

The Métis in the 21st Century Conference

June 18-20, 2003

Saskatoon

Day 2 – Tape 2

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Jean Teillet: Good morning, everybody. I'm actually really interested to stand here and talk to you about the *Powley* case because so much has been said about it over the last two days, and, quite frankly, most of it is wrong. With all due respect to my friend and colleague Mr. Paul Chartrand, I think his analysis of what actually happened in that, in the case is utterly wrong, and I also disagree with what the other Chartrand here just had to say. So I want to try and set the record straight about what really did happen at trial.

Now, Paul Chartrand's had the advantage of publishing a book on this topic, which I have not done, but the reality is that what seems to happen is people have an impression based on some, I'd say slight knowledge of what actually happened. And I think it's always dangerous for academics to look only at the trial judgements and then make sweeping statements about what happened, because the, what's happened here is that in, particularly in Paul Chartrand's book, he looks back to the literature about the Métis coming out of a 1981 conference in Chicago, primarily published in a book called *Being and Becoming Métis* by, edited by Jackie Peterson. There's fine work in that book and, in fact, Jackie Peterson's article was heavily relied on by all sides at trial. However, almost all the material in that book stops in 1850. There is a presumption that somehow the Métis community just disappeared in Sault Ste. Marie in 1850, that either they all went on to the band list or they all mys-, all mysteriously all moved to Red River.

And so, when I started doing the history for this trial, that was what we were all looking at was that information and, quite frankly, it was a little troubling. We're sort of going, okay, well so what is the history here, what happened after 1850, what's going on? We didn't know. Nobody had written about Sault Ste. Marie and that sort of Great Lakes environment after the

marvellous work that Peterson and crew had done. So we set historians to do the work, and we set in particular Dr. Arthur Ray to the task, and we also set Victor Litwin [sp?], Dr. Victor Litwin [sp?] to the task. And the Crown set two specific people, the first one—of course, my name, my brain's going blank right now, but they fired her after she produced her first report because it was too favourable to the Métis—and so, but, of course, they had shared it with us, as they were supposed to, and then they fired her. And they got Gwen Jones in to do it, and—I'll remember her name later, the first woman.

Anyway, what was quite remarkable about all of this historical evidence, which was what everybody did, was try to pick up from 1850 on. And not with any agenda in mind, but just what happened, what happened in that area after 1850? Where did the people go? Did they stay? Did they all become Indians? Did the Métis community survive? Did they all leave? What went down there? Because, really, none of us knew. So we went, we, the three experts, dug in and they came up unanimously with a full record. And I mean unanimously, the Crown expert, as well, and their previous expert who they fired, plus the two experts that I hired, all came up with the same conclusion. The Métis community changed after 1850, but it survived. Some people moved on to the reserves and, indeed, some people went further west because that was the way it worked in, the fur trade had basically run down the area there and it was moving west. And Winnipeg, then, Red River, became the big centre after that. So that's what happened, but the evidence was clear, uncontradicted, and voluminous. Boxes and boxes of documentary evidence, historical evidence, oral evidence, witnesses, witness after witness, everybody agreed with the same conclusion. There was no dissenting opinion on this.

So the idea, and I want to say this is where I disagree with what Larry just said, the idea that the court didn't delve into what was a Métis community, what made that community Métis as opposed to Indian, why it was distinct, is completely not factual. It was days of discussion at trial and debate among the experts. Days. Now, what the problem is, is that most of

you get to read two lines in the court judgement of the trial judge who encapsulates all of that evidence in a couple of lines. And the reason it's only a couple of lines is the evidence, is because it was absolutely incontrovertible, there was no questioning it from anybody. It was just fact. It was there, it was fact on the ground, and so it was easy to just say, okay, this is, everybody could identify it as a distinct community. Not, it didn't look and act and see itself, nor was it seen by others as an Indian community, and it didn't look and act or see itself, or wasn't seen by others as a White one, non-Aboriginal community, was very clear. All the outside people, like German travellers coming through, writing about it and talking about it as a unique distinct community. It was quite astonishing, the historical record. The other part of the historical record that was very astonishing were the incredible ties to Red River. And so I think one of the things that, you know, when Harry was talking about the creation of, you know, the Métis National Council, and the Native Council of Canada, there have always been people from northwestern Ontario who have identified as Métis. And, if you remember, Harry told you that the organization was originally called the Ontario Métis and Non-Status Indian Association, and that's because they clearly saw two separate groups of people in the same way that they did on the Prairies. It's the same thing going on there. And there's every logical reason for it. It's the beginnings of what's going on, what we see happening in Manitoba only twenty years later. The events of 1870 were, they, they began in, in Sault Ste. Marie in the 1840s. So, that is one of the things I want to clearly set down on the record.

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