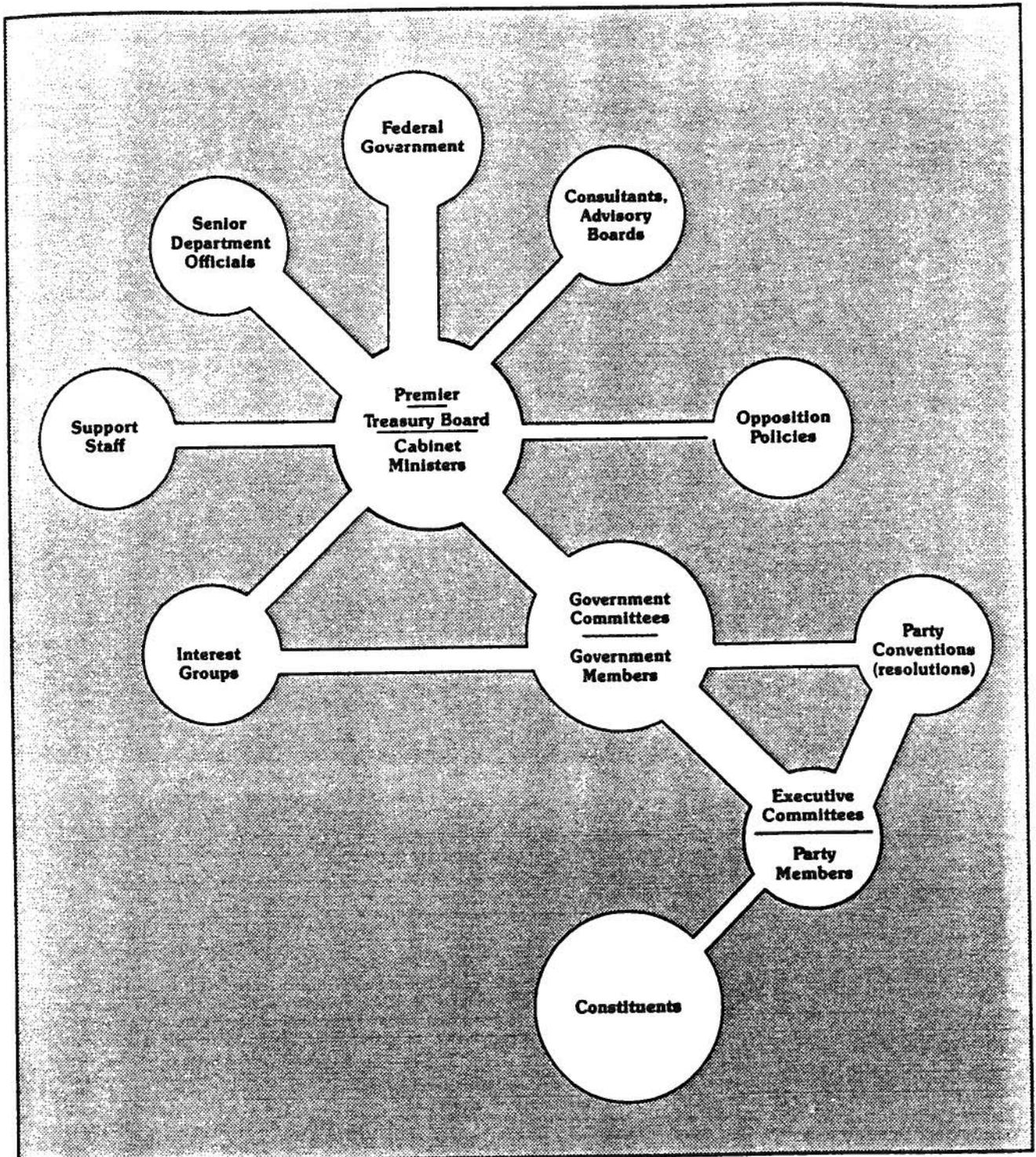
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GOVERNMENT
NOVEMBER, 1989

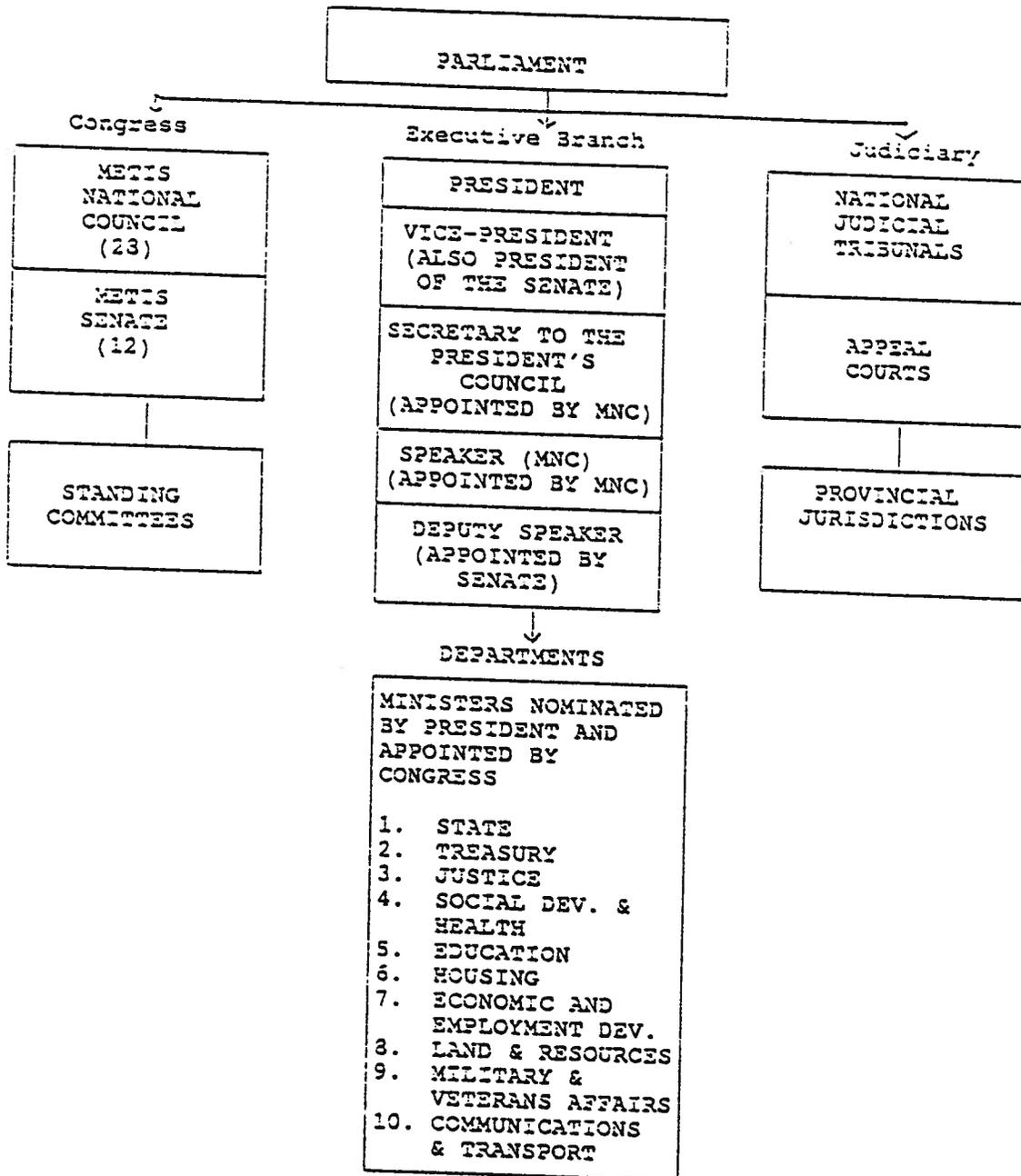
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Policy Influences



GOVERNMENT OF THE METIS NATION



**INFORMATION
PACKAGE**

FOR THE

**METIS ELDERS
SELF GOVERNMENT
WORKSHOPS**

JUNE, 1995 - MARCH, 1996

**Prepared by: Debbie Coulter
National Metis Elders Conference Co-ordinator
Metis Nation Tripartite Office**

WHAT DO WE MEAN BY THE WORDS 'METIS' AND 'HALFBREED'?

These words have been used in different ways in the past but today we use them both to describe persons born of a mixed Indian/European background but who are NOT registered as Indians under the Indian Act. In the western provinces, the word METIS is used rather than HALFBREED because the idea of a NATIONHOOD of Metis was developed on the prairies. This idea began in the Red River area of Manitoba and moved westward with the Metis into Alberta and Saskatchewan.

HOW DID THE RED RIVER METIS COME TO CALL THEMSELVES A NATION?

The Metis were a very important power in the west, both economically and politically. As a distinctive and united cultural group, they considered themselves a NATION.

The Metis played a vital economic role in the fur trade. They were both fur-traders and trappers. They were the guides and interpreters for other fur traders and explorers. They were the freighters, carrying goods from Winnipeg throughout the Northwest. They were the hunters, provisioning the trading posts, the boat brigades, and the farmers of Red River with the meat from the Great Buffalo Hunt. Good leaders were needed to organize the Hunt. Everyone had to work together. Those qualities of leadership and co-operation also made the Metis strong politically. The political strength of the Metis was tested a number of times in the Red River of the early 1800's. The governors of the Selkirk Colony at Red River tried to forbid the Metis to run buffalo or to sell pemmican to far away trading posts. The Hudson's Bay Company tried to stop the Metis from dealing in furs as free traders. However, the Metis **SUCCESSFULLY ASSERTED THEIR RIGHT TO MAKE THEIR OWN DECISIONS AS TO HOW THEY WOULD LIVE.**

Definitions used by the Canadian Government to segregate and separate the Aboriginal Peoples are as follows;

METIS OR HALFBREED

The words 'Metis' or 'Halfbreed' (a slang reference to people who are partially Indian) are commonly accepted by society as persons who are one half/ one quarter/ one eighth and in some areas, one sixteenth or less of Native blood. Originally 'Metis' referred specifically to those people who were of French and Indian descent. Today we use the word 'Metis' when referring to people who are of any mixed Indian and European descent.

NON-STATUS

Native people who fall into this category are Indians who do not have treaty rights but who are considered to be full-blood. Many of us know people who are 'Non-Status' and are familiar with stories of how they came to be classified as such. A common story is that when the government came around to issue treaty numbers to Indians then living on reservation land, the head of the household was away tending to his traplines or hunting, and therefore no treaty number was issued to either he or his descendants. Or, as in the case of British Columbia's First Nations who have never signed any treaty agreements with the Government of Canada and consequently do not have special rights. Although full-blood, they are NOT considered Treaty or Status.

TREATY OR STATUS

'Treaty' or 'Status' Indians are those Native people who signed treaties with the Dominion of Canada and thereby have special rights or status. In order to gain special rights these people had to relinquish their lands to the government in return for promises of education, medical care, portions of their land set aside for themselves (reservations), and freedom from taxation, among others. There remains some confusion today as to what rights were guaranteed to who under which Treaty.

WHO ARE THE METIS?

The first Metis were the children of European fur traders and Indian mothers. In time, they became the major trading force in the fur trade, acting as middlemen between the Indians and the fur traders. As they increased in numbers, and as the labor needs of the fur trade changed, they began to form permanent settlements. By the 1830's, there were substantial communities of Metis in the Red River area as well as other locations throughout the west such as, Cumberland House, The Pas, Prince Albert, Battleford, St. Albert, and other key locations in the North West Territories. **THEY DEVELOPED A DISTINCTIVE CULTURE AND IDENTIFIED THEMSELVES AS A NEW NATIONAL GROUP SEPARATE FROM THE INDIANS AND EUROPEANS.**

HISTORICAL DEALINGS WITH CANADA

It was British policy to treat Aborigines of mixed ancestry as Indians if they lived with or like the Indians, and as White if they lived in or became assimilated into settler colonies. No separate group of persons were recognized as Metis in the Atlantic provinces or in Upper and Lower Canada. In western Canada, where the Metis had permanent communities, they insisted on being dealt with as an Aboriginal group separate from the Indians. The first legal recognition of the Metis was by way of the Manitoba Act of 1870 which was a constitutional document. All persons of mixed ancestry living within the boundaries of Manitoba were dealt with as Metis unless they lived with an Indian band and chose to be dealt with as Indians. As a result of pressure from the Metis and others, the Federal government legally recognized the Metis of the Northwest in an 1879 Amendment to the Dominion Lands Act. The government formally implemented the provisions of the Act beginning in 1885. Under this Act, all persons of mixed Indian/European ancestry could qualify for lands unless they chose to live with an Indian band and were registered on the Band List.

METIS RECOGNIZED AS INDIANS.

In addition to those Metis who opted to join an Indian band, the government formally recognized certain other Metis as Indians, including the following:

- in 1872, 'Halfbreeds' in the Treaty 3 area were recognized and registered as a separate Indian band.
- in 1886, 'Caughnawaga Halfbreeds' living on the Reservation were accepted into the band by an Amendment to the Indian Act.
- in 1898, 'Halfbreeds' at Lac La Biche formed an Indian band and became registered.

THE BRITISH NORTH AMERICA (B.N.A.) ACT

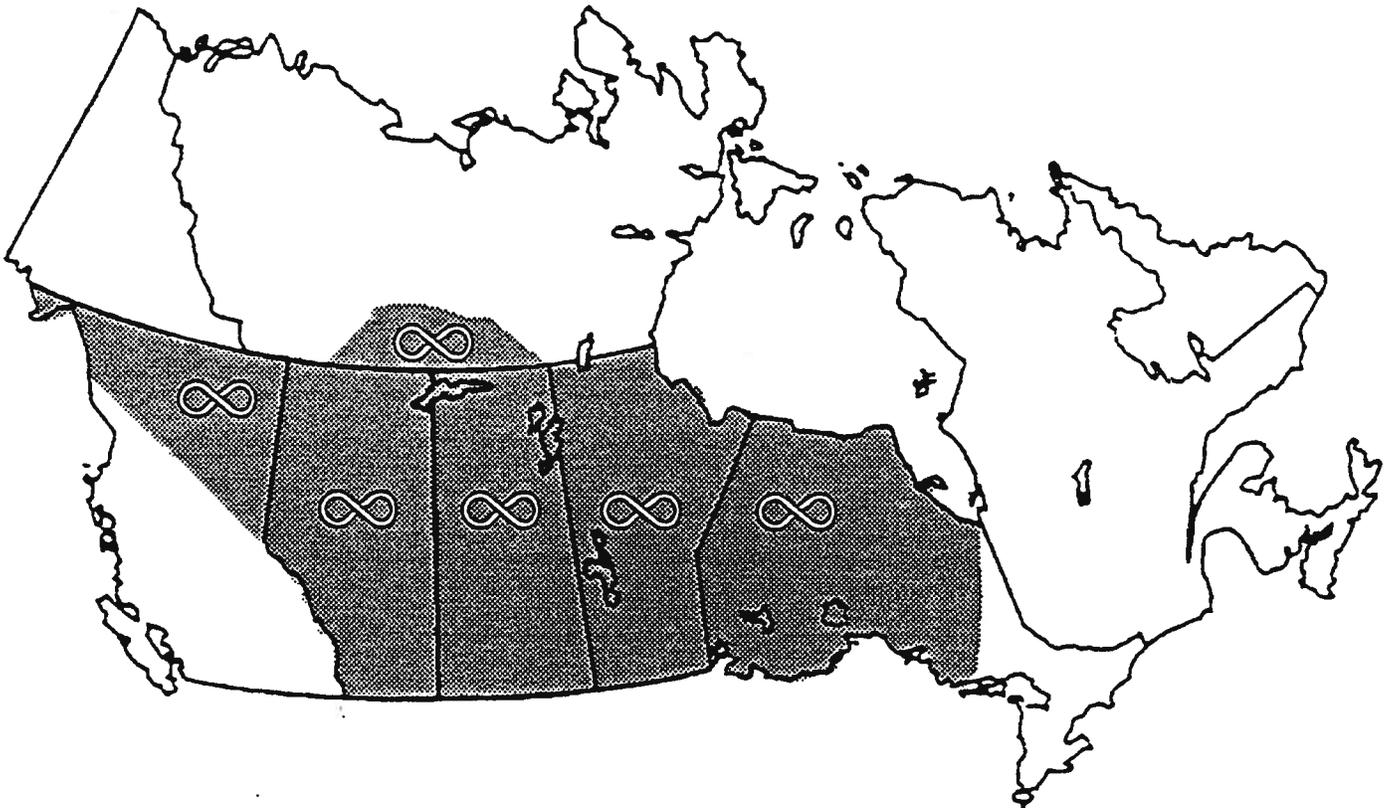
Under subsection 91(24) of the B.N.A. Act, the government of Canada accepted responsibility for Indians. It is claimed by most legal authorities that the term 'Indian' in the Act means 'Aboriginal' and includes ALL ABORIGINAL PEOPLES. Canada, by way of the Indian Act, accepted responsibility for Indians, including 'Halfbreeds' who identified themselves as Indians. The Supreme Court of Canada has ruled the Inuit are 'Indians' within the meaning of the Act. It is the position of the Metis National Council that Metis are also 'Indians' within the meaning of subsection 91(24) and, as such, come within Federal jurisdiction.

WHERE IS THE METIS HOMELAND?

The Metis homeland encompasses " The current Canadian boundaries of Manitoba, Northwestern Ontario, Saskatchewan, Alberta, parts of British Columbia, the North West Territories, and the current United States boundaries of Montana, the Dakotas, and Minnesota..." *

Metis Homeland 

Canada 



*excerpted from "Oral History of the Metis/Michif People" by Audrene Houry

THE BRITISH NORTH AMERICA (B.N.A.) ACT

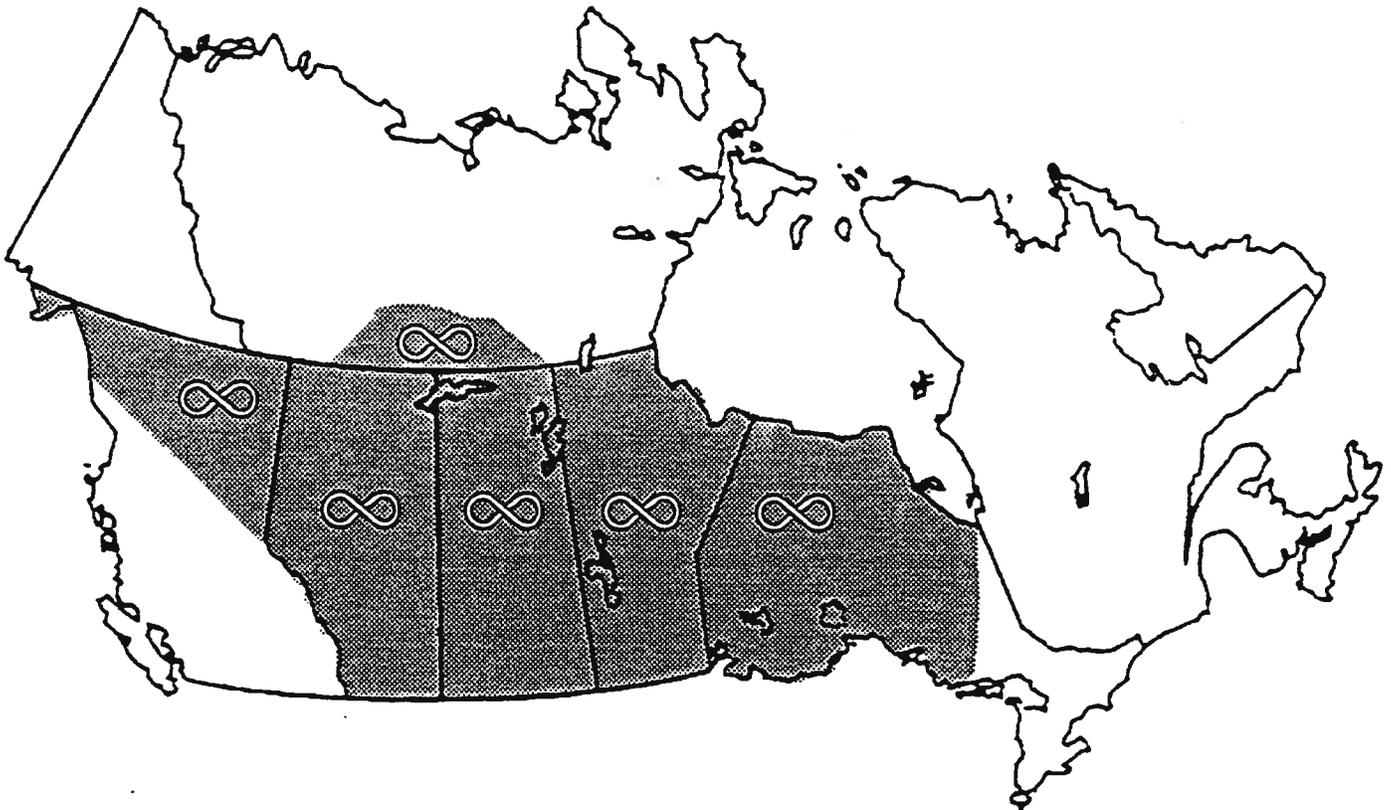
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The Metis homeland encompasses " The current Canadian boundaries of Manitoba, Northwestern Ontario, Saskatchewan, Alberta, parts of British Columbia, the North West Territories, and the current United States boundaries of Montana, the Dakotas, and Minnesota..." *

Metis Homeland 

Canada 



*excerpted from "Oral History of the Metis/Michif People" by Audrene Houry

WHO ARE THE METIS TODAY?

It is the position of the Metis National Council that the Metis referred to in Section 35 (2) of the Canada Act of 1982, are:

- all those persons who can produce proof that they are descendants of persons dealt with as Metis under provisions of the Manitoba Act of 1870.
- all those persons who can produce proof that they are descendants of persons dealt with as Metis under the Amendments to the Dominion Lands Act of 1879.
- all other persons who can produce proof of Aboriginal ancestry who have been accepted or who are accepted as Metis by the Metis community.

There ARE other persons of mixed ancestry who identify themselves as Metis who, in the opinion of the Metis National Council, may be included as Aboriginal Persons under subsection 91(24) of the B.N.A. Act but who are NOT Metis within the meaning of Section 35(2) of the Canada Act of 1982.

WHY A METIS REGISTER?

If the Metis are to be recognized as a separate Aboriginal group with Self Government Rights (Metis Nation), THEY MUST BE ABLE TO IDENTIFY THEIR MEMBERS. Only the members will have a right to participate in the decisions of Metis governing organizations and to vote in elections for their leaders and directors. To determine who will receive benefits which result from the recognition of Metis Rights it is necessary to have a Metis Register.

WHOSE NAME WILL BE ENTERED INTO THE REGISTER?

Initially, the Register will consist of the Charter Members of the Metis Nation. The Registry will consist of all applicants who can trace their ancestry:

- to Metis recognized and given land grants under the provisions of the Manitoba Act of 1870
- to Metis recognized and given land grants under the provisions of the Dominion Lands Act of 1879
- other persons of Aboriginal ancestry who have been or are accepted as Metis by the Metis community.

Once the Charter Register has been established, only descendants of the Charter Members will be entered into the Registry other than the provision for persons who meet the above criteria but who did not or could not register because of extenuating circumstances.

HOW WILL THE REGISTER BE ESTABLISHED AND MAINTAINED?

All persons who are certified as Metis by the National Enumeration Process will have their names entered into a National Register. From this National Register, based on the province of residence at the time of enumeration, a Provincial Register will be established. The Register could be maintained in the Provincial Vital Statistics Agency by a branch established for this purpose. All Metis could have a prefix (M?) to their Health Insurance Number which could also be used as their registration number. As births and deaths are registered with the provincial agency, the names would automatically be added to, or deleted from the Register. Each province would provide the government of Canada with a printout of their Register as of December 31 of each year.

HOW WILL THE REGISTER BE USED?

The Register would be used to identify those persons eligible for any individual benefits which are available to all Metis. Metis organizations would use the Register to determine who is eligible to vote in local, regional, provincial, or national elections held for the purpose of electing Metis political leaders and those persons responsible to direct the work of Self Governing Metis institutions. They could also use the Register to determine who is eligible to share in specific collective rights such as; access to Metis lands and resources, hunting and fishing rights, or special tax exemptions, among others. Additionally, the Register would assist in the decisions of who can live on the lands or who can benefit from any education or economic assistance. When Metis persons move from one province to another, their names would automatically be transferred from the Register of the province which they are moving from, to the Register of the province they are moving to. A change of provincial residence would not affect general rights available to all Metis. When a Metis person moved out of province, they would no longer be eligible to the collective benefits available in the province they are leaving, but would automatically be eligible for any collective benefits within the province they have moved to. Once the Charter Memberships are established, the local membership will decide who qualifies to live on land and receive benefits. Collective benefits will only be available to Registered Metis.

METIS ENUMERATION

Governments have taken the position that before they can seriously deal with Metis Rights, the need to know:

- Who are the Metis?
- Where are the Metis?
- How many Metis are there?

To answer these questions, there must be a census of the Metis. Since the Metis, as defined by the Metis National Council, have become dispersed nation wide, a national census of Metis is necessary. The position of AMNSIS and the Metis National Council is that when such a census takes place, it will be important to take a census of all Non-Status Indians and other persons of Aboriginal ancestry who are NOT registered as Indians or who are not Inuit.

WHO WOULD CARRY OUT SUCH A CENSUS?

A Census Task Force appointed under the terms of a Constitutional Accord or non-Constitutional agreement signed by the government of Canada, at least seven provincial governments, including either Ontario or Quebec, and the concerned Aboriginal peoples. Much of the technical work would be contracted to Statistics Canada, who already does the census for the government of Canada, and who has the jurisdiction and legal authority to conduct a census under the Canada Census Act. Metis organizations would be involved in the Task Force and any other structures established to carry out the census.

WHAT STRUCTURES ARE NEEDED TO CONDUCT A CENSUS?

A five person National Task Force with a federal, provincial, Metis, and Non-Status Indian nominee and a Chairperson acceptable to all four groups. A five person Screening Committee in the western provinces, one Regional Committee for the North, and one for Quebec and the Atlantic provinces. The committees would be made up as described above. A five person Appeals Committee for the above areas, and composed in the same way, as well as a National Appeals Committee. Staff Secretariat for the Task Force and a small complement of research/facilitators employed by each provincial and territorial Association to assist local people to complete the questionnaires and establish proof of ancestry.

HOW WILL THE CENSUS TAKE PLACE?

In a general census, the enumerators traditionally visit every household and take the census. In the most recent census, the forms were mailed to every household, completed by the registered occupant and returned by mail. Since we do not know who the Metis are individually or where they reside, these methods are of no use to us. Instead, it is proposed that the forms would be available at every Post Office in Canada. Persons wanting to be included could pick up the forms there. Some forms would have to be sent to special groups such as children in foster or adoptive homes and persons confined to institutions. An extensive advertising campaign would be required so every Metis would be aware of the enumeration. When forms were completed, they would be sent to the Provincial Screening Committee. Assistance would also be available from the provincial organizations. Staff would review the forms and prepare recommendations for the Screening Committee. Applications recommended for registration would be sent to the National Task Force who would also act as the Certification Board. Any applicant who is rejected for registration would be so informed along with information on the Appeals process available. Any applicant not satisfied with the first level of Appeal, will be informed of their Right to Appeal to the National Tribunal as well as given any assistance which may be available to them. Persons so wishing may make a further Appeal to the Federal Court of Canada. All applicants who are certified will have their names placed into the National Register. A period of grace will be provided for potential applicants who, because of extenuating circumstances, did not or could not apply when the census took place.

METIS- A FEDERAL OR PROVINCIAL RESPONSIBILITY?

How could this question of jurisdiction be resolved? The Metis National Council has identified a number of possibilities including:

- the federal government agreeing that Metis are Constitutional 'Indians' under subsection 91(24) of the B.N.A. Act.
- the Metis seeking to have the matter decided by the Supreme Court of Canada.
- the Metis, federal, and provincial governments agreeing that the Metis have all the Rights that generally pertain to Aboriginal Peoples.
- all parties agreeing not to pursue the subsection 91(24) of the B.N.A. Act argument, but instead, spell out Metis Rights and government responsibility under the provisions of Section 35(2) of the Canada Act of 1982, and thereby creating a third order of government entrenched in the Constitution.

METIS SELF DETERMINATION

Under International Law, the right of Indigenous People to Self Determination has been recognized. Canada has a responsibility to work with its Aboriginal Peoples to find ways of granting them self-governing rights. One hundred years of colonial domination of Aboriginal Peoples in Canada has relegated them to second class citizenship, preventing them from participating, except in marginal ways, in the social and economic development of Canada. Decisions made by non-natives, along with programs and services administered by non-natives on behalf of Aboriginal Peoples, have been a disaster. They have resulted in problems such as poverty, alcoholism, crime, family breakdown, cultural disintegration, as well as inferior education and training opportunities. The Aboriginal Peoples can overcome these problems if they are allowed to exercise more responsibility over themselves and those institutions, programs, and services which are the key to economic and social progress.

WHAT KIND OF SELF-GOVERNMENT RIGHTS DO THE METIS SEEK?

The Metis have never sought separation from Canada. The purpose of the Red River Resistance and the Northwest Uprising was to gain better conditions and more rights for Metis within Canada. This continues to be our goal. We do not seek sovereignty or separation from Canada. We seek the right to greater control over our lives and request that this be accommodated within the Canadian Federation. We seek control over those aspects of our lives which are key to the preservation of our unique culture and which are important to our social and economic development. These include the right to institutions which are responsible for the education and training of our people, cultural institutions, economic institutions, family and childrens services, and rehabilitation and corrections services. We seek control over those aspects of our lifestyle, plus other appropriate lifestyle areas where reasonable and where numbers warrant.

WHAT SPECIFIC INSTITUTIONS DO THE METIS SEEK TO ESTABLISH?

We would like to see local government structures on Metis lands, schools for our children on Metis lands and special schools to upgrade our people in urban areas. Institutions to promote and teach our language and other historical cultural concerns. Training centres affiliated with existing professional and technical institutions to train our people for certain key professions and technical and trade opportunities. Economic Development Institutions to promote, develop, and finance ventures by Metis entrepreneurs, communities, and organizations either alone or as joint venture operations with other economic institutions and business entities. Counselling and rehabilitation agencies to assist our people in their struggle with alcohol, family and child behavior problems, and services aimed at the rehabilitation of those involved in delinquent and criminal behaviors. Leisure and preventative health services to enable our people to make constructive use of their leisure time, to improve personal health and hygiene, and to promote healthful lifestyles. Cultural institutions to teach Aboriginal history and to promote and assist in the development of Aboriginal culture and lifestyle.

HOW SHOULD SUCH SELF-GOVERNMENT RIGHTS BE PROVIDED?

Metis Self-governing Rights could be provided either by entrenching them in the Constitution, by providing for them in legislation, or by some combination of the two. Because of past and present experiences with the political leaders of the dominant non-Aboriginal population, we believe that Constitutional recognition of, and the guarantee of Aboriginal Self-Governing Rights MUST be included in the Canadian Constitution. If such recognition, in principle, with guarantees are entrenched, the Metis are prepared to discuss how the details of institutions, programs, and services could be provided for in legislation and/or agreements. The minimum we seek is Local Self-government on Metis lands and the right to political autonomy outside Metis lands where reasonable and practical.

WHAT IS A METIS 'LOCAL GOVERNMENT'?

This is a government body established on a Metis land base which has control over that land. The areas of jurisdiction would include all matters relating to the land and resources and their development. As well, local services would come under the control of the 'Local Government'. This 'Local Government' could make laws concerning these matters, implement programs and services, and assess taxes on the land, resources, and the people living there. The Metis seek guarantees in the Canadian Constitution to protect the following 'Local Government' Rights:

- the Right to establish their own government structures
- jurisdiction and Rights entrenched as a third order of government
- jurisdiction over such matters as local Public Works, Economic Development, Education, Health and Leisure services, Family and Childrens' services, Law Enforcement, Judicial services, Rehabilitation services, Language and Culture, Lands and Resources, and Local Taxation, among others
- the jurisdiction could be a) greater than those granted to Municipal government, b) the same as those granted to Municipal government, or c) less than those granted to Municipal government
- self-government Rights entrenched in principle in the Canadian Constitution, with jurisdiction and other details spelled out in a) Federal legislation alone, b) Federal AND Provincial legislation, or c) Provincial legislation alone
- no Constitutional entrenchment, but an agreement on the Right of Aboriginal Peoples to Self-government by means of a Constitutional Accord. The provisions for such Rights could be spelled out as in a) to c) above
- the Right to control membership of land based settlements
- the Right to adequate financing

The Metis could then establish an 'Association of Local Governments' responsible to negotiate with the federal and provincial governments on all matters under 'Local Government' jurisdiction. They could then co-operate with local 'Councils' to establish 'Regional Councils' and could then co-operate with other 'Regional Councils' to establish certain institutions and programs which are only practical on a regional basis, such as forestry projects, fish plants, or hospitals. The opportunity to develop programs which would operate on a province wide basis, such as cultural institutions, housing programs,

and the like, would be more readily available. Or, with local autonomous 'Councils' and 'Regional Councils', participate in establishing a 'Provincial Council' representing all Metis people within the province. This 'Provincial Council' could then co-operate with other 'Provincial Councils' to:

- establish a 'National Council'
- negotiate at the national level with the Federal government
- establish national institutions and programs
- represent the Metis at International Indigenous Councils and Forums

METIS SELF GOVERNING INSTITUTIONS

A Self-governing institution could either be a political or a program/service institution. The local land based settlements and Local, Regional, and Provincial Councils are examples of political institutions. The Gabriel Dumont Institute, Native Alcohol Council, and Metis Housing Corporations are examples of provincial program/service institutions. Self-governing institutions could have their own Boards elected by the membership at large, or they could have Boards of Governors appointed by the political organizations. Boards of self-governing institutions might be granted areas of responsibility in which they could pass By-laws. Such institutions would be subject to laws of general application. The Boards could develop programs, establish specific program policies and procedures, hire staff, deliver services, set budgets, and administer the programs. Such Boards would be responsible to their own members, or to the body or bodies appointing them, but would also be subject to policies and regulations of general application.

HOW WOULD THE RIGHT TO SELF-GOVERNING INSTITUTIONS BE GRANTED?

They could be entrenched in the Canadian Constitution in principle, or, the right to specific institutions could be identified and entrenched in the Canadian Constitution. They could be provided for by way of a modern land claims agreement which would be entrenched in the Canadian Constitution or by way of new federal or provincial legislation. Another alternative is to incorporate them into existing federal or provincial legislations.

TO WHOM COULD SELF-GOVERNMENT INSTITUTIONAL RIGHTS BE GRANTED?

To the Metis government. They could be granted the right to establish local institutions such as schools, family and childrens agencies or economic development corporations, to name a few. These would be under the direct control of the Local Government or could have Boards elected by the membership at large (school) or appointed Boards (development corporation). Non land based Metis Councils could also be granted rights at the local, regional, or provincial level. These could include cultural and training institutions, family and childrens services, recreation services, and other similar Metis programs.

EXAMPLES OF SELF-GOVERNING INSTITUTIONAL RIGHTS

These institutions could be local, regional, or provincial in scope depending upon the nature of the institutional programs and services they deliver. Public schools would be local institutions. There could also be local recreational programs and family and childrens services among others. Trades and technical training with some general professional course preparation could best be delivered in regional training centres. There could be regional Boards responsible for the administration of the training centres and the delivery of the training. Program development, curriculum content, and the negotiation of agreements would need to be the function of the central institution to ensure uniformity of program content and standards and to arrange for certification. A cultural/historical institute would be a provincial institution operated by a Provincial Board. However, program delivery would need to be arranged through regional training centres or at the local level. A Credit Union or bank could have local branches. A Metis economic development institution might have regional or local corporations to undertake specific projects or businesses.

HOW WOULD SELF-GOVERNING INSTITUTIONS BE FUNDED?

Funding arrangements could take a number of forms and would likely vary with the institution and/or program. For example,

- political institutions could be funded with earmarked tax points or general grants
- recreation services could be funded through lotteries and/or grant programs.
- a school could be funded by tax assessment and the general grant system.
- an economic development program could be funded through capital grants, operating grants, bank leverage, and corporate surpluses.
- family and childrens' services, adult education and training, and similar programs could be funded by the use of grants or service agreements.
- equalization grants or 'catch up' grants could also be negotiated.

Canada

Historic Riel manacles snatched

Hamilton Spectator

Hamilton, Ont.

Leg irons said to be worn by Metis rebellion leader Louis Riel on his way to be hanged in 1885 for treason against the Crown, were stolen from the Hamilton police department's travelling museum trailer last weekend.

The trailer was at the Rockton World's Fair, staffed by a constable and two auxiliary officers, when the restraints were snatched, said Detective Ed Carlstrom, unofficial police historian.

"It was the artifact in the collection. It's the oldest thing we have relating to Canadian history and is

the high point of any display," he said.

Riel is a significant Canadian figure and his trial and execution are critical points in Canadian English-French relations, said Ken Cruikshank, professor of Canadian history at McMaster University.

Riel led two rebellions in western Canada, the first leading to the creation of the province of Manitoba. He was tried after the second rebellion was crushed.

"The manacles could be fairly valuable because of the importance of that hanging," said Prof. Cruikshank.

He doubts the heist has any political significance.

1st Session, 35th Parliament,
42-43 Elizabeth II, 1994

1^{re} session, 35^e législature,
42-43 Elizabeth II, 1994

THE HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

BILL C-288

PROJET DE LOI C-288

An Act to revoke the conviction of Louis David Riel

Loi annulant la déclaration de culpabilité de Louis David Riel

Preamble

WHEREAS Louis David Riel, Member of the House of Commons for the electoral district of Provencher from 1873 to 1874, was convicted on August 1, 1885 of high treason, sentenced to death, and was hanged on November 16, 1885 at Regina, North West Territories;

AND WHEREAS, notwithstanding his conviction, Louis David Riel has become a symbol and a hero to successive generations of Canadians who have, through their governments, honoured and commemorated him in specific projects and actions;

AND WHEREAS it is consistent with this recognition that the conviction of Louis David Riel be now revoked;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Revocation of conviction

1. The conviction of Louis David Riel for the offence of high treason is hereby revoked.

Saving provision

2. Nothing in this Act shall be construed as limiting or reflecting in any manner Her Majesty's royal prerogative of mercy or the *Letters Patent Constituting the Office of Governor General of Canada* relating to pardons.

Preamble

ATTENDU QUE Louis David Riel, député de la Chambre des communes pour la circonscription de Provencher de 1873 à 1874, fut reconnu coupable de haute trahison le 1^{er} août 1885, condamné à mort, et exécuté le 16 novembre 1885 à Régina, aux Territoires du Nord-Ouest;

ET ATTENDU QUE, malgré sa condamnation, Louis David Riel demeure un symbole et un héros pour plusieurs générations de Canadiens qui l'ont, par l'entremise de leurs gouvernements, honoré et commémoré par projets et des actes précis;

ET ATTENDU QUE l'annulation de la déclaration de culpabilité de Louis David Riel est compatible avec ces témoignages de reconnaissance;

EN CONSÉQUENCE, Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

1. La déclaration de culpabilité de Louis David Riel pour haute trahison est annulée.

2. Rien dans la présente loi ne limite ni n'atténue, de quelque manière, la prérogative royale de clémence que possède Sa Majesté ou les dispositions relatives au pardon dans les *Lettres patentes constituant la charge du Gouverneur général du Canada*.

Annulation de la déclaration de culpabilité

Réserve

Métis leader calls on Ontario to help acquit Riel

Group wants federal government to annul guilty verdict that led to his execution as a traitor 110 years ago

BY RUDY PLATIEL
Native Affairs Reporter

TORONTO — The Ontario Legislature, which once placed a bounty on the head of Louis Riel, should pass a resolution calling for his official exoneration, a Métis spokesman urged yesterday at a ceremony marking the Métis leader's execution 110 years ago.

Tony Belcourt, president of the Ontario Métis Nation, called for the province to pass a resolution within the next year recognizing Riel's contribution to Canada and supporting a Métis request to the federal government to overturn the verdict that led to his hanging as a traitor.

"Riel's verdict was not brought about by his peers," Mr. Belcourt said at the fourth annual ceremony to be held on the lawn of Queen's Park.

"Riel was hounded because of a \$5,000 bounty placed on his head by his legislature and it's time for this legislature to right some wrongs," Mr. Belcourt said.

Ron Swain, another Métis spokesman, said even though Parliament passed a historic resolution three years ago acknowledging Riel's contribution, he remains listed officially as a traitor.

Métis will continue to press Canada "to annul the guilty verdict of Louis Riel," he said.

Among those taking part in the ceremony yesterday was Ontario Attorney-General Charles Harnick, who made no comment on the proposal but praised the work of Mr. Belcourt and the Métis Nation, calling their efforts an important contribution to Canada's history.

"You can't go forward without understanding what happened in the past," said Mr. Harnick, who added



Sara Jane Swain plays a tune in Toronto to mark the 110th anniversary of Louis Riel's execution. By a monument to soldiers who quelled his rebellion are, from left, Ron Swain and Paul Chaput of the Ontario Métis Nation, Jean Teillet, his great-grandniece. (RUDY PLATIEL/The Globe and Mail)

that attending all four of the annual ceremonies has contributed to his understanding of Métis history.

The ceremony was held at a monument that was erected in memory of the loss of soldiers who put down Riel's 1885 rebellion. Others who attended from the legislature were

Speaker Allan McLean and former attorney-general Marion Boyd.

Jean Teillet, the great-grandniece of Riel, said the twice-elected member of Parliament, who helped negotiate the transfer of northern Rupert's Land to Canada and was instrumental in the formation of the

province of Manitoba, was simply trying to "change the historical oppression" and poverty of the Métis people.

Ms. Teillet said Riel was fighting for the right of a Métis nation but Canada "fought back with words such as country and traitor." The

lesson from history, she said, is that powerful words such as "traitor" can sometimes be used unjustly for political reasons as they have been recently in Israel, where fanatics used the description in an attempt to justify the assassination of prime minister Yitzhak Rabin.



"PROUD TO BE METIS"

Although the Metis are not many in number
Great is the destiny which they command
Proud of the hate that the world heaps upon them
Yet, they have played a great role in this land.

~ Louis Riel ~