

Canada's Deep Systemic Racial Bias. Indigenous Rights

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Featured image: Colten Boushie

The news was released tonight (Friday, February 09) at about 18:30h that the jury in the trial of a Canadian farmer near Battleford, Saskatchewan found him not guilty for the murder of a young native, Colten Boushie. Boushie was killed August 09, 2016.

The episode highlights, for those who care to examine the case, the underlying powerful racial prejudice that exists in Canada today. After the arrest of the farmer social media became filled with racially biased comments, supporting the farmer because of the belief that "Indigenous people are responsible for rising crime in rural Saskatchewan which is leaving farmers scared and with no alternative but violence."

When the police informed Boushie's family about the murder, they did not offer any support, but then proceeded to search the home. This is the same RCMP that is up against about 2800 sexual abuse/misconduct charges within its own ranks. If they operate that way internally, it can only be hypothesized that their actions externally are of the same quality.

Background

Racial prejudice is systemic in Canada. It is part of our colonial-settler heritage as the Indian bands were displaced through treaty lies, guns, germs, and steel. Across the Prairies in particular, the Indians - who originally traded fairly with the new European arrivals - were soon pushed out through starvation. The large herds of millions of buffalo the Indians depended on were slaughtered in order to open up the land for farmers, leaving them open to starvation, disease, and subsequent displacement.

Following the many different "resettlement" schemes (really ethnic cleansing) the European settler-colonial governments morphed into more formal government structures that systematically attempted to destroy Indian culture. This occurred through laws banishing Indian religious rituals, denied access to lawyers, stole/kidnapped/removed children from their families and forced them into mostly religious schools where the children suffered various kinds of abuse - physical, emotional, and sexual.

This was complemented by a series of Indian hospitals that again removed children from their families and placed them in abusive environments ostensibly for their health. Accompanying all this was the systemic bias of the imposed culture itself and its British/Christian imperial heritage in which Indians were simply savages that needed "civilizing". It ran - and runs - through the governments, the judicial, and the legislative parts of our government as well as within the media.

But back to the courtroom

After the court's not guilty verdict some of the details of the trial demonstrate this racial bias. In his defense the farmer said that when he leaned into Boushie's car to get the keys the gun "accidentally" fired. As reported on the news, supporting this argument was an argument made by a non-witness and non-expert that guns will sometimes "delay" "somehow" when they are fired. Before the verdict, the courts, the police, and the civic leaders were asking everyone to remain calm, an obvious sign they acknowledged the deep racial divide within the community.

Given the RCMP actions, given the inherent racial bias, given the poor testimony as presented in the news, at the least this case calls for a retrial. It also should be the basis of a demand for a parliamentary/judicial inquiry - containing civilians outside the system of both races. Should the current Liberal government fail to do so only adds to the frustration of the Indian people in face of current government actions that seem to be only paying lip service to the Indian population without actually doing anything but harvesting media publicity as being good guys and gals.

Solutions

Solutions are difficult because the white residents of the country are loath to give up some of their privileges and some of their stolen wealth. Most treaties have not been honoured except for the lip service of consultation concerning matters that might concern them (e.g. hydro electric dams, mines, forestry, agriculture, infrastructure).

The Royal Proclamation of 1763 provided British Royal protection to Indian lands - at the time as a means of securing territory against the French and British, but being upheld in courts of law ever since. The Indian Act of 1876 carries this forward, but more generally acts as a governmental means of controlling Indian actions across Canada - giving the government control of Indian lands, financing, status, settlements, et al. The Canadian Constitution Act incorporates these previous Acts but again provides limits that essentially allow for continued misrepresentation of all original treaties.

The real solution, as I have argued several times before to the government of Canada, involves honouring those treaties to their full intent (not the European forked tongue intent but the commonly represented understanding). It involves reparations for lands damaged or removed by various settler processes - the railways, and especially in the Prairies the land grant process used to encourage more white farmers to settle the area, now conveniently devoid of Indians.

It involves returning land to the Indians, current manufacturing and resource harvesting industries notwithstanding. The latter could continue subject to acceptance of the Indians involved who were more than likely never consulted in the first place if it had an impact on their treaty rights for hunting, fishing, harvesting, and cultural practices (all recognized in the above documents). Or as in the provinces of British Columbia, Quebec, the Maritimes and much of the north, the vast majority of the land still belongs to the Indians who retain unceded title.

Another large step would be the removal of the Indian Act and its archaic and ethnically prejudiced laws in order to truly deal with the Indians "nation to nation."

The current Trudeau government has argued that the government of Canada needs to honour this nation to nation relationship. Apart from a few apologies, and a few commissions (another relic of the British empire that more closely resembles an avoidance mechanism), there has been no apparent implementation of much that assists the Indians of Canada.

First step

The first step is as indicated above, to have a retrial with a representative jury, or an investigation that covers the evidence, the RCMP handling of the case, and the role of the judiciary[1] and government within the overall structure of the Constitution and the UN Treaty on Indigenous Rights. I am no authority on the trial or its arguments, but what was presented through the media (mostly the CBC) indicates that much needs to be done in order to overcome Canada's systemic racial prejudices toward its Indians.

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Note

[1] It should be noted that the Indian bands have been quite successful with actions moved before the Supreme Court, usually land claims. The criminal courts, the lower courts, are where this comment's intention refers.

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