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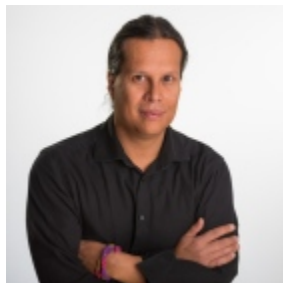
Gerald Stanley acquittal outrage result of 'centuries of oppression,' says prominent civil rights lawyer

Years of experience with courts and law enforcement have eroded Indigenous people's faith in justice system

By Jorge Barrera, [CBC News](#) Posted: Feb 14, 2018 4:00 AM ET Last Updated: Feb 14, 2018 5:18 AM ET



Dozens of people rally outside Regina's Court of Queen's Bench in 2015 to protest an Edmonton jury's not guilty verdict in the death of Cindy Gladue, 36-year-old Cree woman. (Ntawnis Piapot/CBC)



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Jorge Barrera is a Caracas-born, award-winning journalist who has worked across the country and internationally. He is currently working for the CBC Indigenous unit based out of Ottawa.

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The outrage felt and expressed across the country following the verdict in the Gerald Stanley trial comes from years of injustice that have deeply eroded confidence of Indigenous peoples in Canada's justice system, says a Toronto-based lawyer.

"It's happened through centuries of oppression ... centuries of treatment of Indigenous people as less than worthy victims," said Julian Falconer.

On Friday, a Battleford, Sask., jury found Stanley, 56, [not guilty of second-degree murder](#) in the death of Colten Boushie, 22. Boushie was shot and killed after he and four others from the Red Pheasant Cree Nation drove onto Stanley's rural property near Biggar, Sask., in August 2016.



Colten Boushie, left, was fatally shot in August 2016. Gerald Stanley, right, was acquitted last Friday in Battleford, Sask., of second-degree murder in the death of the 22-year-old. (Facebook/Liam Richards/Canadian Press)

Falconer was involved in a coroner's inquest into the deaths of seven Indigenous youth in Thunder Bay that examined police handling of investigations and concluded in 2016.

"I understand that one case becomes a lightning rod, but what you are seeing is the end result of bitter disappointment after bitter disappointment," he said.

- [What the Stanley jury likely considered in rendering its not guilty verdict](#)
- [The long list of problems Colten Boushie's family says marred the case](#)
- [Liberals review jury selection process after Boushie case uproar](#)

Christina Gray, a senior research associate with the International Law Research Program at the Centre for International Governance Innovation based in Waterloo, Ont., said Indigenous peoples face systemic failures in the justice system that range from the police officer on the street all the way through the court system and into the corrections system.

'There is a history of resentment toward Indigenous people and stereotypes.'

Christina Gray, research associate, Centre for International Governance Innovation

"There are so many examples," said Gray, who is Ts'msyen, Dene and Métis. "I see it as people saying they have ownership over Indigenous bodies, that their lives matter less because they are Indigenous.

"There is a history of resentment toward Indigenous people and stereotypes."

Falconer also once represented Isaac and Margaret Kakegamic in civil case related to the death of their son Max, who was found beaten to death on the sidewalk in Kenora, Ont., 17 years ago. No one has been convicted of the crime.

Both parents have since died, Isaac on Jan. 3 of this year, and Margaret in October 2015. They carried the weight of Max's death to their graves, according to their other son, Patrick Kakegamic.

In 2004, officers with the now-disbanded Kenora police were found by an Ontario judge to have suppressed evidence to pin the homicide on a preferred suspect and exclude a second suspect related to one of the investigators. No other suspects have since been charged in the killing of Max Kakegamic.

- [Judge accuses Kenora police of suppressing evidence](#)

Patrick Kakegamic said he wasn't surprised when he heard about the Saskatchewan jury acquitting Stanley.



Lawyer Julian Falconer represented the family of Max Kakegamic, who was found beaten to death on the sidewalk in Kenora, Ont., in 2000. (Martin Trainor/CBC)

As someone who has seen the law fail his own family, he has little faith in the justice system's treatment of Indigenous people.

Speaking by phone from the Oji-Cree First Nation of North Spirit Lake in northern Ontario, Kakegamic said the Boushie family needs to hold on to hope.

"That is all there is," he said.

'Sense of loss'

In 2015, another acquittal ignited outrage across the country, triggering rallies from Victoria to St. John's, after an Edmonton jury found Bradley Barton not guilty of first-degree murder in the death of Cindy Gladue.

The 36-year-old Cree woman was found dead in the bathtub of Barton's motel room.

"Hearing the verdict and knowing that there was an acquittal ... it really leaves one feeling with a sense of loss all over again," said Lisa Weber.



Cindy Gladue, 36, was found dead in the bathtub of a hotel room in Edmonton in 2011. (Facebook)

Weber, a Métis lawyer from Edmonton, represented two organizations that intervened in the successful appeal of the acquittal. She is now representing the Gladue family.

- [New 1st-degree murder trial ordered for Ontario trucker acquitted in death of Indigenous woman in Edmonton](#)

"There are so many Indigenous people and communities that have suffered loss, layer upon layer," said Weber.

The family is awaiting the start of a new trial following a 2017 Alberta Court of Appeal ruling.

'Historical undercurrents'

Lawyer Donald Worme, who is Cree, represented the family of Neil Stonechild during a Saskatchewan inquiry launched into the young Indigenous man's death in 1990 after he was dropped off by Saskatoon police on the outskirts of the city in what is known as a "starlight tour."

- [Friends of Neil Stonechild mark 25 years since his death](#)

Worme said he was hit by "disbelief" and "shock" at the news of Stanley's acquittal.

"As far as the white supremacists are concerned, everything is going right in this province, in this country, since the day our laws and our culture was demonized," he said.



Cree lawyer Donald Worme represented the family of Neil Stonechild, who froze to death after being dropped off on the outskirts of the city by Saskatoon Police. (CBC)

Worme said the acquittal was "consistent with the historical undercurrents" of the region around Battleford.

"This is the site of the largest mass hanging in this country's history," he said.

Worme was referring to the 1885 hanging of six Cree and two Assiniboine warriors at Fort Battleford.

The eight men were hung following the end of the North-West Rebellion. They were tried without legal representation and executed for deaths related to the Frog Lake massacre and other incidents in the Battleford area, according to an account published by Parks Canada.

The area is now a historic site near the courthouse where Stanley's trial was held.

A province with a KKK history

Lloyd Robertson, a La Ronge, Sask., psychologist who founded the province's Coalition Against Racism in the 1980s, said racial tensions have always been part of the fabric in Saskatchewan.

Robertson has researched the history of the Ku Klux Klan, which he said moved into the province in 1926 and within two years had thousands of members, with locals set up in places like Saskatoon and Biggar.



Robes of the women's section of the Ku Klux Klan, from a Klan mail order catalogue that circulated through Saskatchewan during the late 1920s and early 1930s. (Saskatchewan Archives)

At the time, a Saskatchewan MP wrote R.B. Bennett before his election as prime minister, saying that the KKK was "the most complete political organization in Western Canada," said Robertson.

Walter Cowan's letter also recommended Bennett "smile when you hear anything about this organization and keep silent," Robertson said.

- [KKK history challenges idea Sask. always welcomed newcomers: expert](#)

Today, says Robertson, "the bedrock conditions of racism that gave rise to the Klan in the 1920s are still possible" in the province.

"Take a look at the rural Saskatchewan farming population. They are aging, in their 50s and 60s and even older. They are more isolated than ever before ... They are fearful. They are vulnerable."

LaChance shooting in Prince Albert

Robertson said the KKK tried to re-establish in Saskatchewan in the mid-1980s but failed to gain any real traction.

In the late 1980s and early 1990s, the white supremacist movement again sprouted, this time from seeds in Alberta, in the form of Church of Jesus Christ Christian/Aryan Nations, which appointed a man named Carney Nerland to be its Saskatchewan representative. The small group was headquartered in the home of Terry Long, who lived in Caroline, Alta.

Nerland, who was also a KKK member, shot Cree trapper Leo LaChance in January 1991 at Nerland's Prince Albert, Sask., pawn shop.

- [Marlene Bird, Leo LaChance cases formative for new Saskatoon police chief](#)

Nerland fired two shots into the floor to scare LaChance and then shot LaChance in the back.

Nerland, who said he thought he only had two bullets in his rifle, pleaded guilty to manslaughter and was sentenced to four years in prison, according to a report from a commission of inquiry called to look into the case.

"We are still a long way from being a tolerant society," concluded the commission in 1993.

"We see this as a Canadian problem — not just a local one."