

'Groundbreaking' decision for Métis in local courtroom

By JEANNE PENGELLY
Special to the Vernon Daily Courier

Christmas came early yesterday for the Métis Nation. A judge in a Vernon courtroom has denied the right of a local Indian nation to extensively intervene in the legal matter involving a Métis man.

The Okanagan Nation Alliance had applied to be included in the appeal of a Métis man's acquittal on hunting charges.

Greg Willison was acquitted of the charges in April this year. The ONA argued that they ought to have been informed of the trial, as the land Willison was hunting on belongs to the Okanagan people.

Appeal court Judge Paul Williamson said yesterday that the Okanagan's claim to the land near Falkland is "undetermined," and he denied the Alliance any right to intervene on the basis that they ought to have been informed, saying "the interests of the ONA are not threatened."

Williamson agreed to allow the Alliance to make a presentation at the appeal, but ordered that it be limited to the issue of the interpretation and application of the Powley test, a legal test used by courts to determine Métis rights.

Both the Métis nation and the Okanagan Nation Alliance will have one hour each to present their facts once the appeal continues.

"This is groundbreaking," said Jason Madden, counsel for the Métis Nation of B.C. "We're extremely happy. The judge has said Métis rights are independent of First Nation rights. It's a victory."

He added that when other aboriginal groups are charged, "First Nations cannot intervene."

Bruce Dumont, president of the Métis Nation of British Columbia, said there's no question in his mind: "We have the constitutional right to hunt," he said. "It's our traditional way of life."

“
The judge has said
Métis rights are
independent of
First Nation rights.
It's a victory.”

He added that of an estimated 100,000 hunters in the province, 1,600 are Métis. Almost five times that come in from outside the province to trophy hunt, he added.

Greg Willison listened carefully from the gallery as lawyers outlined the points they are appealing on. It's his case that started all this - a deer he shot for his mother in 2000.

"I would have been surprised," he said, "if the judge had allowed the ONA to intervene fully. I'm not surprised he allowed them limited access."

Willison added that "the Okanagan intervention is not going to affect the outcome of this trial in any way."

The Crown is appealing the acquittal of Willison on the basis that the Powley Test, a 10-point precedent set by a case in Ontario, was misinterpreted by the trial judge, and it is challenging the ancestral connection of Willison to the Métis, as well as the presumption that there is a historical Métis community in the area of Falkland, where Willison was caught with his deer.

Willison said he's hardly thrilled about having to go through the appeal.

"They'll just trash us," he said of himself and his people. "That's why most of my family is not here. They don't need to hear this. It's horrible."

Willison said what's at stake for him is more than a \$1,000 fine - it's the opportunity to develop cases that can be used in the future when Métis rights are challenged.

■ Editorial on A7

EDITORIAL

What really separates Métis from First Nations?

For a group that's been persecuted as much as Canada's First Nation's people, they are shockingly intolerant.

One would assume that after decades of lengthy and costly court battles, and incalculable hours spent lobbying for treaties, the Okanagan Nation Alliance would have learned how not to treat people.

Sadly, that is not the case as has been shown in a B.C. Supreme courtroom here.

This week the Métis people are battling an appeal launched by the province in response to a case in 2000 involving Greg Willison, a member of the Métis who was acquitted of hunting in the Okanagan without a licence.

Enter the Okanagan Nation Alliance, which argues the Métis man had no right to hunt on its traditional land and that the Crown was wrong in not informing the Nation Alliance that the case was in court.

Peggy Joe, counsel for the Okanagan Indian Band, had some choice words concerning the Métis people, some that we couldn't publish.

"We have to share everything with the Métis people," she said outside of the courthouse on Tuesday. "We were here first. These are our lands. Why should we have to give up our right to that as well?"

So what exactly separates the Métis from other First Nations?

According to the Métis National Council website, "the Métis people emerged out of the relations of Indian women and European men." The group gradually established outside of Indian and European cultures and intermarriages between Métis women and Métis men, which "resulted in the genesis of a new aboriginal people."

In short, mixed blood separates the groups. But how many natives have since married and had children with other races, and consequently, isn't mixed blood a moot point in the light of who was there first?

Those questions will never be settled in a court of law - they're heart issues that have

to be settled between the aboriginal groups

On the legal end, B.C. court of appeal Judge Paul Williamson said yesterday that the Okanagan's claim to the land near Falkland is "undetermined." That means both the Métis and the Alliance are fighting the same battle: rights to Crown land.

In that battle they have unnecessarily painted each other as the enemy, and are waging what can only be described as "racial war."

One would think we would have moved beyond the barrier of who married whom by now.

- Managing editor David Wylie