LOUIS RIEL AND CANADA: A NEW RELATIONSHIP, 150 YEARS IN THE MAKING

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Jean Teillet's legal career has focused on Indigenous rights and reproductive rights. She is currently a treaty negotiation advisor for the Stó:lō Xwexwilmexw, a coalition of six Stó:lō bands in BC. Ms. Teillet has appeared at the Supreme Court of Canada in twelve Indigenous rights cases. She maintains an active role as a public speaker on Indigenous rights, identity, access to justice and Charter issues. She is the author of *Métis Law in Canada* and her popular history, *The North-West is Our Mother: The Story of Louis Riel's People, the Métis Nation*, was listed in the Globe & Mail's top 100 books of 2019. Ms. Teillet is an adjunct professor of law at UBC. She is on the board of Indspire, Save the Children Canada and the Association of Canadian Studies. In 2016, the Association of Ontario Midwives made Jean an honorary lifetime member in recognition of her services to midwives and Indigenous women. Ms. Teillet is the great grandniece of Louis Riel.

Louis Riel is now acknowledged as a Father of Confederation and the Founder of Manitoba. The Manitoba Legislative Assembly unanimously passed a Resolution to Recognize the Historic Role of Louis Riel as Founder of Manitoba in May of 1992. That same year the House of Commons and the Senate passed unanimous resolutions to recognize and honour him.

> *…that this House recognize the unique and historic role of Louis Riel as a founder of Manitoba and his contribution in the development of Confederation; and that this House support by its actions the true attainment, both in principle and practice, of the constitutional rights of the Métis people.*[1]

In 2016, a photo of Riel was mounted on the wall in the Manitoba Legislature among the portraits of all the other Premiers of Manitoba. The photographic portrait names him as the first leader of the province. Manitoba has named the third Monday in February as Louis Riel Day and he is remembered

1 *Resolution to Recognize the Historic Role of Louis Riel*, House of Commons and Senate of Canada, March 10, 1992, by Joe Clark, then Minister of Constitutional Affairs. The Manitoba Legislative Assembly unanimously passed a *Resolution to Recognize the Historic Role of Louis Riel as Founder of Manitoba* in May of 1992.

◂ Unknown Artist, Fort Garry in 1860 (Now Winnipeg), 1885. Image Courtesy of University of Manitoba Archives & Special Collections.

in solemn ceremonies across Canada on November 16th, the anniversary of his hanging. Prime Minister Justin Trudeau had this to say on November 16, 2020.

> *As we mark the 150th anniversary of the Métis Nation's entry into Confederation, today we also join the Métis people and all Canadians to honour Louis Riel. The Founder of Manitoba and an elected Member of Parliament, Louis Riel was a great defender of minority rights and the French language. In addition, his struggle to preserve Métis culture paved the way for the Canada we know today.*[2]

There are Louis Riel schools in Ottawa and Calgary and a Louis Riel School Division in Winnipeg. There is a Louis Riel bridge, park and monuments. There are biographies, movies and plays about Riel. A major highway in Saskatchewan was renamed the "Louis Riel Trail" in 2001. There are more books about Riel than books about the other most famous historical Canadian, Sir John A. Macdonald. No one is trying to tear down the statue of Riel that commands the grounds of the Manitoba legislative building in Winnipeg.

We've come a long way from 1885 when three thousand men shipped from Toronto to the North-West "eager to smash Riel and the Rebels" for the purpose of "squelching Riel and his crowd of malcontents" in the North-West Resistance.[3] And even further from 1870 when Sir John A. Macdonald hoped to lure Riel to Ottawa, where upon arrival the Prime Minister promised he would be "one gone coon."[4]



Unknown Photographer, Louis Riel, 1865. Image Courtesy of Library and Archives Canada, Ernest Brown Fonds.

It took just over a century for Canada to reimagine its relationship with Louis Riel, a reimagining that is still in progress. Riel was tried, found guilty and hanged for high treason, but despite this, most Canadians don't understand exactly what he did that was so very wrong. There was no intent to

2 Statement by the Prime Minister on Louis Riel Day, November 16, 2020.

3 *Telegram*, March 29, 1885; World, March 29, 1885

4 Sir John A. Macdonald to Sir John Rose, February 23, 1870.

overthrow the government and many Canadians sympathize with the Métis stance that taking up arms to protect their lands was not a rebellion and certainly not treason. It is this understanding of Riel and his actions that have led to over a dozen proposed bills in Parliament, all calling for Riel to be exonerated. The latest call for Riel's exoneration was an attempt to accomplish his legislated rehabilitation for Manitoba's 150th anniversary in 2020.

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Louis Riel was a comet. He burst on the scene in 1869 and flamed out seventeen years later in 1885. He captured the Canadian imagination quickly and has retained our attention ever since. Canadians had a wide variety of reactions to him at the time. During his life, he was revered as a saint and hero by his own people, the Métis Nation. He earned the lasting enmity of Sir John A. Macdonald by blocking the plans for an expansive colonial empire in the North-West. Riel was hated in Ontario. But he was so admired in Quebec that almost 30% of the population of Montreal (50,000 people) marched in protest when he was hanged. Virtually no one was indifferent to Riel.

Today we tend to forget how unique Riel was in his day. First, he was young, just 25 years old in 1869 when he steered Manitoba into the Canadian Confederation and thereby blocked the plans of British and Canadian politicians who were mostly

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twice his age. He was born in the North-West. Most Canadian politicians of that day were born in Britain, as was Sir John A. Macdonald, or were the sons of the Canadian elites in eastern Canada. Perhaps his most distinguishing characteristic though was that he was proudly Métis at a time when Indigenous people were thought to be savages and incapable of sophisticated political thought. Men with Indigenous ancestry, like John Norquay who became an early premier of Manitoba, made their way by embracing a non-Indigenous identity. Riel stood alone in proclaiming himself to be Métis and to be one with his people, the Métis Nation.

Riel also had democratic notions that were well in advance of the politicians of his day. Knowing he needed to bring the population of Red River into consensus about the terms on which Manitoba would join Confederation, he called for a series of conventions to which he invited representatives of every parish. There was equal representation for French/Catholic and English/Protestant parishes. Ojibwa Chief Prince was also a full representative at the conventions. Full translation was available to enable each representative to speak in the language of their choice. In Canada, only men who owned property could vote in federal elections and they were the men who negotiated Confederation. But

in the Red River conventions to decide the terms of Manitoba's entry into Canada there were no such property ownership rules. Riel himself owned no property at that time. These were the democratic ideas that were established prior to Manitoba's entry into Canada.

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Once Canada obtained Manitoba on July 15, 1870 all of these democratic practices died instantly. Riel was forced into exile and everything he sought to establish was overturned. A despotic government was established that was accountable to Ottawa and Manitoba became a province in name only. Manitoba and the entire North-West became a colony of a colony.

Sir John A. Macdonald sent in troops and instigated a reign of terror in Red River that lasted for almost three years. He had already given notice of his intentions when he wrote that the Métis were "wild people," "miserable" and "impulsive half-breeds" that he wanted "put down," "kept down" and "kept quiet." He wrote of using a "strong hand," and would happily give the head of his army "the chance and glory and the risk of the scalping knife."[5]

Winnipeg, under Canada's new rule, disintegrated into a violent, racist turmoil. Métis, French and Catholics were beaten, their daughters raped, their houses burned, and their lands stolen. Men were viciously assaulted, some left for dead. The troops burned opposition presses and held Métis women at gunpoint while they ransacked their homes. Métis leaders were exiled and nine men who had participated in good faith in the negotiations of Manitoba into Confederation were murdered by the troops. Even the *New York Times* reported on the violence. The Canadian Prime Minister, Sir John A. Macdonald, did nothing to reign in the troops or stop the violence. The men who initiated the violence then moved into positions of power and were appointed as the chief of police, the mayor and the lieutenant governor. The troops were converted into the police force. The first chief justice of the Manitoba court was thoroughly corrupt and facilitated the legal dispossession of Métis lands.

> **"Manitoba did not just "enter" Canada, it was burned, assaulted and beaten into Confederation."**

Riel spent two years arguing, debating and writing the foundational ideas for Manitoba's entry into Canada. He brought the representatives of Red River to his point of view. It was an astonishing act of democracy in the face of Canada's abandonment of any such principle. All civil society and democratic values were not just overturned but smashed to bits in a violent takeover of Manitoba. Manitoba did not just "enter" Canada, it was burned, assaulted and

5 Morton, *A History of the Canadian West*, 872; Pope, *Correspondence of Sir John Macdonald*, 128; Sir John Macdonald to Sir John Rose, Ottawa, February 23, 1870; Pope, *Correspondence of Sir John Macdonald*, 113; Macdonald to George Stephen, Ottawa, December 13, 1869.

beaten into Confederation. The parts of the Manitoba Act, 1870 that specifically protected Métis lands, the French language and the Catholic schools were dismissed by the new regime in Manitoba. It took the better part of 150 years and three trips to the Supreme Court of Canada to force Manitoba to honour those constitutional commitments.

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Riel’s legacy has always been associated with fighting for the rights of his people, the Métis Nation. His legacy is now also tied to the idealistic and democratic practices that he used in order to bring Manitoba into Confederation. These are the ideas and aspirations we embrace today and that is why Canadians have re-imagined a new relationship with Louis Riel.