

Jim Sinclair, Jim Durocher, and Ron Laliberte:

Métis Political Activist Interviews (April 17, 2004)

Tape 2

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RON LALIBERTE: I think a lot of people agree would with that.

JIM DUROCHER: I think so.

(Video Tape: 7:28.14.21) RON LALIBERTE: When you think back on, on, what was, what was the feeling, if we could go back to the conferences on Aboriginal rights. What was the feeling after, you know, like the conferences were over and really nothing was accomplished. I mean, you had Premiers like, I can't remember if it was Hatford, Vander Zalm, particularly Devine.

JIM SINCLAIR: Vander Zalm.

RON LALIBERTE: What is self-government, you know? What is the model you're looking at? What's it going to cost us? How much power are we going to lose? What was the feeling of, of, of the, you know, of everybody at, there at that time about, when, when things failed? I mean.

JIM SINCLAIR: Well, you know, for me I look back and I don't think it was a failure now. Durocher, do you?

JIM DUROCHER: No I don't yeah.

JIM SINCLAIR: I look back and say the rights of the Métis people were recognized for the first time ever...

JIM DUROCHER: It's our time, it's up to us.

JIM SINCLAIR: We were a part of Canada legally.

(Video Tape: 7:29.01.06) JIM DUROCHER: We have failed, you know, so far. We're following up, doing the kind of things that are there. I mean, you know. I think that when the Constitution was patriated, yeah we failed to get it, to stop it from being patriated, or to bring it home.

JIM SINCLAIR: But leaving it there was no good to us neither.

JIM DUROCHER: Yeah, that's right. So we, we were, you know, we had to do something. So, when they did bring it home, Trudeau, at that time of course, you know, indicated very clearly, yes, we are going to put the three, the three peoples in the Constitution - Indian, Inuit and the Métis. And we were very pleased about that. We were very happy. Finally, we're going to be on there except for then, we, we get into that little, little fights that we got into and the little, you know, the fact that we took the Prime Minister to court to make sure that the real Métis... **(Inaudible)** ...

JIM SINCLAIR: And they did kick us out of the Constitution for a while...

JIM DUROCHER: For a while they did yeah.

JIM SINCLAIR: Right, they took us out and put the women in it. That's when we had that big demonstration where all of a sudden we were back in.

RON LALIBERTE: Oh yeah.

(Video Tape: 7:30.00.20) JIM DUROCHER: So, so, so anyway, we, we got back in and then, you know, we, we fought hard to get, you know, those, those kind of rights. What, what, you know, we, we tried to give them our

interpretation of what our rights, what those rights were, like hunting and fishing and all of those kind of things and we basically said that our rights are the same as the First Nations people, you know. Those kind of rights eh. So, of course, we, we had a lot of, we had a lot of, you know, foot-dragging from the provincial governments, you know, they didn't want to give us any of those rights. You know, they... **(Inaudible)** ...

RON LALIBERTE: You had made that argument like Clem does, that we're Constitutional Indians, is that what ... **(Inaudible)** ...

JIM SINCLAIR: Oh no, no, I never, never used the word. Métis are recognized, Métis are Métis are Métis.

JIM DUROCHER: We're, we're, we're Métis. We're a nation.

JIM SINCLAIR: Indians are in the Constitution. Métis are in the Constitution. Obviously there has to be a difference or why would they put two names in there?

(Video Tape: 7:30.45.09) - RON LALIBERTE: Yeah, but he kind of makes that argument that, you know, like all, that term Indian isn't defined and you use that, you take a look at all of that legislation that's, you know, from 1870, the *Rupert's Land Order*, you know, uses the term Aboriginal. I mean even, you know, we should be, we were included back then in that definition, if you define that term Indian. And even in the *BNA Act* of 1867, the *re: Eskimo* 1939 case where they defined the Inuit as Indian, even though they are not in the, you know, the *Indian Act*, therefore we should be included... **(Inaudible)** ...

(Video Tape: 7:31.15.26) JIM DUROCHER: Yeah of course, he has always made that, the, you know, that other argument as well that 91(24) would, would address all of our concerns. And of course since, you know, since, you

know, we know that that's, that, that to be different. You know, it's not really actually the case. You know, the case is we have inherent rights. You know, we have rights, we have inherent rights as a nation of people, who're Métis. You know, why are we being, you know, why is there a suggestion that we're, we're the same as, you know, the Indian people. We're not, you know, we're, it's not distinct.

RON LALIBERTE: It's not a suggestion, I don't think he's making, that, that we're the same as Indian people, it's just that...

JIM DUROCHER: Yeah but he is making that connection.

RON LALIBERTE: Yeah, yeah he is in a way, that, you know.

JIM DUROCHER: He's making that connection and that's not, that's not right.

RON LALIBERTE: We should be treated as, as Constitution, the way that...

(Video Tape: 7:32.02.21) JIM DUROCHER: We have a duty, we have, we're in the Constitution. It is our responsibility now to, to, to determine, or to, to, you know, to, to, definition, to define what those rights are, you know, and we need to do that at the community level.

JIM SINCLAIR: My argument, my argument today when you ask me that question. I don't have to go back in history and explain anymore, justify anymore of those things because we're in the Constitution. We're there, why am I going to go back and start explaining why we're there?

RON LALIBERTE: You look at *Grumbo* and *Powley* though, I mean they, they are making those arguments now.

(Video Tape: 7:32.37.21) JIM SINCLAIR: Yeah but the point is again too, I don't think it's in the Métis' best interest to use the courts. Courts have never worked and you go into a white man's court, and in terms of the white man's laws, you're going to get a white man's justice. You have to, if you're going to go to court as Métis people they should be clever enough right now to use an international court. Never go to court in this country if you declare yourself a nation. And my argument, again, is that the Treaties are being eroded by many court decisions. Our leaders are not taking responsibility enough by saying okay we'll take that to court. You don't take that to court. You'll never put your Treaty up in court. You don't put your Treaty in court. It's no, you could take an aspect of it or something that flows from it, but never open up your Treaty to go to court. The same thing the Métis don't have to open up the whole Constitution again to go to, they don't need to go to court. They want the hunting rights, they don't, I told Clem that stay out of it from now on. You got this, go to the table and do what you have to do to get your land... **(Inaudible)** ...

JIM DUROCHER: Negotiate, you know, get some, get community backing and...

JIM SINCLAIR: The power is there.

RON LALIBERTE: But when they don't negotiate with you, what recourse do you have?

JIM SINCLAIR: Who said they're not negotiating with you?

RON LALIBERTE: Oh, I don't know, I'm just saying, it just seems like nothing happened until now you got *Powley*, now okay then. Now they're going to get some hunting and fishing rights.

(Video Tape: 7:33.57.07) JIM SINCLAIR: How do you think I got the rights? I'm the first guy to break those god damn rules. I went out into the field after, in 1987, I didn't go for my Bill C-31 at first. I said look, I have the right to hunt and gather. I am an Aboriginal person, you know, I can do that, you know, if I am a Métis or Indian. And what they did to me is I got, I was charged for hunting on, on, on land that I had permission. Everything was there and I was charged for hunting game. And I said okay, you know, and, and I said I have the right to hunt and gather. I said even though I'm not a Treaty Indian, I said, I'm a Half-breed but I can still hunt and gather. And they took me to court. And what they did is they spent two years at it, then finally they started knocking on my door and say Jim why don't you plead guilty to this and we'll drop the other charges. No, I'm not, I'm not, I'm not going to plead guilty to nothing. I have the right. So, finally it came down to the point, and they knew I was going to open up the whole, whole bag of worms. So what they did the day I went into court, I was due in court in the after, in the morning and in the morning before ten o'clock, Indian Affairs sent a fax or telegram to the judge, this man is an Indian - he has the right to hunt and gather, a treaty Indian. They even sent the card with it okay. He's a member of this band. He's not a member of the band, but he's a Treaty Indian. So when I went to the court, I wanted to have my say because I thought, well here's a chance for me to really speak up on behalf of people, again, who's getting charged. And the judge said you're not in my court you don't. He said, he said, you're finished, get out of here. He said, you got the right to hunt. So, you know, it, it, it again came down to a matter if I was going to stand up and they threw it out. But I knew that other people would win because we all, that goes partly with the Constitutional rights again. And I told that, I said you come and hunt with me, any real Half-breed, or Métis like Jim Favel or Jim Durocher wants to come hunt with me in Greenwater Park where I live, I'll take them there and nobody is going to charge them because I know that they have the right to hunt and fish. But the problem with the Métis at that time, and that's again goes back to how the leadership handled the membership cards. They gave them out to every

Tom, Dick, and Harry, including people who had no Métis history, no Indian history.

RON LALIBERTE: This is after *Grumbo*?

JIM SINCLAIR: Ahh, this is before.

RON LALIBERTE: Oh okay.

JIM SINCLAIR: This was before. This was a few years back and that's why the government stopped everything then. They said hey, no and these guys were laughing about it. They were going buying these cards for two, three hundred bucks, some of them paid more, and were going out and killing moose and elk and everything and coming out of there saying they had an Indian card. And they were laughing about it because I met these guys that say hey I am no, no Half-breed. I just bought this and now I can hunt and gather anytime I want.

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