

Louisa Michel 1976

Shuswap women who lived on the Deep creek reserve a few kilometres north of Williams Lake. She had a dreadful alcohol problem, known to, around town in Williams Lake, get into town and sometimes would call the police to get a ride into Williams Lake. She would tell them stories like 'there's been a terrible motor vehicle accident, son hit by hit and run, got a friend to drive her son but she needs to get into Williams Lake very quickly so she can see her son before he dies.' Sometimes that would work, a story like that. The police sometimes would take her into Williams lake and they'd take her to the hospital and she'd have some story to say 'just take me downtown.' And people knew it.

She had a beautiful voice. And I knew it because I heard her in court. She would tell these fantastical stories. She would stop people on the street and tell them these stories and tell them she needed money for taxi or for flowers. They were beautiful stories they were completely false but they were worth money. There was hard-nosed man in charge of the RCMP and he just lost patience with Louisa Michel. And she'd always been drinking, terrible alcohol problem, but she was a nice person and she never hurt anybody or accosted anybody. But he wanted her off the street.

S64 of the summary convictions act – provided that chronic alcoholics could be apprehended and taken before a judge and the judge could make an order that the person be taken away for up to 6 months for rehabilitative treatment. That section, as it applied to men, only applied in Vancouver, Kamloops, Prince George, Prince Rupert, but applied to women province wide. What was going on wasn't unusual, it was pretty common that men would be dragged into court and men would be dragged away and they simply went to Oakalla and there was no rehabilitative treatment. But the BC Civil Liberties Union had been protesting this draconian measure, it was principally aboriginal people who were sent away.

And I wrote a decision and I put some work into it that said this decision was absolutely wrong. I refused to make an order against Louisa Michel, she did get put on probation for something else. After that I heard, she would do this thing where she would J-walk so that a motorist had to brake hard to avoid hitting her. What happened eventually is I heard she got hit and killed. I don't know for sure, but that's what I heard and I'm sure its true.

When I gave that decision the RCMP officer in charge of the detachment was furious with me. There was no appeal, there was an editorial in the Vancouver sun that said there was a very good decision out of Williams Lake. If you look hard enough there is still legislation on the books in BC that is essentially the same legislation. It's still there on the books but it's not used. Basically the Louisa Michel decision the reason that legislation stopped being used not long after. It wasn't an Aboriginal rights case but boy-o-boy it was really the first case that grabbed my attention other than child rights stuff.

My first truly memorable case was that of Louisa Michel, I was asked to make an order under s64 of the summary convictions act and I refused to make an order. The reality was that most people under that order were Aboriginal and did not receive treatment. If you go online you can still read the statement BCCLU made about the legislation prior to the LM case.