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Crucial step in wrong direction

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Abstract (summary)

Let's look at the pardon issue first. [Louis Riel] was hanged after being convicted of treason. The historical record is clear that he provoked the North-West Rebellion of 1885 for his own purposes. He was irritated because the government had refused to accede to his secret demands for money for himself. True, the Metis of the Saskatchewan Valley had grievances involving river lots and land scrip, but the federal government was well on the way to dealing with these. Riel resorted to arms precisely because a successful resolution of the Metis complaints would have undercut his position of leadership.

The manipulation of Riel's image also raises important contemporary considerations. Canada is negotiating or litigating hundreds of aboriginal land claims. Most of these are Indian claims, but Metis leaders are also launching their own cases. Indeed, the Metis National Council is refusing to endorse this private member's bill unless it adds an explicit mention of Metis land claims. But whether they are mentioned in this bill or not, passage of the pardon will inevitably lead towards more favorable consideration of Metis claims because all aboriginal land claims depend crucially on the exact reconstruction of history. To ignore the historical record in an attempt to rehabilitate Louis Riel will set a precedent for these claims that will prove costly for Canadian taxpayers.

When Manitoba became a province in 1870, the Manitoba Act set aside 1.4 million acres of land for distribution to "the children of the half-breed heads of families." Each child got 240 acres. Subsequent legislation gave the Metis adults in Manitoba scrip worth \$160, with which they could buy Dominion Lands at a dollar an acre. After some delay, the government made similar grants to the Metis of Saskatchewan, Alberta, and part of the Northwest Territories. Adults got scrip for \$160, children scrip for \$240, redeemable in Dominion Lands. All these grants of land and scrip were legally rationalized as being "expedient, towards the extinguishment of the Indian title," which the Metis had presumably inherited from their Indian forebears.

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Now that members of all parties have indicated their support, there is a good chance that Parliament will

finally pass a private member's bill to pardon Louis Riel and declare him the founder of Manitoba and a Father of Confederation. Unfortunately, both these aspects of his posthumous exoneration would be profoundly misguided.

Let's look at the pardon issue first. Riel was hanged after being convicted of treason. The historical record is clear that he provoked the North-West Rebellion of 1885 for his own purposes. He was irritated because the government had refused to accede to his secret demands for money for himself. True, the Metis of the Saskatchewan Valley had grievances involving river lots and land scrip, but the federal government was well on the way to dealing with these. Riel resorted to arms precisely because a successful resolution of the Metis complaints would have undercut his position of leadership.

At this point in his life he saw himself as the divinely inspired voice of the Holy Spirit, called to regenerate a sinful world. He styled himself the "Prophet of the New World," and he planned to establish an exotic version of Roman Catholicism in North America, with the French-Canadian-Metis playing the role of Chosen People. Metis land claims were only a small factor in his grandiose scheme of world renewal.

His rebellion cost dozens of lives and millions of dollars in property damage. The ensuing reaction also took away the political influence that the Metis had enjoyed in the North-West up to that time. It is true that his death was a sad event, but that does not mean it was unjust. We wouldn't hang a Louis Riel today because we have abolished capital punishment, but it was the accepted retribution in his day for what he had done. Indeed, Riel set the standard when he had Thomas Scott executed by firing squad in the earlier rebellion in Manitoba.

Calling Riel a Father of Confederation rests on a certain view of his role in the Manitoba Rebellion of 1869-70. It is not quite as misguided as the demand for a posthumous pardon, but is still bad history.

After purchasing Rupert's Land from the Hudson's Bay Company in 1869, Canada planned to govern its new acquisition as a territory because this enormous expanse of territory was so thinly inhabited. The only civilized settlement was at Red River, and that had only 12,000 people. Territorial status was not intended to be a permanent arrangement; just as in the United States, the advance of settlement would have led to the conversion of territories into self-governing provinces.

Enter Louis Riel with his demand for immediate provincial status. In order to bring the Rebellion to a close, the federal government finally accepted this demand, but with severe qualifications. It made Manitoba an undersized, "postage stamp" province, deprived of control over public lands and natural resources. Without a normal tax base, Manitoba was in financial difficulty from the beginning; and it became the prototype for Saskatchewan and Alberta as second-class prairie provinces a situation that persisted until the Natural Resource Transfer Agreement of 1930.

Riel's Rebellion also led to needless linguistic, religious, and racial hostility in Manitoba. Prior to 1870, French and English, Catholics and Protestants, Indian, Metis, and whites had managed to get along tolerably well in the Red River colony. By tarnishing the French, Catholics, and Metis as rebels, the Rebellion provoked suspicion on the part of the new immigrants most of whom were English, Protestant, and white flooding into the province.

This is not to defend any intolerance that the newcomers exhibited; it is merely to point out the obvious, that Riel's rash uprising made things far worse than they needed to be. Maybe we should not judge Riel too harshly. He was, after all, only 25 years old when he incited the Red River Rebellion. But forgiving Riel's immature judgment does not mean we have to pretend a hotheaded young man was a great statesman.

The manipulation of Riel's image also raises important contemporary considerations. Canada is negotiating or litigating hundreds of aboriginal land claims. Most of these are Indian claims, but Metis leaders are also

launching their own cases. Indeed, the Metis National Council is refusing to endorse this private member's bill unless it adds an explicit mention of Metis land claims. But whether they are mentioned in this bill or not, passage of the pardon will inevitably lead towards more favorable consideration of Metis claims because all aboriginal land claims depend crucially on the exact reconstruction of history. To ignore the historical record in an attempt to rehabilitate Louis Riel will set a precedent for these claims that will prove costly for Canadian taxpayers.

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Metis organizations in the prairie provinces now say that fraudsters tricked their ancestors out of their benefits. Either the Metis never got the land and scrip in the first place; or in the alternative, as lawyers like to say if they did get it, they received no enduring benefit because the government allowed them to sell their land and scrip to speculators for derisory amounts of money. Although historically false, both theories are politically useful, allowing Metis organizations to claim that their people still possess unextinguished aboriginal title to western lands.

The long-term strategy of these organizations is to use both litigation and negotiation to force the federal government to take responsibility for the Metis. They want the same things that status Indians have now a land base, trust funds, a registry, federal financial support, a Metis Act, and a declaration that they are Indians in the sense of section 91(24) of the Constitution Act of 1867.

If this scenario comes to pass, it is bound to be expensive for taxpayers. Parliament appropriates over \$6 billion a year for approximately 600,000 registered Indians. How much more will it cost to accord parallel treatment to the 210,000 people who called themselves Metis in the 1996 census? And how many additional people with some Indian ancestry will claim Metis status if federal payments are on the table?

Ironically, the Metis, although not as prosperous as the Canadian average, are already better off than Indians by any objective indicator. The Report of the Royal Commission on Aboriginal Peoples showed that the Metis have higher average income and educational attainment, and lower rates of unemployment and welfare dependency, than Indians do. They are better off because they have been treated since Confederation not as dependent wards of the Crown but as citizens with the same rights and duties as everyone else.

Indeed, the available statistics underestimate how well the Metis are doing because they apply only to those who designate themselves Metis in the census. There are also hundreds of thousands, probably millions, of people with Indian ancestry who simply call themselves Canadian and whose demographics are similar to national norms a great but lamentably uncelebrated success story of Canadian history.

Creating a federally funded Metis status will benefit the Metis politicians, lawyers, and administrators, who will manage the programs. But over the long run it will make ordinary Metis people worse off by inducing them to become administered clients of the state rather than self-supporting citizens.

Granting Louis Riel a posthumous pardon or declaring him to be a Father of Confederation will be a crucial step in the wrong direction. It will inevitably be interpreted as a statement that Riel's rebellions were not the psychodrama of a self-styled prophet but justified attempts at redressing grievance. The grievances are historically fictional; but, if validated by Riel's rehabilitation, they will become politically real. And at that point, how will our politicians resist taking further steps to create official Metis status?

Finally, to their great credit, both the governing Liberals and the Reform opposition have come out strongly against the right of Quebec, or of any province, to separate unilaterally from Canada. But unilateral declarations of independence were Louis Riel's stock in trade. He announced UDI not once, but twice, first in Manitoba in 1869, then in Saskatchewan in 1885. In view of the coming struggle over the independence of Quebec, does the government really want to canonize Canada's foremost practitioner of UDI?

Flanagan is professor of political science at the University of Calgary. He is author of several books on Louis Riel and the Metis. In 1996, the University of Toronto Press published a second edition of his book Louis David' Riel: Prophet of the New World.

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