

FALCONER CHARNEY LLP

BARRISTERS AT LAW

JULIAN N. FALCONER, B.A., LL.B.
THEODORE P. CHARNEY, B.A., LL.B.
ELISABETH WIDNER, M.A., LL.B.
JULIAN K. ROY, B.A., LL.B.
H. JACK PARSEKHIAN, B.A., LL.B.
RACHEL HEPBURN CRAIG, B.A. LL.B.
SUNIL S. MATHAI, B.A., LL.B.
JACKIE ESMONDE, B.A., M.A., LL.B.
CHARLENA CLAXTON, B.A., LL.B.

8 PRINCE ARTHUR AVENUE
TORONTO, ONTARIO
CANADA
M5R 1A9
TELEPHONE: (416) 964-3408
FACSIMILE: (416) 929-8179

falconercharney@fcbarristers.com

SENT BY MAIL AND FAX (807) 343-7665

March 6, 2008

Dr. David Eden, Regional Supervising Coroner
North Region
189 Red River Road
P.O. Box 4550
Thunder Bay, Ontario
P7B 6G9

Dear Dr. Eden:

Re: Deaths of NAN Youth

Please be advised that our firm has been retained by Nishnawbe Aski Nation ("NAN") in respect of a number of tragic deaths of youth from NAN communities in respect of which action by your office is being requested on an urgent basis.

As you know Nishnawbe Aski Nation is an Aboriginal political organization representing 49 First Nation communities within James Bay Treaty 9 territory and the Ontario portions of Treaty 5. NAN territory covers two-thirds of the province of Ontario. NAN's elected Executive Council (Grand Chief and three Deputy Grand Chiefs), together with individual NAN First Nation Chiefs, advocate on behalf of the people and communities of Nishnawbe Aski to ensure a better quality of life.

NAN has an increasing concern about the safety of their community members that attend high school in Thunder Bay. For many small, remote fly-in communities, NAN youth are required to attend a high school outside their home territories. One such high school is the Dennis Franklin Cromarty High School ("DFC") in Thunder Bay. Each year this high school receives First Nation students from various NAN communities, such as, but not limited to Fort Severn, Poplar Hills, Kasabonika, and Pikangikum.

Since 2000, five of NAN's youth attending school at DFC have died in Thunder Bay, three of these deaths have occurred from drowning. These sad and unexpected deaths are the following:

Jethro Anderson:

Jethro Anderson was a 15 year old First Nation student from Kasabonika First Nation. Kasabonika First Nation is a remote fly in community located more than 400km north of Sioux Lookout. Jethro died on November 11, 2000 from a drowning accident.

Curran Strang:

Curran Strang was an 18 year old First Nation student from Pikangikum First Nation. Pikangikum First Nation is a remote fly in community located more than 200 km northwest of Sioux Lookout. Curran's lifeless body was pulled from the McIntyre Floodway in the intercity area of Thunder Bay on September 26, 2005 after a five day police search. The cause of death was drowning.

Paul Panacheese

Paul Panacheese was a First Nation student from Mishkeegogamang First Nation. Mishkeegogang First Nation is a remote community of 1541 people located 350 km northwest of Thunder Bay. Paul died on November 11, 2006. Paul's death is alleged to have been drug related.

Robyn Harper

Robyn Harper was a First Nation student from Kee-way-win First Nation. Kee-way-win First Nation is a remote fly in community of 265 people located more than 300 km northwest of Sioux Lookout. Robyn died on January 13, 2007. Robyn's death is alleged to have been alcohol related.

Reggie Bushie

Reggie Bushie was a 15 year old First Nations student, from Poplar Hill First Nation. Poplar Hill is a remote, fly-in community located 120 kilometers north of Red Lake. Reggie went missing on Friday October 26, 2007 and his body was found in the McIntyre River on November 1, 2007. The cause of death is not yet been provided by the Coroner's office, however, it appears to be related to a drowning accident.

It is NAN's understanding that the family of Reggie Bushie has called upon the Office of the Chief Coroner to hold an Inquest into the death of their son. NAN joins the family's request for an Inquest, and adds to the request by seeking a broader Inquest that will examine all of the above noted deaths. We note that the deaths have several factors in common including, the deceased are all First Nations youth, they were all attending high school at DFC, they were all from remote fly-in communities, and they were all residing in Thunder Bay at the time of their death in a "foster" care type situation.

Ultimately, as a result of lack of access to education in their home communities, all of these youth found themselves uprooted from their communities and placed in environments in Thunder Bay which simply failed to provide for their basic physical, emotional and psychological needs. Homesickness, cultural discontinuity and cognitive dissonance marked their existences. NAN is insisting that their deaths no longer suffer from this same level of neglect.

The 1995 Law Reform Commission Report on the Coroners System reminded us that

First Nations issues, including the problems associated with life in remote communities, will require responses that are consistent with the cultural and social context. This has not always been the case . . . See, for example, the criticisms of Grant, Bader and Cromarty, *Report of the Osnaburgh-Windigo Tribal Council Justice Review Committee*, prepared for Attorney General of Ontario (July 1990) at 66-68. The report noted a number of cases in which inquests were not conducted and the authors were of the view that, had the deaths taken place in a non-native community, inquests would have been conducted.

[Ontario Law Reform Commission, *Report on the Law of Coroners* (October 1995) at p. 192]

The Justice Committee Report cited above described, in stark terms, the sad state of treatment of First Nations deaths by the Ontario Coroners System:

As the Scott McKay Bain Health Panel Report has documented, 15% of the population of Osnaburgh has succumbed to violent deaths over an 8 year period. If such events had occurred in any non-native community in Ontario, it is difficult to believe that no inquests would have been held. Are the lives of the First Nations members not as valuable as those of non-native people in our society? How can it be that so many of them can die in such circumstances without any public inquiry or other publicity concerning their fate?

[*The Report of the Osnaburgh/Windigo Tribal Council Justice Review Committee* (July 1990) at page 67]

Nishnawbe Aski Nation has heard repeatedly from its community members and the Goudge Inquiry evidence has confirmed that nothing has changed since the writing of these reports. It is time that the Coroners office responds to First Nations deaths in the same fashion as “non-native people in our society”.

NAN remains committed to opening dialogue and building bridges that will ensure that these deaths are not forgotten. NAN looks forward to hearing from you.

Yours very truly,



Julian Falconer

JF:od