

# LOUIS RIEL



JUSTICE MUST BE DONE.

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*Riel, the politician and statesman — From a photo in the Saskatchewan Archives, Regina.*

**Gabriel Dumont Institute**

**#505-23rd St**

**Saskatoon, SK**

**S7K 4K7**

**LOUIS RIEL**  
**JUSTICE MUST BE DONE**



1979  
**ASSOCIATION OF MÉTIS AND NON-STATUS INDIANS  
OF SASKATCHEWAN**

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## PREFACE

This publication was originally commissioned by the Board of Directors of the Association of Métis and Non-Status Indians of Saskatchewan at a Board Meeting in the summer of 1977. The purpose of the study was to bring together all relevant material, both historical and legal, about Riel and his involvement in the Red River Resistance of 1869-70 and the Northwest Uprising in 1885. There is a general consensus in the West that Riel was dealt with unjustly by an incompetent government which made him a scapegoat for its own failings. The Métis people in particular hold this view very strongly and believe that the time has come to right the wrongs of a previous century, by granting Riel a posthumous pardon on the basis outlined in the resolution passed at Batoche on July 25, 1978, page (iv) and following.

After much work was done on this publication, the question of proceeding with a submission to the Federal Cabinet requesting the pardon was discussed in detail at the Annual Assembly of the Association held on July 25, 1978, at Batoche. The resolution outlining in detail the Association's conditions for a pardon was approved by the Assembly. As a result of the approval of this resolution, the Association completed its study and submitted its request for a pardon along with this statement to the Federal Cabinet. As this document is being prepared for publication, the Federal Cabinet has not yet responded to the request. The Association, however, is aware that the request is receiving close and careful study and is looking with confidence to an early decision being made by the Government of Canada.

"Riel and his followers were protesting against the Government's indifference to their problems and its refusal to consult them on matters of their vital interest. Questions of minority rights have deep roots in our history. We must never forget that in the long run, a democracy is judged by the way the majority treats the minority. Louis Riel's battle is not yet won." — Pierre Elliott Trudeau, 1968.

"To say they are a small number of dissidents is not sufficient. We know that the few become the many. If they are men like Gandhi, or in my country, like Louis Riel, they live on." — Pierre Elliott Trudeau, 1969.



## RESOLUTION

WHEREAS Louis Riel was the chosen leader of the Métis people who desired a settlement of their just claims by the Government of Canada and Great Britain before Rupert's Land was joined to Canada, and

WHEREAS the Government of Canada in 1869-70 only negotiated with Riel's government as a matter of expediency, and once having concluded an agreement with the people of the Red River, it proceeded to violate and/or circumvent most of the solemn promises and pledges made to the Métis people, and

WHEREAS one of these pledges was to support the request of the Métis people to the British Crown requesting amnesty for all those involved in leading the Red River resistance, and

WHEREAS the Canadian government, having pledged the personal safety of Riel and his followers, immediately violated this pledge by issuing a warrant for the arrest of Riel for the murder of Thomas Scott, and

WHEREAS the Canadian government by the recognition of Sir John A. Macdonald in parliament had no legal jurisdiction in Rupert's Land, such action by the government was clearly in violation of all accepted legal international conventions of the time, and

WHEREAS Riel eventually had to flee to the United States for his safety, where he resided for almost 15 years and became an American citizen, and

WHEREAS Riel only returned to Canada at the request of his people to lead them through peaceful means to secure for the Métis of the Northwest the guarantee of those rights granted through the Manitoba Act, to the Métis people in that Province, and

WHEREAS Canada had steadfastly refused to either recognize the claims of the Métis outside Manitoba or to negotiate a settlement of these claims, the Métis people, therefore, still had a legal and unsatisfied claim which by the B.N.A. Act and the Rupert's Land Transfer Agreement, the government of Canada had legally pledged to satisfy, and

WHEREAS the Métis people therefore had a right in international law to organize themselves to press for such a settlement of their claims, and

WHEREAS the government of Canada through its continued

refusal to negotiate these claims, and by its police actions to break up the Métis alliance at Batoche and by moving armed troops into the Northwest, forced the Métis to arm and defend themselves, and thus precipitated an armed conflict between the Métis people and the Canadian government known as the Northwest Rebellion, and

WHEREAS Louis Riel, an American citizen, was unjustly detained, tried on a charge of treason against the Crown, was convicted and hanged, and

WHEREAS these actions by the Canadian government were in violation of his rights as an American citizen, and

WHEREAS the trial proceedings were unfair and the public statements by politicians and officials such as Macdonald and Dewdney, that Riel must hang, were political in nature and resulted in a political execution,

THEREFORE, be it resolved that the government of Canada in recognition of these historical facts and of the injustice of its dealings with the Métis people, act to right these wrongs against Riel and the whole Métis nation, by granting at this late date a posthumous pardon to Riel, thereby restoring in the Métis people the knowledge of the justice of their cause and the pride of independence, perseverance, and high standards of their ancestors, and also thereby restoring in the Métis people today their belief in themselves and rekindling their hope that their yet unsatisfied claims will be dealt with justly and fairly and with equity by the government of Canada and the Canadian people.

Passed unanimously at the Annual Assembly of the Association of Métis and Non-Status Indians of Saskatchewan, July 25, 1978, at Batoche.

"In 1885, after the defeat at Batoche, he could have yielded to his people's entreaties and gone to the United States, but he preferred to give himself up and sacrifice his life for the welfare of his people. Riel was a model of self-denial, sacrifice and devotion."

— Tremaudan

"When Louis Riel dropped to his death on the scaffold in the North West Mounted Police barracks at Regina on Nov. 16, 1885, Sir John A. Macdonald and his cabinet imagined they had finally ended the career of Louis Riel and the Métis problems he had fostered for so many years.



But this was not to be. Like John Brown's body, his soul or the ideals he had cherished, go marching on. There was nothing wrong with Louis Riel except that he lived a hundred years too soon."

— George Shepherd, Curator  
Western Development Museum.  
Star Phoenix, Accent, Nov. 14/78

"Yet in a negative way the cause did live on, for Riel's death and the destruction of the Métis culture represented something in our new world of Canada emerging into nationhood that, a century afterwards, we cannot finally and wholly accept. In this way, while Riel's own will was rooted in the past, his involuntary destiny belonged to the future that in Canada today has become our present, the present in which the disinherited whom Riel still symbolically represents — the Métis, the Indians, the French-Canadians, the Doukhobors, the minorities in general — rise up against the very world that defeated Riel and his past."

— George Woodcock, *Gabriel Dumont*

"He died on the gallows and his nation died with him — his nation, and the dream of a strange empire in the West. The ideas from which the dream evolved live on among the remnants of his people, but they live feebly because the race is weak and dispersed and despised."

— Joseph Howard, an American.

"Whether we realize it or not, we of 1968 face a situation which is similar in some respects. If Riel could walk the soil of Canada today, I am sure his sense of justice would be outraged as it was in 1885."

— Ross Thatcher, 1968

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*Statue of Louis Riel by John Nugent, on the grounds of the Provincial Legislative Buildings, Regina — Photo by Cliff Bunnie.*

*Canada, Name of Citizens, Debates, 28 March, 1896, at 225*

# I.

## Introduction

For ninety-three years the label of "traitor" has blemished the name and character of Louis "David" Riel. This, however, does not preclude the honour and admiration which has continued to survive in the succeeding generations of Métis and socially-conscious non-Indian peoples of Canada.

Louis Riel met his death on a scaffold in the North West Mounted Police Compound in Regina, Northwest Territories, on November 16, 1885. The crime for which he was hanged was high treason, when in reality and on a human plane, all he was striving for was a just and equitable treatment of the half-breed's rights. This was neglected, as well as the jury's recommendation for mercy.<sup>1</sup>

The springing of the trap-door that led to Riel's death was the beginning of close to a century of doubts, questions and debates as to Riel's guilt, and/or the fairness of the trial. Also questionable is the execution of the death sentence, in light of the loud clamour for mercy by numerous Canadians, as well as the jury's recommendation of mercy.

To the Métis of today, Louis Riel was and has continued to be a national hero and a source of inspiration. His supreme sacrifice has fanned the flames of the national and cultural heritage of our race. A traitor he is not, at least in the eyes of his people. Numerous persons have stepped forward to carry on his struggle for the liberation of the Métis from their past and current subjection to a life of poverty and despair.

Justice must not only be spoken of; it must be exercised. The pardoning of Louis Riel is an appropriate stepping-stone to demonstrate the Government's desire to rectify the long-standing grievances of the Métis.

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<sup>1</sup>Canada, House of Commons, Debates, 19 March, 1886, at 225.

## II.

# Purpose of the Submission

As mentioned earlier, there are many questions which have been generated from the execution of Riel. Of course, all of these questions cannot be answered, but several should nevertheless be posed.

Was Riel a traitor or was he a hero? Was he guilty or innocent of the charges brought against him? Was he a sane and rational man acting out of conviction and principle or was he a strange mystic of questionable mental balance as some have suggested? Did he or did he not receive a fair trial? If political leaders and the public of today recognize him as a just man fighting for a just cause, why does the blot of a criminal conviction continue to stain his reputation? Why erect statues to a criminal? Why make a martyr of a criminal? Why revere a criminal in history and in the theatre? Could it be that the majority of Canadians today, as they may have in the past, recognize that Riel was not a criminal and that he was unfairly dealt with? If so, justice demands more than mere recognition of these facts; it demands that the authorities must now wipe clean the slate. This can be done by lifting this criminal stain from Riel's record.

The purpose of this submission is the request that the Government, under the Royal Prerogative of mercy, untarnish the spirit and contributions of Louis Riel towards the rights and freedoms of minorities, by granting a posthumous pardon.<sup>2</sup> We realize that this will be of no comfort to Riel. However, it will be comforting to us, his people, in continuing his struggle, by exhausting all legitimate means at our disposal to secure our rights.

This submission is not a legal treatise to reconstruct the trial and prove Riel innocent. It will instead examine the historical facts and the record dealing with the events leading first to the Red River disturbances and eventually culminating in the Northwest Rebellion

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<sup>2</sup>See p. 92 for a discussion on Royal prerogative of mercy and posthumous pardons.

and the subsequent trial and execution of Riel. Our primary objective is to show that a grave miscarriage of justice resulted, and that for the future of our people and Canada, this injustice can and must be redressed.

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Was Riel a traitor or was he a hero? Was he guilty or innocent? The charges brought against him? Was he a sane and rational person acting out of conviction and principle or was he a strange man of questionable mental balance as some have suggested? Did he deserve to receive a fair trial? If political leaders and the public at large recognize him as a just man fighting for a just cause, why does the fact of a criminal conviction continue to stain his reputation? Why does a status to a criminal? Why make a martyr of a criminal? Why revere a criminal in history and in the theatre? Could it be that the majority of Canadians today, as they may have in the past, recognize that Riel was not a criminal and that he was unfairly dealt with? If so, justice demands more than mere recognition of these facts; it demands that the authorities must now wipe clean the slate. This can be done by lifting this criminal stain from Riel's record.

The purpose of this submission is the request that the Government order the Royal Proving of mercy, maintain the spirit and conviction of Louis Riel towards the rights and freedoms of minorities by granting a posthumous pardon. We realize that this will be of no comfort to Riel. However, it will be comforting to the people in continuing his struggle, by exhausting all legitimate means at our disposal to secure our rights.

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For a detailed or Royal Proving of mercy and posthumous pardon