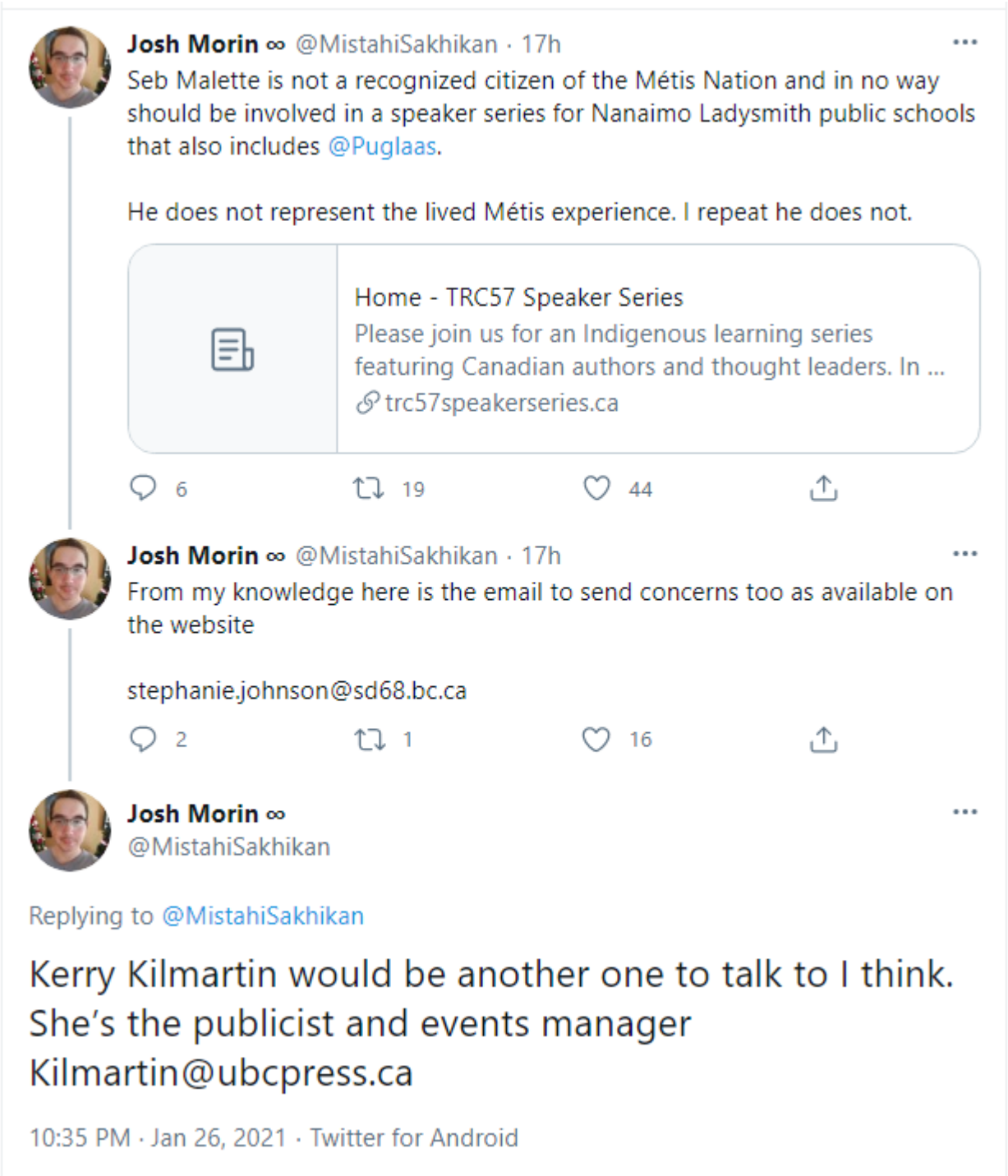
# Twitter Thread by J Malone.



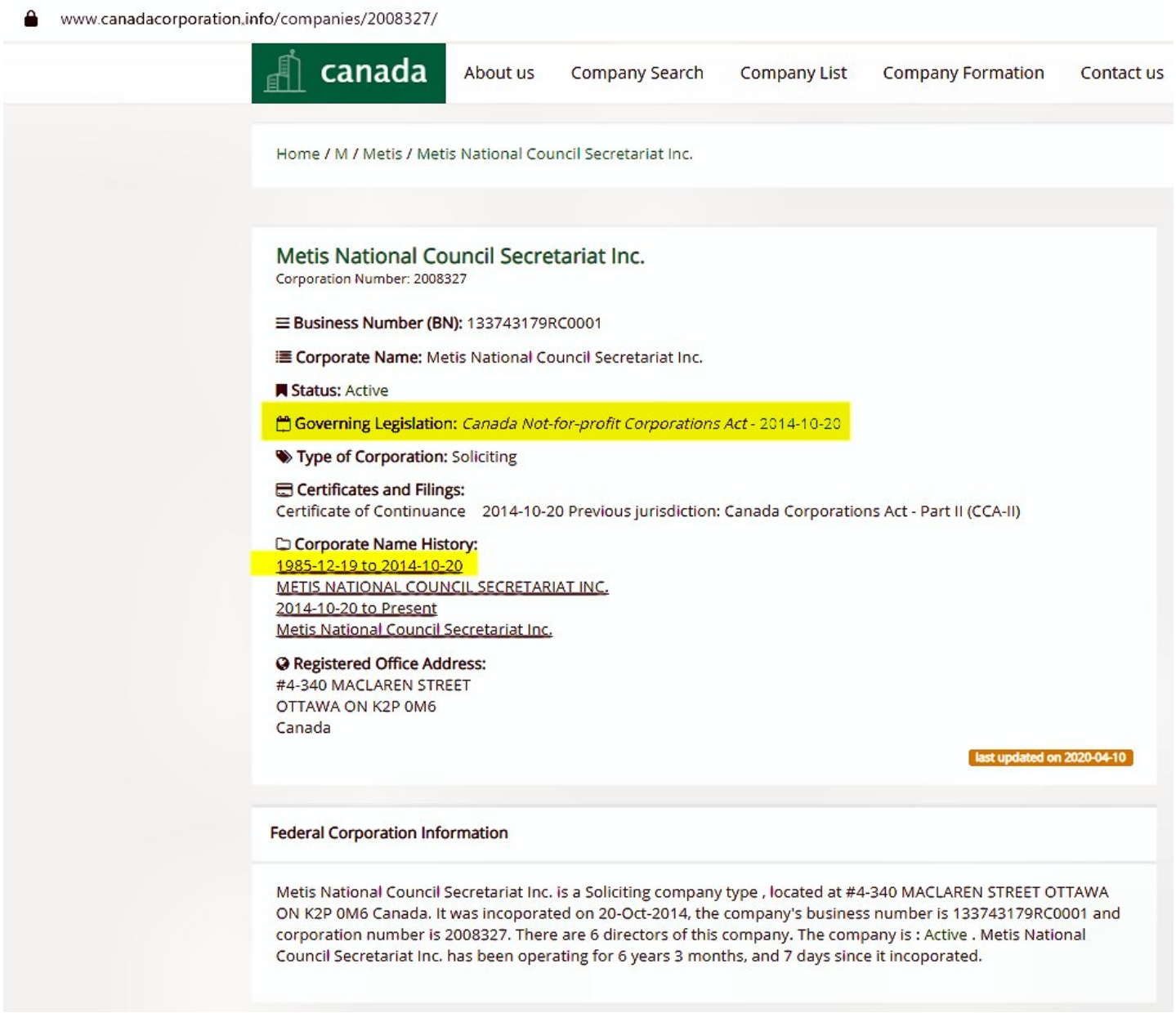
**J Malone.**
@malone_j71

**Oh Josh , Seb does not need to be a citizen of the Metis Nation to be Metis, we both know it and for those who don't, I will do my best to help them understand.**

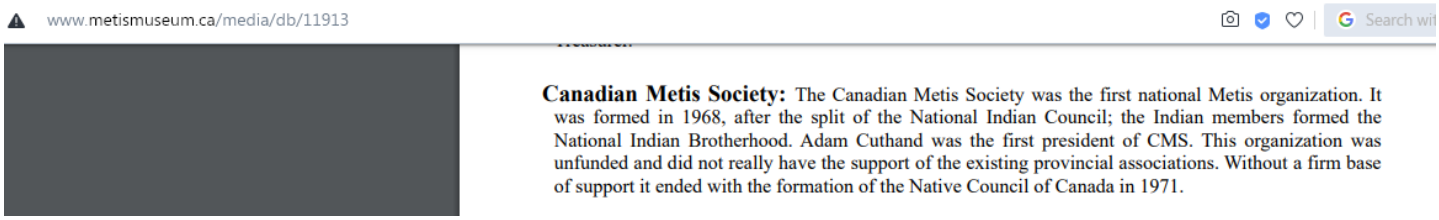



@MistahiSakhikan For starters Josh, MNC who represents the Red River Metis Nation is only 1 of the 2 National Metis organizations in Canada. The other one, until it says otherwise is the 2nd but was the first original one, who got Metis repatriated into the Canadian Constitution.

The 2 National organizations, even though only one of them is truly national are MNC and CAP. CAP who previously was known as NCC. When NCC was repatriating Metis into the 1982 Constitution, MNC was not even an organization at that time. MNC was incorporated as a non-profit

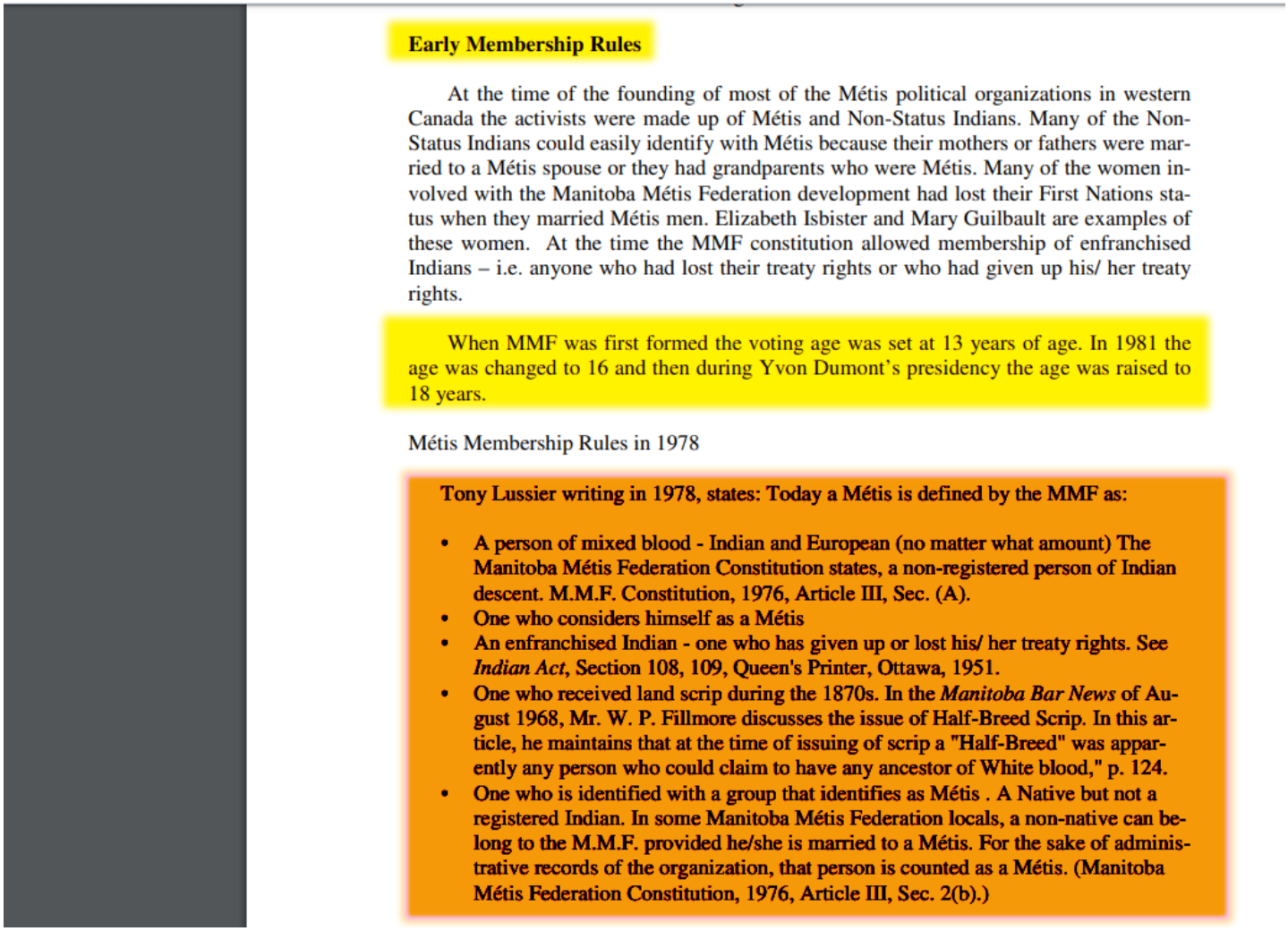



society in 1984. / Canadian Metis Society - formed in 1968 - it ended with the formation of the NCC in 1971. The NCC and MNC have 2 very different definitions of what it means to be a Metis person. Although MNC only changed to that contemporary definition in 2002. In 1978, you




didn't even need to be Aboriginal to join that organization. The History of the Manitoba Metis Federation - Tony Lussier writing in 1978 states - Today a Metis is defined by the MMF as: / MNC had constantly changing goalposts over the years as to who could join their

/The_History_of_the_Manitoba_Metis_Federa%20(1).pdf



**Early Membership Rules**

At the time of the founding of most of the Métis political organizations in western Canada the activists were made up of Métis and Non-Status Indians. Many of the Non-Status Indians could easily identify with Métis because their mothers or fathers were married to a Métis spouse or they had grandparents who were Métis. Many of the women involved with the Manitoba Métis Federation development had lost their First Nations status when they married Métis men. Elizabeth Isbister and Mary Guilbault are examples of these women. At the time the MMF constitution allowed membership of enfranchised Indians – i.e. anyone who had lost their treaty rights or who had given up his/ her treaty rights.

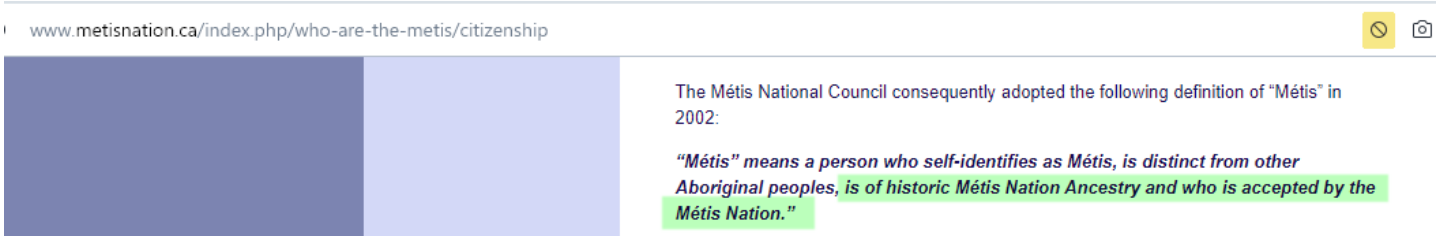
When MMF was first formed the voting age was set at 13 years of age. In 1981 the age was changed to 16 and then during Yvon Dumont's presidency the age was raised to 18 years.

Métis Membership Rules in 1978

**Tony Lussier writing in 1978, states: Today a Métis is defined by the MMF as:**

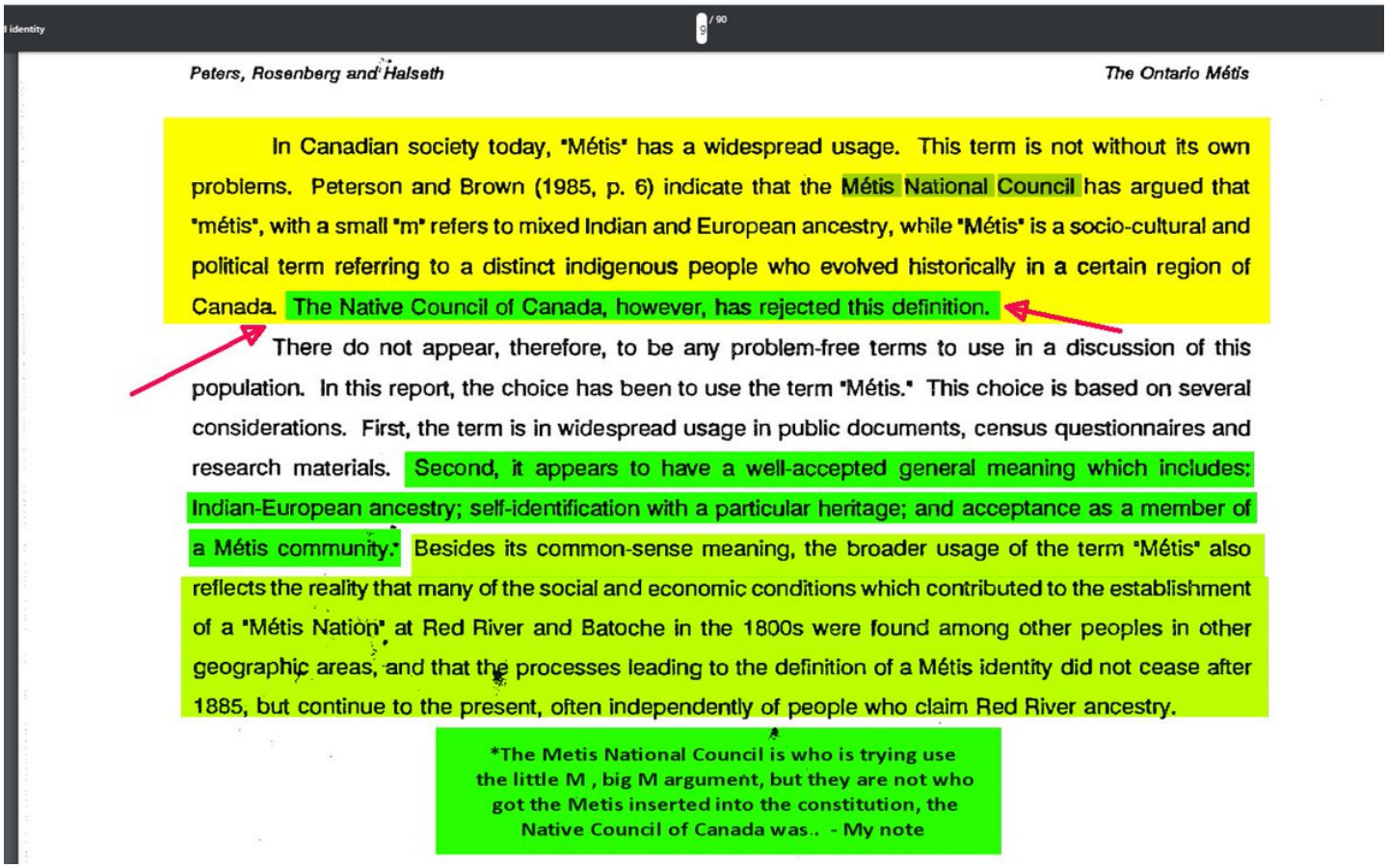
- **A person of mixed blood - Indian and European (no matter what amount) The Manitoba Métis Federation Constitution states, a non-registered person of Indian descent. M.M.F. Constitution, 1976, Article III, Sec. (A).**
- **One who considers himself as a Métis**
- **An enfranchised Indian - one who has given up or lost his/ her treaty rights. See *Indian Act*, Section 108, 109, Queen's Printer, Ottawa, 1951.**
- **One who received land scrip during the 1870s. In the *Manitoba Bar News* of August 1968, Mr. W. P. Fillmore discusses the issue of Half-Breed Scrip. In this article, he maintains that at the time of issuing of scrip a "Half-Breed" was apparently any person who could claim to have any ancestor of White blood," p. 124.**
- **One who is identified with a group that identifies as Métis . A Native but not a registered Indian. In some Manitoba Métis Federation locals, a non-native can belong to the M.M.F. provided he/she is married to a Métis. For the sake of administrative records of the organization, that person is counted as a Métis. (Manitoba Métis Federation Constitution, 1976, Article III, Sec. 2(b).)**

special little club. / MNC 2002 definition.- https://t.co/dSFP74fYhb -- So back to CAP/NCC shall we?




The Ontario Métis- characteristics and identity-by Evelyn Peters, Mark Rosenberg, & Greg Halseth 1991 - NCC has rejected MNC's definition of Metis.

secure winnspace.uwinnipeg.ca/bitstream/handle/10680/886/1991-PetersRosenbergHalseth-OntarioMetis-WEB.pdf



Peters, Rosenberg and Halseth — The Ontario Métis

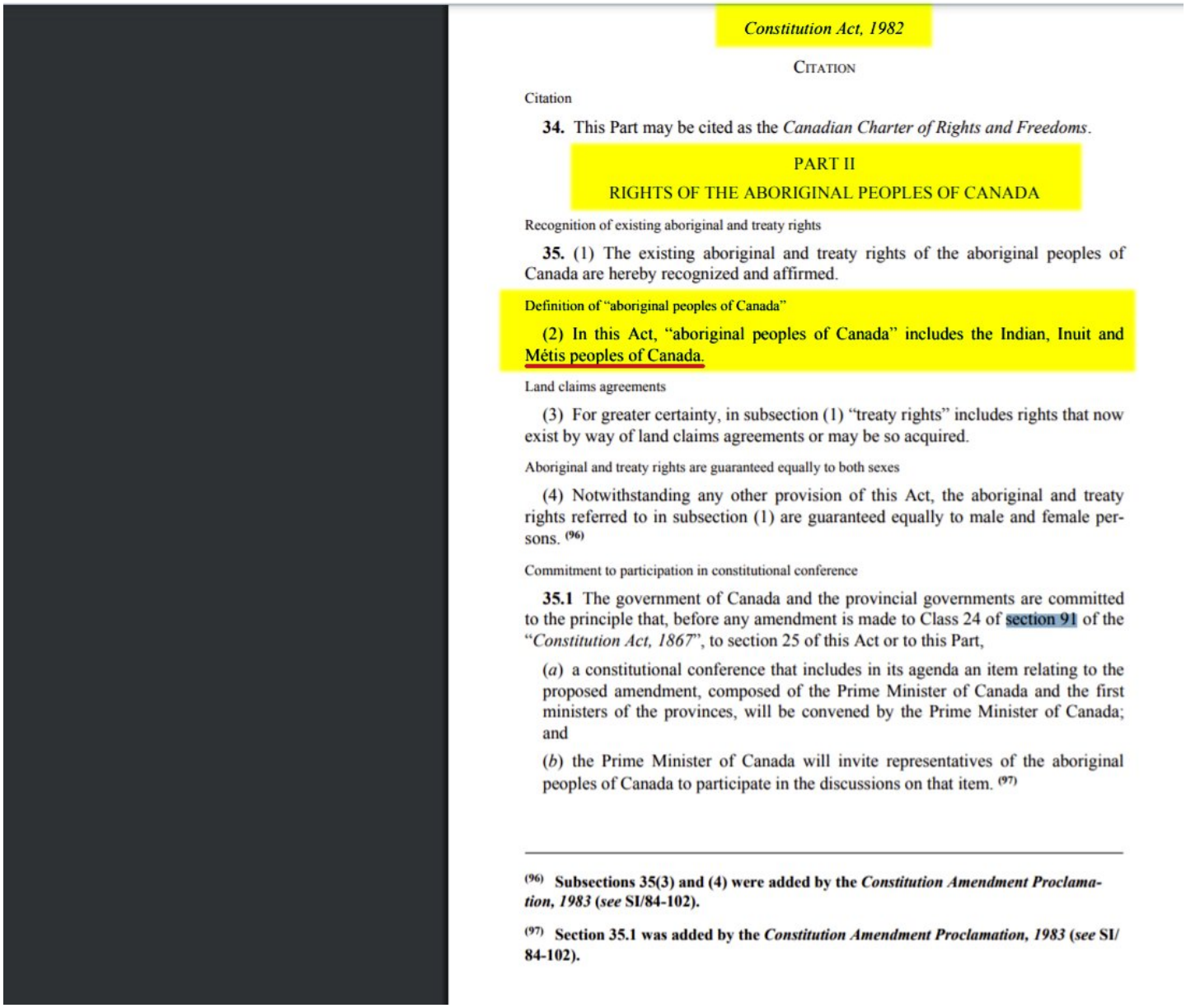
In Canadian society today, "Métis" has a widespread usage. This term is not without its own problems. Peterson and Brown (1985, p. 6) indicate that the Métis National Council has argued that "métis", with a small "m" refers to mixed Indian and European ancestry, while "Métis" is a socio-cultural and political term referring to a distinct indigenous people who evolved historically in a certain region of Canada. The Native Council of Canada, however, has rejected this definition.

There do not appear, therefore, to be any problem-free terms to use in a discussion of this population. In this report, the choice has been to use the term "Métis." This choice is based on several considerations. First, the term is in widespread usage in public documents, census questionnaires and research materials. Second, it appears to have a well-accepted general meaning which includes: Indian-European ancestry; self-identification with a particular heritage; and acceptance as a member of a Métis community. Besides its common-sense meaning, the broader usage of the term "Métis" also reflects the reality that many of the social and economic conditions which contributed to the establishment of a "Métis Nation" at Red River and Batoche in the 1800s were found among other peoples in other geographic areas, and that the processes leading to the definition of a Métis identity did not cease after 1885, but continue to the present, often independently of people who claim Red River ancestry.

*The Metis National Council is who is trying use the little M , big M argument, but they are not who got the Metis inserted into the constitution, the Native Council of Canada was.. - My note

Constitution Act 1982. - Metis [redacted] of Canada - Josh

laws-lois.justice.gc.ca/pdf/const_e.pdf



*Constitution Act, 1982*

CITATION

Citation

**34.** This Part may be cited as the *Canadian Charter of Rights and Freedoms*.

PART II

RIGHTS OF THE ABORIGINAL PEOPLES OF CANADA

Recognition of existing aboriginal and treaty rights

**35.** (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

Definition of "aboriginal peoples of Canada"

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

Land claims agreements

(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

Aboriginal and treaty rights are guaranteed equally to both sexes

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons. (96)

Commitment to participation in constitutional conference

**35.1** The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to Class 24 of section 91 of the "*Constitution Act, 1867*", to section 25 of this Act or to this Part,

(*a*) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada; and

(*b*) the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions on that item. (97)

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(96) **Subsections 35(3) and (4) were added by the *Constitution Amendment Proclamation, 1983* (*see* SI/84-102).**

(97) **Section 35.1 was added by the *Constitution Amendment Proclamation, 1983* (*see* SI/84-102).**

Behind the Scene of the Send First Ministers Conference on Aboriginal Constitutional Affairs-05190.vol15-3 Mar 1984 NewBreed- MNC trying to convince NCC on Metis Definition. - NCC declined to use their definition.

# Behind the Scene of the Send First Ministers' Conference on Aboriginal Constitutional Affairs

by **Joan Beatty**

**MARCH 6:**

As I arrive at the airport shortly after nine, I wonder whether **Vye Bouvier**, who is going to attend a First Ministers' conference for the first time, is here yet after all that happened last night. (I won't go to details on this). To my surprise, she is **All** there passing out No Cruise arm bands to everybody. Today, is also the day the cruise missile will be tested in Canada. Other staff from Wehtamatowin include **Wil Campbell, Tantoo Martin and Burton Smokeyday.**

When we stopped at the Toronto airport, we find out that the cruise had passed over us in Winnipeg, which sets off alot of ribbing for **Vye. Vye** also just about manages to forget her airport ticket in one of the bathrooms.

We finally arrive at the Chateau Laurier and try to get our thoughts in order. We meet **Jeff Bear** from Alberta in the hallway on our way to our room and he tells us that the Assembly of First Nations is meeting at the Skyline and that the Coalition of First Nations is at the Friendship Centre. The Metis National Council is also planning to have a press briefing the next day.



*The Peace Camp "on the hill" continues in Ottawa, not discouraged by the testing of the cruise on March 6.*

I check on what is happening at the Westin Hotel where the AMNSIS Board and Executive are staying (most of them) and go up to one of their meeting rooms. **Dale Eisler** from the Leader Post is there talking to **Jim Sinclair** and **Wayne McKenzie.** I sit there and listen, trying to piece together what has been happening in the past few days in the fast, ever changing scene of Native politics.

Talks center on whether **Trudeau** will indeed try to leave a mark in history as to the one who really led the way for Native rights or will he have too much of a fight in his hands from those premiers, who either for political or personal reasons, will not allow him to do that.

Just as we are making plans to head out for supper, **Fred Storey**, former consultant to AMNSIS and who is now working for the United Native Nations, calls up and says the B.C. group is meeting in another room in the same hotel. **Sinclair** wants to talk to them so away we go to the meeting. There are about twelve representatives from B.C. at the meeting.

**Sinclair** talks about the need for the Non-Status Indians to have a forum to present their positions and concerns in the constitutional process. Because the emphasis has been to get a proper footing for the Metis, the Non-Status issue has been virtually put aside. He explains the AMNSIS still represents both groups and that a proposal has already been submitted by the Saskatchewan group to get some funding for the Non-Status Indians. He tells them that whether or not the Non-Status issue is dealt with through the constitutional process, their concerns must also be expressed. He says the federal government cannot ignore one set of Aboriginal people because changes in the Indian Act or the settlement of Metis rights and a land base will not solve the problems of all Aboriginal people; in this case, the Non-Status Indians.

**William Lightbaum**, President of the United Native Nations, says he agrees totally and that he has brought this concern up many times to the Native Council of Canada (NCC). He says he is not satisfied with the kind of representation he is getting through the NCC.

**Sinclair** suggests that one way of dealing with this matter is to have the NCC agree to the definition of who is a Metis. A paper had been prepared by the Metis National Council which was well received by both the federal and provincial governments and the Metis people themselves. He suggested a meeting with the NCC to explain the paper and try to get their support. This would also alleviate the problem of two different definitions of who is a Metis, which is causing problems at the negotiating table. It would also leave room for the Non-Status issues to be dealt with through the NCC. **Lightbaum** says he will try to get **Sinclair** on the agenda at the NCC meeting the next day.

It's now about 10:30 p.m. and I am starving. I check on **Vye** and she says she just wants to rest up for tomorrow's meetings and doesn't want to come out for supper with us. Besides, she doesn't like Japanese food. When we get to the restaurant, it's kind of neat to see all these Native people sitting there, eating. I notice an Indian elder at one table beside **Rodney Soonias.** He seems to be enjoying the little tricky maneuvers by the chefs as they cook the food in front of him. The food is delicious. Thanks to **Larry Heinemann** for the supper.

I get back to the room and find that **Vye** is still up and that she has visited the Metis National Council office and also visited one of the protestors against the cruise testing, camped out in front of the Parliament Buildings.

We plan to have breakfast meeting the next day to schedule our activities and then head out to the Metis National Council meeting being held at the Delta Inn.

**MARCH 7:**

**Vye** is an early riser and gets up at 6:30 a.m. I am still very tired as I couldn't get to sleep right away, planning out the things I must do (in my head) before I got to sleep around 3:00 a.m.

We go to the Delta Inn for breakfast and meet up with **Tom Dore, Wilf Campbell, John Weinstein, Ferdinand Guiboche,** and other delegations from the western provinces.

We get to the MNC meeting. The agenda items include draft copies of the opening remarks for the First Ministers' Conference, who is going to do the press conference, the proposed dinner meeting with all the Aboriginal groups, a report from the Metis women, and whether **Sinclair** is able to get to the NCC meeting.

Some say the opening remarks are too negative, attacking the governments before the negotiations begin; others say the MNC can't go before the governments on their knees. It is finally agreed both positions be put into one paper.

The Provincial leaders who are present including **Sam Sinclair** from Alberta, **Don McIvor** from Manitoba, and **Fred House** from British Columbia head out for the briefing with the press along with other individuals from the western provinces. **Vye** decides to go with them. **Clem Chartier** goes on behalf of Saskatchewan.

The rest of us stay behind and continue on with the meeting. **Sinclair** and **McKenzie** get back during coffee break. They report that the NCC wouldn't allow them into their meeting. **Sinclair** says that the Non-Status delegations voted in favour of him making a presentation but the executive of the NCC voted against it. It was a tie and NCC President **Smokey Bruyere** had to break the tie. There is joking that this is the first time he has made a decision as head of the organization.

**Chartier** brings up the matter of the dinner meeting with the Aboriginal groups which will include the Assembly of First Nations, the Inuit, and the NCC. Apparently, the AFN wants to change the agenda items around (equality question be put at the end) and also they want to put a fifth agenda item on the table, the extinguishment of Aboriginal title. **Chartier** says they will agree to these changes if the AFN and the Inuit agree that the MNC is the sole spokesman for the Metis people in Canada. He says we cannot continue to accommodate them all the time without getting something back in return. The dinner meeting is at the Delta Inn; thirty people are allowed to go. It's closed to the press but we tag along anyway and listen to the interviews being done by the press as the Native leaders head into the meeting. I really like **Harry Daniels'** black fur coat which he sets off with a black cowboy hat.

I then head back to our hotel room to meet **Vye** to get our accreditation done which will allow us into the conference. After we get our passes straightened out, we head back to the Delta Inn where the meeting




*Coalition of First Nations demonstrated during the Constitutional Conference saying Indians should only deal with the federal government.*

is continuing with the MNC.

**Chartier** reports that the Inuit and the Indian people could not agree to the request by the MNC and therefore, nothing was really agreed to by anyone. The MNC did agree to make room for the opening ceremony planned by the Indian people.

The rest of the afternoon is taken up with a presentation from **Louise Medynski** and **Rose Boyer** on Metis womens issues and other related matters.

I have about half an hour to check out the shopping mall attached to the Westin Hotel. It's a huge place but I never made it past a few shops before it closes.

The evening includes a reception for the delegates from each of the provinces. The prime minister and the premiers are also to be in attendance but we are told the media cannot go in. **Vye** goes to take some photos of the receiving line. She said she never encountered so many pushy photographers. I stay in and lay down for awhile.

About nine, we go out for supper and schedule our activities for the next day.

Constitutional meeting not a complete failure - MNC definition not approved by NCC March 1984 - New Breed.

# Constitutional Meeting Not a Complete Failure

by Joan Beatty

**Regina** - Even through the First Ministers' Conference on Aboriginal Constitutional Affairs was termed a complete failure by all Aboriginal leaders in Ottawa, some representatives from the Association of Metis of Non-Status Indians of Saskatchewan (AMNSIS) say it wasn't a complete failure, particularly for the Metis people.

According to Jim Sinclair, President of AMNSIS, the fast that the Metis jurisdictional issue was discussed so extensively during the two day conference was a real educational process for many of the premiers and the Canadian public. "It explained many of the concerns that the Metis have as to who is responsible for them. Is it the federal government or the provinces? How far does that responsibility extend?"

Clem Chartier, Vice-President of AMNSIS, echoed Sinclair's sentiments, saying it was a break through for the Metis people. Chartier said the agreement to make identification of the Metis as one of the main agenda items at the next constitutional conference was a small victory in itself.

Chartier also said the publicity that the Batoche 1985 Commemoration received on nation wide television didn't hurt either. Towards the conclusion of the conference, Don McIvor, of the MNC, presented a Metis sash to the prime minister, in appreciation for initiating the process in getting the Metis people recognized and dealt with in the constitutional forum. He invited the prime minister to attend the 1985 Riel Commemoration to be held in Batoche. The prime minister said he would like to attend, along with his children, and maybe even meet up with some of his relatives there.

A few days prior to the First Ministers' Conference, the MNC agreed to the wording of a constitutional accord, which was tabled at the Conference, as to the definition of a Metis. The definition says the Metis are those descendants who received land grants or scrip when Manitoba became a province in 1870. It also defines those "other persons of Aboriginal descent who identify themselves as Metis and who have been, or are accepted by the Metis community." (See 1984 Constitutional Accord on Aboriginal Rights).



Photo by Yvc Bouvier

*Clem Chartier, Metis lawyer - "Our main objective is the entrenchment of a Metis land base and self-government."*

The accord also includes a section asking the federal government to finance the enumeration and identification process of the Metis which would work in conjunction with Statistics Canada.

However, the definition proposed by the MNC did not receive approval by the Native Council of Canada (NCC). They refused to have Sinclair attend their meeting to explain the definition to them. The problem remains with two groups claiming to represent the Metis people at the constitutional table.

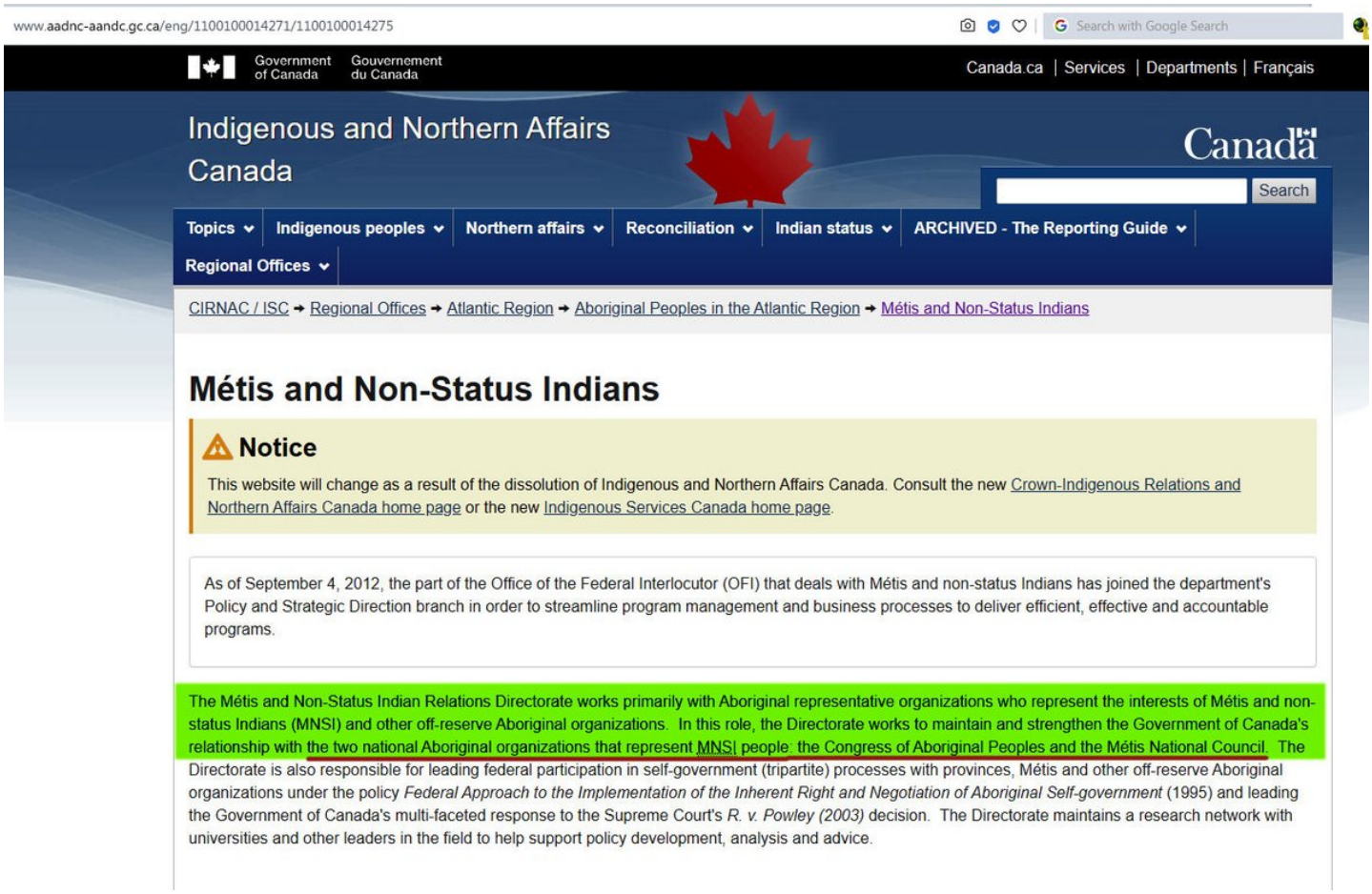
Sinclair says it's important for the Metis to solidify their position in the constitutional process. "Right now the Metis are very vulnerable because there is no definition of who is a Metis and if it gets to the courts, the definition may be too wide or too narrow, and it will have no input from the Metis people themselves."

During the conference, Premier Grant Devine said he understood the federal government was responsible for the Metis people since they were the ones that got them included under Section 35 as one of the Aboriginal groups. However, Trudeau said he understood they were provincial responsibility because they do not fall under the Indian Act.

Premier Lougheed of Alberta also believed the Metis were under provincial jurisdiction. Alberta is the only province who has done some work in recognizing Metis land claims through the establishment of Metis settlements. Lougheed said maybe all his efforts in this area have been unconstitutional. □



and well the rest of it Josh pretty well just boils down to this!!" INAC - CAP and MNC - LAC." "Metis Council, CAP may tussle on Daniels - Windspeaker May 2016 pg 6."




Supreme Court of Canada Daniels Decision Section 17 - No one exclusive Metis people in Canada.There is no consensus on who is NonStatus or Metis nor need there be. Can you read Josh? Just sticking your fingers in your ears and saying nah nah nah, doesn't make you right !!

https://www.canlii.org/en/ca/scc/doc/2016/2016scc12/2016scc12.html

[17] There is no consensus on who is considered Métis or a non-status Indian, nor need there be. Cultural and ethnic labels do not lend themselves to nea boundaries. 'Métis' can refer to the historic Métis community in Manitoba's Red River Settlement or it can be used as a general term for anyone with mixed European an Aboriginal heritage. Some mixed-ancestry communities identify as Métis, others as Indian:

> There is no one exclusive Metis People in Canada, anymore than there is no one exclusive Indian people in Canada. The Metis of eastern Canada and northern Canada are as distinct from Red River Metis as any two peoples can be. . . . As early as 1650, a distinct Metis community developed in LeHeve [*sic*], Nova Scotia, separate from Acadians and Micmac Indians. All Metis are aboriginal people. All have Indian ancestry.

**Daniels v. Canada (Indian Affairs and Northern Development), 2016 SCC 12 (CanLII), [2016] 1 SCR 99, <http://canlii.ca/t/gpfth>**

So may I suggest, you quit your fucking Identity policing people. It is Harassment, it is against Human Rights and People have the legal right under International Human Right Law in UNDRIP-to reclaim their identities and communities with no discrimination or harassment.

*Article 9*

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

*Article 10*

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

*Article 11*

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Josh if you can read- how about you read what is highlighted in the Mccargar Versus MNA case. No one needs to belong to a Metis Assocation to be Metis . NO ONE !!!

procedures and the fairness of those procedures (para 24).

[11] Mr. McCargar argues his underlying right is contractual. However, membership in a religious congregation, for example, does not grant any contractual right itself (***Zebroski v Jehovah's Witnesses***, 1988 ABCA 256, 87 AR 229 at paras 22-25). Further, in order to establish jurisdiction in this context, a court must find the terms of membership in a voluntary association are contractually binding, in that civil and property rights must be formally granted by virtue of membership (***Ukrainian Greek Orthodox Church of Canada et al v The Trustees of Ukrainian Greek Orthodox Cathedral of St. Mary the Protectress et al***, [1940] SCR 586 at pp 591 & 594; ***Hofer et al v Hofer et al***, [1970] SCR 958 at pp 961, 966-969 & 981-982; ***Senez v Montreal Real Estate Board***, [1980] 2 SCR 555 at pp 558-560 & 566-568; ***Lakeside Colony of Hutterian Brethren v Hofer***, [1992] 3 SCR 165 at 174; ***Highwood*** at paras 28 & 29).

[12] Where a party alleges that a contract exists, that party must show both an intention to form a contractual relationship, and that the general principles of contract law apply to that relationship (***Highwood*** at para 29). In addition, proof of some detriment or prejudice to that party's legal rights must be made out, and the detriment or prejudice must give rise to an actionable claim (***Highwood*** at para 31).

McCargar VS MNA

## IV. The Parties

### The Association

[13] The Association is a society registered in 1961 pursuant to the *Societies Act*, RSA 1955, c 315, now governed by the provisions of the *Societies Act*, RSA 2000, c S-14, as amended. By March 21, 2017 it had 32,891 members out of an estimated population of 96,870 Métis persons in Alberta. It is a private voluntary body, bound by the provisions of its bylaws.

[14] Topolniski J in ***McCargar***, 2017 ABQB 692 at paras 25-28, quoted from ***Boucher*** at paras 3-12 to that effect. In ***Boucher***, the Court of Appeal said the Association is a voluntary society. Its powers come largely from consent and implied contract. No one is forced to join the Association, nor does Alberta legislation require membership in the Association to join a Métis settlement or to obtain a land allocation. The Association is not a Métis settlement, and does not operate any Métis settlements. One can resign from the Association, still be Métis, and still have or get many of the benefits of being Métis (paras 7 & 9).

[15] Although the Association styles itself as the Métis Nation of Alberta Association, it is a society, not a "Nation" or a "Nation of Alberta". The Court of appeal said in ***Boucher*** it is true that much of the terminology of the Association's bylaw "is redolent of sovereign government

I know you think highly of yourself, but your OPINION does not trump established law !! https://t.co/6a7ldVP1AM

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