INDIGENIZATION: HOW GENEALOGY AND DNA JUSTIFY RACE SHIFTING IN EASTERN CANADA

JEAN TEILLET

Jean Teillet is an Indigenous rights lawyer and author of *The North-West is Our Mother: The Story of Louis Riel's People, the Métis Nation and Métis Law in Canada*. She is the great-grandniece of Louis Riel.

Something new is happening in Canada. Men and women who previously identified – sometimes for twenty or more generations – as "white" Canadians, are shifting races and assuming a Métis identity.[1] Since 2003, over sixty 60,000 people, mostly in eastern Canada, have re-invented their identities as Métis.[2] Between 2006 and 2016, those who identified as Métis rose 149% in Quebec, 124% in the Atlantic provinces and 64% in Ontario. Genealogy and DNA testing provide the evidence to justify their race shifting.[3]

It is generally accepted that in order to claim an identity as Métis, one must provide at least some evidence of Indigenous ancestry.[4] Thus, there is a search for an Indigenous ancestor. In Quebec, the historical narrative is being reimagined based on the common belief – erroneous but common nonetheless – that the only women in Quebec in the early 1600s were Indigenous and that it was the norm for French men to marry Indigenous women. This narrative is contradicted by the fact that only thirteen Indigenous women were recorded in the marriage

1 This writer accepts the fact that "race" is a contested concept and that social and biological sciences reject the concept as a biological attribute while accepting it as a social construct. The term "race-shifter" is adopted from the American academic Circe Sturm. Circe Sturm, *Becoming Indian: The Struggle over Cherokee Identity in the Twenty-First Century*, (Santa Fe: School for Advanced Research Press, 2011). Kim Tallbear, "Genomic Articulations of Indigeneity," *Social Studies of Science* 43, no. 4 (2013): 509-33. Kim Tallbear, *Native American DNA: Tribal Belonging and the False Promise of Genetic Science*, (Minneapolis: University of Minnesota Press, 2013).

2 Darryl Leroux, Distorted Descent. (Winnipeg: University of Manitoba Press, 2019), 216-217, provides us with the following numbers in Quebec: Métis Nation of the Rising Sun - 20,000; *Communauté métisse autochtone de Maniwaki – 6,000; Communauté métisse du Domaine-du-Roy et de la Segneurie de Mingan* – 5,000. In Nova Scotia the Eastern Woodlands Métis Nation – 30,000.

3 Statistics Canada, 2016 Census.

4 The test is set out by the Supreme Court of Canada in *R. v. Powley*, [2003] SCC 43. The court held, at paragraph 10, that "the term "Métis" in s. 35 does not encompass all individuals with mixed Indian and European heritage...The Métis developed separate and distinct identities, not reducible to the mere fact of their mixed ancestry." The court further held, at paragraph 32, that the claimant must "present evidence of an ancestral connection to a historic Métis community".

registries in New France before 1680, which represents only 0.4% of the population.[5] Because old Quebecois are intermarried, most Quebecois can claim at least one of these thirteen women as an Indigenous ancestor. But it is the intermarriage of the Quebecois that allows such a claim, not the frequency of settler-Indigenous marriage. Nevertheless, it is on this basis that many in Quebec are now making an unwarranted leap in logic by claiming they are Métis. In the Maritimes, race shifters are repurposing the Acadians and claiming to be Acadian Métis. In Ontario the tendency is to use admixture to rename a long dead Algonquin ancestor as Métis.

The race shifters offer many different reasons for their race shift. Some want hunting and fishing rights. Some want to stop a First Nation land claim. Some want a scholarship for their son or a place at law school for their daughter. Some want a job.[6] Some are angry that their old identity as a "white" Canadian seems to have ever decreasing land and resource privileges. What the race shifters have in common is their use of genealogy and DNA testing as tools to accomplish this race shift. Those pushing back against this self-indigenization call it "ethnic fraud".[7] In the context of higher education it has been defined as "the inaccurate self-identification of race by persons applying for faculty positions at mainstream colleges and universities, or for admissions into special programs, and for research consideration." If we define fraud as misrepresentation intended to deceive others for financial or personal gain, then the race shifters are indeed fraudsters. Unfortunately, in addition to the personal gain, this ethnic fraud also serves a more nefarious purpose. It is re-inscribing race, though it is thinly disguised as "ancestry".[8]

Those seeking evidence to support self-Indigenization initially relied solely on genealogy. But now genealogy is being supplanted by DNA testing. Commercial companies may provide proof that you have 5% Native American ancestry. But that is actually 5% of less than 1% of less than 1% of your ancestry.[9] This is not evidence of a particular culture. It does not tell you where your ancestors were from in the past. What it really tells you is where DNA that is similar to yours can be located *today*. So the

5 Y. Beauregard, "Mythe ou réalité. Les origines amérindiennes des Québécois: Entrevue avec Hubert Charbonneau". *Cap-aux-diamants: La revue d'histoire du Québec*, (1993) 34: 38-42.

6 Adam Gaudry and Darryl Leroux, "White Settler Revisionism and Making Métis Everywhere: The Evocation of Métissage in Quebec and Nova Scotia", *Critical Ethnic Studies*, Vol. 3, No. 1 (Spring 2017), 116-142.

7 Cornel D. Pewewardy, "So You Think You Hired an 'Indian' Faculty Member?" in *Indigenizing the Academy*, eds. Devon A. Mihesuah and Angela Cavender Wilson, 200-217. (Lincoln: University of Nebraska Press, 2004), 201.

8 Troy Duster, "A post-genomic surprise: The molecular re-inscription of race in science, law and medicine." *British Journal of Sociology*, 66(1): 1-27. Duster is here referring only to the use of DNA, not genealogy. Duana Fullwiley, "The Biologistical Construction of Race: 'Admixture' Technology and the New Genetic Medicine". *Social Studies of Science* 38/5 (October 2008) 695-735. Biological science today is currently using the term "ancestry" claiming that it reflects a factual connection to ancestral geographical origins rather than fitting into a disputed racial category. To that end scientists are now using the term "Native American ancestry" rather than race. Vivian Chou, "How Science and Genetics are Reshaping the Race Debate of the 21st Century", Science in the News, Harvard University, April 17, 2017, http://sitn.hms.harvard.edu/flash/2017/science-genetics-reshaping-race-debate-21st-century.

9 This is because DNA ancestry testing only follows one or at best two of an individual's ancestral lines.

data is not historical. It merely bundles like with like based on others who also took the test. This type of analysis provokes questions such as: Who decides what 100% Native American ancestry is? Which culture? Where in America? When?[10] This is bundling based on the presumptions of the North American perspective on race and geography, nothing more and nothing less.

Race shifters have taken their genealogy-based self-indigenization to the courts, which have now swatted down over 60 claims in Quebec, New Brunswick and Nova Scotia.[11] Judges have repeatedly emphasized that Métis identity will not be recognized based solely on genealogy. Indigenous rights are collective rights and require the proof of an historic Métis community and continuity proving that it continues to exist today. None of these eastern groups have proved a contemporary or an historic community because genealogy cannot provide that evidence. They claim to have hidden within settler groups, such as the Acadians. Indeed they argue that the Acadians were a distinct and separate Métis community with a unique culture.[12] One Quebec judge famously said "it would be easier to nail Jell-O to the wall" than to find any substance in the claim before him.[13] Still the claims keep coming.

Slowly but surely these new "Métis" are being questioned. Montreal's Reconciliation Advisor resigned when objections were raised about her Métis identity.[14] Four candidates in the 2019 federal election had their Indigenous identities questioned.[15] Many brandish cards.[16] The fact that these cards are from notoriously illegitimate and discredited groups does not seem to be enough to cause them to reconsider their claims. As Marcus McGee wrote, with respect to Joseph Boyden, this kind of card, which is brandished "like a trump… is little more than a piece of paper."[17]

What to do about this? First, governments must

10 T. Duster. "A Post-Genomic Surprise: the molecular reinscription of race in science, law and medicine". Lecture given to the London School of Economics and Political Science, November 10, 2014, https://www.youtube.com/watch?v=H-McFX0dZVI. To be clear, Duster is not talking about genealogy in this lecture. He is focused on DNA analysis.

11 Jean Teillet, *Métis Law in Canada* (Vancouver and Toronto: Pape Salter Teillet LLP, 2018).

12 Paul D. Tufts, "The Denied Community Rights of the Acadian Métis", *l'Association des Acadiens-Métis Souriquois* (AAMS), October 2009, accessed on January 28, 2020 at https://acadiens-metis-souriquois.ca/uploads/3/4/5/0/34506400/metis_rights_denied.pdf.

13 *Québec (Procureure generale) c. Séguin*, 2016 QCCS 1881 (CanLii), para 158, *"Il serait plus facile de clouer du Jell-O sur un mur"* (It would be easier to nail Jell-O to the wall).

14 "Indigenous historian debunks Montreal councillor's claim of Mi'kmaq-Acadian ancestry", APTN National News, November 8, 2019, https://aptnnews.ca/2019/11/08/indigenous-historian-debunks-montreal-councillors-claim-of-mikmaq-acadian-ancestry.

15 "4 federal candidates accused of Indigenous identity appropriation by Halifax academic", CBC News, October 10, 2019, www.cbc.ca/news/indigenous/federal-candidates-claims-indigenous-identity-1.5314614. The candidates were Marc Serré, Liberal for Nickel Belt riding in Ontario; George Canyon, Conservative for Central Nova; Amanda Kistindey, Green Party Don Valley West; and Jocelyn Rioux, Green Party, Rimouski-Neigette-Témiscouata-Les Basques.

16 "Black artists with N.S. roots want their Métis ancestry recognized." CBC News, February 16, 2018, https://www.cbc.ca/news/canada/nova-scotia/black-artists-with-n-s-roots-want-their-m%C3%A9tis-ancestry-recognized-1.4537936. "Justice for Indigenous people won't come from silencing discussion". *The Star*, January 16, 2020, www.thestar.com/opinion/contributors/2020/01/16/justice-for-indigenous-people-wont-come-from-silencing-discussion.html.

work with Indigenous peoples and adopt policies. No one wants the federal or provincial governments to define the Métis. But they could set out criteria necessary to receive government funds or jobs. Instead of just saying no, governments have been largely silent on the issue. This has created the vacuum into which these claims flourish. Charities, universities and businesses are left floundering trying to figure out what to do with these claimants. Some of these institutions are actually demanding DNA to prove Indigenous identity despite the dodgy science.

The Métis are a difficult group to identify for sure. But they are not impossible to understand. Asking a few questions will yield immediate results. What is the name of the historic Métis collective? Tell us the stories of when the Métis community acted as a collective in its own best interests. Where are the stories and songs and dances that are uniquely part of the group, not ones appropriated from other groups? Where was your sense of solidarity over the centuries? How did you come into being? Where did you live? These are not complicated questions. Only stories will provide this necessary evidence.

Genealogy and DNA evidence may be a fun pastime. It is always interesting to know more about your family history. But they are not enough to show anything other than that ever-so-great "Indian" grandmother or a miniscule percentage of Native American ancestry. Genealogy and DNA are not proof of Indigenous identity today. They cannot identify a historic or contemporary Indigenous culture. Neither justifies a shift in race.

17 "The making of Joseph Boyden", November 12, 2017, *Globe & Mail*, www.theglobeandmail.com/arts/books-and-media/joseph-boyden/article35881215.