

# **The Gustafsen Trial**

(1997)

These internet reports (1997) on The Gustafsen Trial are the product of two months work observing the trial in Surrey, B.C.

Gustafsen Lake is in the interior of British Columbia near 100 Mile House. In 1995 it was the location for a stand-off between 50 lightly armed Indians and supporters and some 400 heavily armed police. The incident was said to have been the third incident (Oka and Ipperwash being the first two) in a series of eleven violent conflicts planned in Canada between Indian people and the authorities. It appeared to me all parties to this confrontation were led, wittingly or unwittingly, into a conflict that ultimately could only compromise the Indians at the negotiating table when treaty negotiations and other discussions would happen.

These reports were for the most part straightforward reporting of what happened at the trial. *An Evil Brew*, marked with a , was an editorial wrap as requested by a Vancouver newspaper.

These reports do not provide a complete picture, and you have apologies for not concluding with sentencing information. I ran out of resources to continue. This two month slice that is offered here though should be at least be sufficient to stimulate questions.

Noreen Gayle is a pseudonym for a woman who was working on this project with me and wishes to remain otherwise anonymous. The project would not have been undertaken without her assistance.

**Continue**

*Return to Stories Index*

# Gustafsen Lake Trial

Welcome!

[Entering the Court](#) *Tim Wees* (March 25, 1997 Surrey B.C.)

[A Credibility Attack](#) *Tim Wees* (March 26/1997)

[Where Be the Media?](#) *Tim Wees* (March 27/1997)

[Is Perception Reality?](#) *Noreen Gale* (March 31, 1997)

[The Turn of a Word](#) *Tim Wees* (April 1/1997)

[The Cross-Examination](#) *Tim Wees* (April 2, 1997)

[Entering the Camp](#) *Tim Wees* (April 3, 1997)

[Exchange of Thought](#) *Noreen Gale* (April 6, 1997)

[The Crown Cross-Examines](#) *Tim Wees* (April 7, 1997)

[A Child Speaks](#) *Tim Wees* (April 8, 1997)

[A Matter of Integrity](#) *Tim Wees* (April 14, 1997)

[The Defense Rests](#) *Tim Wees* (April 15, 1997)

[The Beginning of the End](#) *Tim Wees* (April 24, 1997)

[Humility](#) *Tim Wees* (April 24, 1997)

[For a Better World](#) *Tim Wees* (April 24, 1997)

[The Theatre of Truth](#) *Noreen Gale* (April 25, 1997)

[From the Seeds of Racism](#) *Tim Wees* (April 25, 1997)

[Only Their Bravery](#) *Noreen Gale* (April 25, 1997)

[This is Respect?](#) *Tim Wees* (April 29, 1997)

[Liberty for My People](#) *by Noreen Gale* (April 29, 1997)

[The Crown Closes](#) *Tim Wees* (May 2, 1997)

 [An Evil Brew](#) *Tim Wees* (May 7, 1997)

[Charging the Jury](#) *Tim Wees* (May 10, 1997)

[Percy Rosette Speaks](#) (May 15, 1997)

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# The Gustafsen Lake Trial



## Entering the Court

March 25, 1997 Surrey B.C.

by Tim Wees

These last two days I have been sitting in on the Gustafsen lake trial in Surrey, B.C. Two days from nine months of trial are not much to go on, but I am awash with what is happening and wanted to pass it along.

This man, Bruce Clark, has more going on in him than I had personally given him credit for. To watch the media reports of the event near 100 Mile House two years ago, I had him pegged as just being a rabble rouser and trouble maker. When guns are present and shots are being fired, violence is in the air, and when violence is in the air, any real possibility for peace ceases to exist. God only knows that if any group in the country has a right to be righteously angry, it is our aboridginal population. They have been served a mean meal since white people arrived here. The attempts to destroy them has not been as overt as in other parts of the world, but the racism and attempts at cultural destruction have been very much present. I have lived and traveled in some of Canada's north and have witnessed the successfull attack on the aboridginal culture, and I am pretty much disgusted with what I have seen.

In the same moment, I have seen a particular gentleness of being survive in the hearts of these people. It is an experience that is missing from our 'European' culture. You do not know it until you feel it, but when you feel it, you know that you have met something new and beautiful. This gentleness, and the compassion that goes with it, IS the salvation of the native Indian culture. If I may be so bold, I would say 'our' native Indian culture. It is not that I am a native Indian. I am not. But this dimension of themselves is an experience that the rest of our multi-cultural society sorely needs.

This gentleness I speak of shows up in a native healing group who call themselves Sundancers. Both the Sundancers and the people with guns were in the camp at Gustafsen lake and are in the court, and .. it would seem .. they do not get along well with each other. It is inappropriate to discuss the matter with people who are in court, but observers of the situation shared with me that the Sundancers are disturbed at the

violence that took place. The basic assumption in their activity is that real healing will take place through non-violent conversation and with a spiritual connection with the Creator.

I do though remember the odd mule I have met who would only turn a listening ear when the eyes faced the real probability of a good whack on the hind quarters otherwise. I suspect that this would have been the purpose of any threat of, or perceived threat of, violence at Gustafsen lake.

In the last two days, Bruce Clark has been centre stage. He is not counsel in the court. He wears the same red prison garb as two of the other defendants. But for all of that he is being a lawyer and with native Indian clients. This afternoon he presented an impressively detailed analysis to support the assertion that native Indians in British Columbia have more than just cause to feel deeply abused in the matter of the theft of their land. The theft has gone unnoticed as being important in our society, and it bears a certain vagueness as an issue that has been in place for over a century. It is perhaps easy for our 'white' culture to be bored with it all and to want to forget the matter. We are off and about other things. But the native Indians have not forgotten, and nor should they. Theft and abuse are theft and abuse no matter what guise they take, and anyone who has been the object of this kind of nastiness should take action to rectify matters.

It is a shame that it is taking a whack on the butt to get the appropriate listening.

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[Next Story](#)

[Table of Contents](#)

# The Gustafsen Lake Trial



## A Credibility Attack

March 26, 1997 Surrey B.C.

by Tim Wees

This is touted to be the most secure court room in Canada. When you enter the court you will empty your pockets into a plastic container and then walk through a metal detection arch. A burp from the arch and a sherrif's deputy will order you to spread your arms and legs and be scanned for any significant metal that might be a weapon.

The court room itself divides the spectators from the court with a floor to ceiling metal and glass partition and a padlocked door. One of the sherrif's deputies stands watch at the door to unlock and lock the padlock as people pass through.

There are six to ten spectators at any given point in time observing the unfolding drama in the court. It is easy to hear the proceedings as an excellent sound system has been installed.

The court itself is flush with people, the judge and jury, court reporters and officials, nine or ten sherrif's deputies, a raft of lawyers and the defendants in the case. It is a well set and well staged play. Everyone has their place and their part.

Bruce Clark was on the stand all day today. For most of the day he was setting the legal stage to show the basis for the advice he had offered his native Indian clients and from there to show the state of mind his clients were in at the time of the stand-off two years ago. Much of the material that Dr. Clark was working with dealt with matters that were centuries old and as far away as England and the American eastern seaboard .. and it was putting most of us to sleep. Several times his lordship asked that Dr. Clark find a way to summarize his material. The judge understood what was happening but questioned the jury's ability to absorb it. No doubt. Jury members were nodding their heads, sleepily, as they listened through the hours to the droning case-law.

Several times the judge requested a synopsis. "Have mercy on the jury," he said. How long will this take to complete, the judge asked. Tomorrow, about noon, was the

response. You could feel the jury members squirming in their seats and the silent groans from the spectators. Bruce Clark then came up with a solution. He presented the court with a document that had summarized all this case history and suggested that if this was accepted into evidence he could end his long testimony. One lawyer did object. He was concerned that there might be material that would prejudice his client's case. In the face of the objection, his lordship had the witness continue .. for another fifteen minutes. However, enough was enough. The judge interrupted the witness to say that he had read the report and could find nothing that would prejudice anyone's case and would allow the document to be entered as evidence, with copies to be passed around the court. Everyone, who could, fled for coffee.

It was now late into the day's proceedings, and when we came back it was time for the cross examination. The defendants in this case are not operating as a group. A lawyer for one of the other defendants began the cross examination. Actually it looked more like a frontal assault on Dr. Clark's integrity than a cross examination. This was not surprising since Dr. Clark himself has without mercy flayed the back of the justice system in the country. Everyone who wears the black robes, judges and lawyers alike, has been the subject of a blistering attack for being racist and operating outside the real law of the country. It was not surprising that someone should want to return fire.



## Bruce Clark and Sheldon Tate

by Lyla Smith

So there was Bruce Clark in his red sweat suit, courtesy of the prison system, in one corner, and in the other corner away over on the other side of the room was his opponant dressed in the black robes of official office. The lawyer was representing another defendant in the case, but it looked more like he was returning fire for the whole legal profession. It did not work. Bruce Clark won the round. The lawyer tried to challenge Dr. Clark for not upholding his oath when he joined the bar in Ontario. For a moment it looked like there might be a serious and effective attack, but Dr. Clark would have none of it and returned fire. The judge kept a clear head through it all and kept asking for material that was more german to the case. The lawyer finally said that he

could not continue. He stood there resolute. Clearly he needed an opportunity to re-group. Court was adjourned half an hour early.

Pistols for two .. coffee for one.

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[Next Story](#)

[Table of Contents](#)

# The Gustafsen Lake Trial



## Where Be the Media?

March 27, 1997 Surrey B.C.

by Tim Wees

There is a saying to the effect that you should not be too quick to judge another until you have traveled a mile in his mocasins. The gap between protagonists and antagonists in this trial is wide. It is a drama being enacted that is but a reflection of the cultural differences between the peoples of our country. There is an opportunity here to build a bridge .. by listening.

As I watch Bruce Clark in his red prison sweat suit testifying from the witness box, I see a man who has sincerely devoted his life to the cause of our native Indian population. He is an accredited lawyer in Ontario and is using his talents to champion their cause. In his testimony he revealed that at one time he did have a thriving law practice in Ontario, with three secretaries and an office manager. He says that when he took on the native Indian cause, he used profits from his firm to finance the activities of native Indians in northern Ontario .. at the expense of Revenue Canada. He reports that Revenue Canada said that they would take his books, effectively shutting down his law practice. Dr. Clark then closed down his practice and moved on to an Indian reserve and began to operate on a cash only basis. He says that Revenue Canada compounded interest on his original tax bill of \$15,000, added penalties, and worked it up so that he is now owes \$300,000. Since that time, he has not had a taxable income.



## Sheldon Tate - lawyer

by Lyla Smith

Sheldon Tate represents three other defendants in the trial, people who were allied with Dr. Clark but who have distanced themselves from him, if the attack mounted by Mr. Tate on Dr. Clark is to be an indication of their intention. In cross examining the witness, Mr. Tate attempted to challenge his credibility with the inference that Dr. Clark was scamming money from a group calling themselves the Native Sovereignty Association. According to Bruce Clark, this association was in fact an association of his native Indian clients who were fighting legal battles on several fronts with Dr. Clark as a pivotal point. He was the in-house lawyer for the group. When challenged to show books or a bank account for how he had used the money, Dr. Clark said he had neither .. due to the ever present threat of Revenue Canada. He said that all money was spent on expenses for travel and accomodation or "the turnip my wife bought at the store."

Dr. Clark states very clearly that he feels that he and his clients have been the object of a well organised campaign to destroy the activities of himself and his native Indian clients. He says he has been denied an 'occasional appearance certificate' in British Columbia while having all the credentials required. According to other people who have been following the trial there has been testimony revealing smear campaigns by authorities who one would have thought should have been focused on keeping the peace rather than being active players in the affair. I am awaiting transcripts before pursuing these accusations. And where is the media, Dr. Clark asks. He noted that there are no media represented at this trial.

That is a question that I have. Where IS the media. Reportedly it took some 400 policeman armed to the teeth to deal with this group of people, and this court is secured so that a mouse couldn't get in without being searched. One would have thought the media would have been interested, particularly when the man who is pivotal to it all is testifying. But there is no-one here. Well I am here doing what I am doing and there are some students from the University of Victoria doing what they are doing, but that's it.

Media play an important role in a democracy. They are supposed to apprise the public of the truth so that people can determine their future with as much information as possible. Media are also given the opportunity to be in court to ensure that people who have been charged get a fair hearing and a just disposition of their case. In the absence of any media, Dr. Clark's accusation that there is a plot in play to subvert the democratic process takes on a sense of being real. What is the truth of the matter?

Where is the Globe and Mail, the Vancouver Sun, The Province, the local media? Is Dr. Clark right? Is there a well organised campaign to once again shove this whole issue under the carpet. Does this campaign include a news blackout?

Why?

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[Next Story](#)

[Table of Contents](#)

# The Gustafsen Lake Trial



## Perception or Reality?

March 31, 1997 Surrey B.C.

by Noreen Gale

In the last two years there have been two significant trials that make an interesting study in contrast, one in the US and one in Canada. One was the murder trial of O.J. Simpson. This trial was played out in the public arena. The other is the Gustafsen Lake Trial in British Columbia. This trial, with very little media coverage, has been effectively closed from the public.

What was it about the first trial that had the media so engaged? Not only was it televised from beginning to end, but it was reported continuously on the news and on current events shows. After the verdict, television stations scrambled to be the first to have lawyers and jurors as guests. There was hardly a pause between the trial aftermath and the almost daily reporting of the civil trial which followed.

At the time the O.J. Simpson trial was going on, British Columbia had its own real-life drama playing out in the interior of the province at a place called Gustafsen Lake. The events as they were reported by the media were every bit as gripping and suspenseful as the famous white Bronco ride. Toward the end of the native standoff at Gustafsen Lake, British Columbia law enforcement agencies had 400 ERT (Emergency Response Team) members and several armoured personnel carriers from the military at the site, trying to bring the standoff to an end. It is unlikely that a day went by during the final month of the standoff without intense radio and television coverage. When the standoff finally came to an end, something seemed to change. The people who were in the camp became uninteresting and unimportant. The attention shifted to a lawyer, Bruce Clark, who had been at Gustafsen Lake on one occasion and was representing many of the accused.

The trial for the eighteen defendants arrested at Gustafsen Lake began in July of 1996 and is now into its ninth month. Unlike the O.J. Simpson trial, and even though the story was one of the top news stories almost every day, there has been little coverage of the trial. There was one day that the courtroom was almost full. It was a day that could have

brought the trial to a halt. The jurors, who had originally been led to believe that the trial would last approximately three months, had been sitting about five months and had not yet heard all of the crown's witnesses. There was talk in the lobby outside the courtroom door that one or more of the jurors might drop out, which would have caused a mistrial- in this case, a loss for both sides.

The judge canvassed the crown and defence attorneys for an estimate of how much more time they would need. The response was that Christmas time might be pushing it some, but it was not impossible. The judge appealed to the jurors to stick it out. There has been the odd other occasion when a media person has attended the trial, but for the most part, it is covered by supporters of the defendants. Reports are made available through co-op radio, small independently-owned newspapers and over the internet. The public, for the most part, thinks that there is little of importance in this trial.

The Contempt of Court charges against Clark are quite a different matter. When the people who were at Gustafsen Lake - and some who were not - were arrested, and appeared in court to seek bail and release from custody, Clark was the lawyer who represented most of them. He did not wish to argue that his clients should be released on their own recognizance. Instead, he wanted to argue that the court had no jurisdiction because it sat on unceded Indian territory.

According to Clark's testimony under oath, he pushed a piece of paper toward the courtroom staff and that as the paper slid from a raised portion of the desk to the working surface of it, the paper hit one of the staff members on the arm. For this he was charged with contempt of court. Upon his release, he left the area and failed to show up for a court appearance to deal with the matter. The consequence, of course, was that a warrant was issued for his arrest. All of this was covered in the mainstream media.

The public, for the most part, saw Clark as a fool, a buffoon or an eccentric who had lost touch with the reality of the day. While Clark was out of the area, the Gustafsen Lake trial went on without hardly a whisper. When it was mentioned, attention would be drawn to the length of time the trial had been going on. Of course, it didn't take much to have the public equate this information with the amount of money such a trial would cost.

When the crown wrapped up its case against the accused, a new energy arose in the courtroom - Bruce Clark would be returning to British Columbia to defend at least one of the accused, Mr. Ignace - also known as Wolverine. The fact that Clark was coming to town was newsworthy and it had the media out in force.

There were no stories about the Gustafsen Lake trial and the issues that the natives were trying to raise. There were no stories about Clark's previous appearances in the

courts of British Columbia to represent other native sovereigntists. The only thing that made the news was Clark's re-appearance in British Columbia.

British Columbians watched as Clark descended the steps of the aircraft and proceeded to turn to his right. An R.C.M.P. officer placed his hand on Clark's shoulder and Clark turned in the opposite direction. Accompanied by the R.C.M.P. officer, Clark walked to a waiting patrol car which took him to a police lock-up. The nightly news carried the televised story of Clark's arrest. The next morning, the media continued its coverage by keeping the public informed on Clark's whereabouts.

Clark was flown to 100 Mile House where he appeared before a judge and was sentenced to three months in jail. Clark filed an appeal, and it was reported in the news. When the announcement came that a decision on the appeal application would be announced, the mainstream media reported it, and they reported that the appeal had been denied. Clark remains in jail.

Clark has been refused an "occasional appearance certificate" which would allow him to act as counsel for Mr. Ignace. Instead, he was brought from 100 Mile House to Surrey and is incarcerated in the Surrey pre-trial centre while he testifies as a witness for Ignace. Like Ignace and another accused, Clark is brought into the courtroom each court session, just before the judge and jurors enter, wearing the prison issue red sweatsuit. He presents his testimony in a well-researched, well-organized, articulate manner.

Almost nine months of testimony, much of which would shock the world, remains unreported. The human rights of an entire identifiable group of people have been ignored no less than the human rights of those who marched in Tenenman Square. The media considers the event not newsworthy. What is considered newsworthy, however, is the portrayal of a qualified lawyer - the only one willing to present the native issue - as a fool, a buffoon and an eccentric. To the public, the most important event since the summer of 1995 and a native standoff at Gustafsen Lake, British Columbia is the shaven head and peculiar-looking glasses on a goofess lawyer. It is not reality. It is perception. However, when the public knows no difference, it becomes reality - but it is not "truth".

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[Next Story](#)

[Table of Contents](#)

# The Gustafsen Lake Trial



## The Turn of a Word

April 1, 1997 Surrey B.C.

by Tim Wees

Today was a non-trial day. His lordship reported that one jury member had an abscessed tooth and another had a medical emergency. The morning was used for court house-keeping matters and court was over before lunch.

It is worthy of note that today Dr. Bruce Clark came in the front door. He had been released from jail and showed up ready to complete his testimony .. dressed in his black suit and tie, all spit and polish, and ready to resume being cross-examined. He WAS sporting an electronic bracelet, discreetly hidden beneath a sock.

So .. today was to be a day for consideration of other matters.

My mind zeroed in on a word, genocide, and wouldn't let go. This is a word that has been used by Bruce Clark throughout this experience. He has used it to describe what has been done to native Indian people. When I heard him say it on television and recently in court, my whole internal system felt grossly offended. What's this!? Genocide? Nonsense!

Genocide is what Hitler did to the Jews in the Second World War. Six million people DIED then, gassed or shot. We have not been killing the Indians. We have been harrassing them and subjugating them, but we have not been killing them. Give me a break. This is NOT genocide!

Outside the court, I found myself in a somewhat acrimonious debate with a university student. My stance was that the word, genocide, was just being used to wave a red flag in front of people and cause trouble. I mean that's what people on crusades do isn't it .. wave red flags and cause trouble? Well, to his credit, he lowered the flag, his temper and his voice and suggested calmly that I look the word up in the dictionary and, when I had done that, check what the United Nations had to say about the matter. Okay, I said, I'll do that .. and silently fumed all the way to the dictionary.

**The Gage Canadian Dictionary says about genocide: "systematic measures for the extermination of a national, cultural, religious or radical group."**

**Oh oh .. nothing here about killing people. Maybe .. just maybe .. I was wrong.**

**Okay let's move on to the 'Convention on the Prevention and Punishment of the Crime of Genocide', a United Nations document "approved and proposed for signature and accession by General Assembly Resolution .. on the 9th of December 1948." This was "entered into force" on the 12th of January 1951.**

**Here is Article 2 of that document:**

**"In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:**

- (a) Killing members of the group,**
- (b) Causing seriously bodily or mental harm to members of this group,**
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part,**
- (d) Imposing measures intended to prevent births within the group,**
- (e) Forcibly transferring children of the group to another group."**

**Oh my .. Guilty as charged. I was wrong.**

**Then my mind turned me to an image from twenty five years ago that has been indelibly imprinted into the recesses of my experience.**

**Come with me to a northern Canadian town. It is in the depths of winter. At four-thirty in the afternoon it is already becoming dark. The wind is howling, and one has to lean into the blizzard to stay upright. There in the lee of a darkened building is a scantily-clad old Indian woman. Old? Well I really do not know. She could have been forty or she could have been eighty. She was not shivering. The cold was familiar to her, but she felt cold. Her body felt cold. Her heart felt cold. Her eyes were hollow. She looked at me, and I looked at her.**

**For a moment we met ..**

**Who might she have been had life turned her a gracious eye?**

**Perhaps she would have been a mom, or a grand-mom, baking berry pies for her children. Maybe she would have been drying moose meat on the rack for the winter's supply of food. Maybe she would have been darning her man's socks with love and affection as he was off and about making his world happen so that his family would have been warm and well fed. She could have been the one to let in the light from the Creator and pass it on to her family wherever they were. Maybe she would have been happy.**

**But life did not turn her a gracious eye.**

**Maybe hers were the children that were unceremoniously collected off the street to be flown many miles to the south. There, in boarding schools created for this purpose, they would be forbidden to speak their native tongue and beaten and otherwise tortured if they did so. They would live out their childhood in this raw and uncompromising place, forcibly separated from their brothers and sisters. When and if they came home, there would be no family for them. They would be confused and angry with almost non-existent self-esteem.**

**Maybe her children would have taken to the television set and been mesmerized by 'Dallas' and big cars and washing machines and blond hair .. and lost their ways and self-worth in the process .. and then gone out to sniff glue in the streets.**

**Maybe her man was one of the many many Indian men who lost their way and found themselves dumped into prison .. their lot being to shuffle back and forth through the halls.**

**Maybe her house was one of those almost cardboard things, plunked into a reservation and made out to be gifts from the great white fathers in Ottawa but really chilled and heartless structures with as much life to them as empty boxes.**

**Maybe her community was one of those that are beset by booze where everyone drinks to drown what could have been.**

**Maybe her family and her home were ripped from her heart .. and she was left uncared for .. to be but old and cold in the snow.**

**Next Story**

# The Gustafsen Lake Trial



## The Cross Examination

April 2, 1997 Surrey B.C.

by Tim Wees

Today was one of gruelling cross-examination as Sheldon Tate, lawyer for Percy Rosette, one of the defendants, searched through Bruce Clark's life as a lawyer and as counsel for the native Indian sovereignty movement across the country.

Mr. Tate attempted to establish that Mr. Rosette, his client, had been, in fact, a client of Dr. Clark and that Dr. Clark had not respected the usual terms of confidentiality of a lawyer/client relationship. Bruce Clark's response to this was that in the Native Sovereignty movement he had in fact been instructed to go public with the cause, and that confidentiality was not really at issue. Bruce Clark said that he had found Mr. Rosette to be a deeply spiritual individual and committed to living on the land as his ancestors, but in the course of the day he said that Mr. Percy, as had others, had betrayed the cause of native sovereignty.

It came out in the accusation and repartee of the day that Dr. Clark had also experienced this when he had been working on behalf of native Indians in Temagami, Ontario. This was when he and his family first went to live on an Indian reservation. He had been working on behalf of the Indian movement and ran into serious problems with Revenue Canada, who, he says, had threatened to take his books, effectively shutting his practice down. Dr. Clark said that in the course of working with the Temagami band, there had been a shift in direction and those in charge had opted to forgo the sovereignty movement and opt instead to attempt to make a settlement in the order of \$55 million.

Mr. Tate brought into the dialogue that Dr. Clark had an arrangement with the band that upon settlement he, as counsel, would receive two to three million dollars as a fee. Dr. Clark did not deny the statement, but he did say that a fee such as that was not unreasonable in view of the size of the anticipated settlement and the fact that he had put in twelve to fifteen years of work for almost nothing. He also said that he had argued with the leaders of the band NOT to go the settlement route as opposed to staying with

the cause for native Indian sovereignty. He said that what was being set up was a sellout that was going to produce a lot of money, and "That when the sellout did come I was going to be bought out." He ultimately had to leave the band, penniless. He went on from there to go back to university and achieve his PHD.

The actual word that was used in conjunction with the Temagami experience, as with Mr. Tate's client, was 'betrayal'. The word was heard first from Mr. Tate who was challenging Mr. Clark's mental capacity. It was not an outright challenge, but certainly appeared to be woven into the language. It was intimated that Dr. Clark was deeply depressed at what he had experienced as 'betrayal' at Temagami. The suggestion was that this 'betrayal' had forced Dr. Clark into a depression. Dr. Clark made the distinction between the clinical term 'depression' and the sadness he felt as a result of the situation. He also said that he did not feel that it was himself who had been betrayed but rather that the cause of Indian sovereignty that had been betrayed. He had been saddened by that. He was somewhat testy with Mr. Tate as he said that he was in fact "a card-carrying NON nut."

In defending his decision to take up the cause of the native Indians, Dr. Clark talked of an experience he had in Germany. He had observed a situation where 'skinheads' would announce an intention to harrass Jews in the country. Real violence would be threatened. he said that many Germans have learned the lesson of what can happen if they do not intervene when crimes of violence and genocide are threatened. He said that other German citizens took the initiative and stood between the skinheads and the intended victims and blocked the activity. He said that Germans have learned a lesson about dealing with this kind of violence that Canadians have yet to learn. "We need to learn the lesson of the Germans .. to intervene," he said.

When there was a suggestion made that he had become 'obsessed' with the cause, Dr. Clark said that when there is genocide happening, the whole of society should be consumed with righting it, in fact should be 'obsessed' with it.

It would be an under-statement to say that today was highly charged. Dr. Clark exercised almost perfect self-control throughout the relentless cross-examination, although at one point when he had had quite enough, he stood up, pointed his finger, and called Mr. Tate "a little weasel". Judge Josephson, for his part, has been a level head throughout this whole process keeping a steady course through very choppy seas.

A canvass of some of the defense lawyers forecasts the trial will be another two to three weeks.

[Next Story](#)

# The Gustafsen Lake Trial



## Entering the Camp

April 3, 1997 Surrey B.C.

by Tim Wees

The court room was settled today and proceeded in an orderly fashion. Sheldon Tate, counsel for three defendants, continued his cross-examination of Bruce Clark, focusing on Dr. Clark's relationship with the police and his subsequent entry into the camp.

The court saw a fourteen minute video which showed Dr. Clark conversing with several R.C.M.P. officers and a psychologist. The tape was unintelligible in the visitors gallery, although from the little that could be heard, supported by subsequent examination in the court, the conversation was a negotiating session between Dr. Clark and the police to set up a phone call between Dr. Clark and the people in the Gustafsen camp. It was determined in this conversation that Dr. Clark would phone into the camp the next morning and arrange to enter the camp and talk to the people there. Mr. Tate suggested that Dr. Clark had promised the police that if they would get him into the camp he could get the people there to come out. Dr. Clark did not agree that he had made such a promise.

Further cross-examination revealed that Dr. Clark's visit did not produce the results indicated by Mr. Tate. He said that when he did go into the camp, he found that the people there were not of a mind to trust the police. First there was a matter of an alleged ambush. The Indians in the camp felt that they had been set up for having allegedly ambushed a police vehicle that they told him they did not in fact ambush. Dr. Clark also reported that the Indians had experienced lethal fire coming from the police, bullets coming in at ground level, while their own return fire had consisted of warning shots fired into the air.

While in the camp, testified Dr. Clark, he had taken an affidavit from the group, a statement taken by consensus, with each point being accepted by the group, those present at the circle, before it was included. The statement itself was created with the intention that it be made public, both to the R.C.M.P. and the public, through the media.

When Bruce Clark came out of the camp, he was met at the first checkpoint by both the R.C.M.P. and the media and he completed his assigned task.

It was also revealed in the court that a video tape had been made in the camp that included the sounds of shots being fired during an interchange between the Indians in the camp and the police. This tape has already been viewed by the jury in court. Dr. Clark said that he has been given to understand that a ballistics expert could listen to the shots being fired and determine if they were fired low or high.

Mr. Tate questioned the validity of the tape noting that between the time the tape was made and it was ultimately presented in court it had been carried as far as Europe and in the possession of at least one other person, a B.B.C. producer in England.

Sheldon Tate completed his cross-examination this afternoon.

There was an abrupt change of course in the court when Donald Campbell, representing five of the defendants, took up an opportunity to cross-examine. This was clearly a more 'congenial' examination of Dr. Clark and the activities of the Indians at the Gustafsen Lake Camp. Mr. Campbell invited Dr. Clark to discuss the spiritual side of the event.

He established with Dr. Clark that the original purpose of the use of the camp was not to make a constitutional challenge but to have a spiritual event. As Dr. Clark explained matters, it is the feeling in the Indian communities that for many many years, the Indians have stepped back from confrontation and now, " .. mother earth is placing a duty on her children, red children, to defend her creation." Events that are happening now, he said, are a culmination of a thousand years of tradition.

Dr. Clark made it clear that he does not consider himself to be an expert on native spirituality. His expertise is in law, and he advised the people in the camp that they had every right to occupy and defend the camp, by law. Mr. Campbell asked the witness if he thought that the people in the camp understood the legal advice they were given. Dr. Clark said that yes they were and that when " .. we all hit the ground we were off at the same speed." He also commented that, "They were involved in a bigger tradition than what I had to say."

When Mr. Campbell asked about the possibility of violent intentions from the Indians, Dr. Clark made it clear that he was absolutely certain that nobody in the camp fired upon a policeman. He said that the attitude of the Indians was that it was just not going to happen that anyone would shoot at another human being. He said that had anyone even spoken with an intention to kill a policeman, there would have been shock and surprise and that person would be ushered out of the camp as quickly as possible. Dr.

Clark continued, " .. the only thing that would hurt an officer would be that if he got hurt lifting body bags."

In further cross-examination by Mr. Campbell, Dr. Clark said of Mr. Ignace, for whom he was testifying, "If you had played pool with him, you would know that he has an unerring eye. If he had wanted to shoot an R.C.M.P. officer then there would be one officer .. dead." William Jones Ignace, also known as Wolverine, is charged with attempted murder.



**William Jones Ignace**

by Lyla Smith

Dr. Clark said that Indians are " .. the dearest kindest people who are hostages in their own country." He said they, " .. are too good for our corrupt world .. innocent .. really decent human beings."

"They are not racist," said Bruce Clark, "and not filled with hate. they are filled with love. That's an odd thing to say in this cynical world .. It's just the truth."

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[Next Story](#)

[Table of Contents](#)

# The Gustafsen Lake Trial



## An Exchange of Thought

April 6, 1997 Surrey B.C.

by Noreen Gale

The cross-examination of Dr. Bruce Clark continued at the Gustafsen Lake trial on Friday. Cross-examination in this trial is not like run-of-the-mill trials. In fact, there is little in this trial that is like any other trial. Clark is a lawyer, and he expected to represent at least one of the accused. He was unable to do so because he was denied an Occasional Appearance Certificate. Instead he has testified as a witness for Mr. William Jones Ignace, also known as Wolverine. Unlike other trials, Clark not only goes through cross-examination by Crown Counsel, he is also cross-examined by lawyers representing other defendants and by people who, like Ignace, are defending themselves. On Friday, Mr. Pitawanakwat, who is one of the accused representing himself, cross-examined Clark.

Pitawanakwat, a young native man, began his cross-examination by asking a series of questions which were intended to repair Clark's credibility, which had been called into question by another defence attorney. Under previous cross-examination, Clark testified that he had been the subject of an investigation into his affairs by the Law Society of Upper Canada.

Pitawanakwat pointed out that the judgement of the L.S.U.C., stated in a report, was that there is concrete evidence of an ongoing genocide of Canada's aboriginal population. Clark quickly jumped at the opportunity to quote from the document. He said that the committee reported that "The 'genocide' IS real, and has very nearly succeeded in destroying the Canadian aboriginal community .. that was flourishing here when European settlers arrived. No one who has seen many of our modern First nation communities can remain untouched by this reality." Clark said the decision had further stated that the disciplinary committee was "..sympathetic to Dr. Clark's assertion that the courts have been unwilling to listen to his argument." Clark said that while the committee said that he had some responsibility for this, he had been prevented from putting his argument to the courts.

As he has often done throughout his cross-examination, he quickly put on his lawyer 'hat' and advised Pitawanakwat that, "There is a risk in taking quotes out of context." Pitawanakwat asked to have the document entered as an exhibit. There was an objection and the judge asked Pitawanakwat to move on. Pitawanakwat insisted that this was important, and he argued that Clark had already been forced to testify as a witness instead of representing the accused, Mr. Ignace, and he, Pitawanakwat, wanted to rebuild Clark's credibility. With the jury out of the courtroom, the judge heard arguments from counsel. He decided that the document would not be accepted as an exhibit.

The discussion then turned to a lawyer who recently represented John Stevens, a native resident on the Stony Indian reserve at Morley, Alberta. John Stevens has been the subject of considerable questioning throughout Clark's testimony. Clark has testified that many of the natives consider Stevens a shaman and that before and after the standoff, Stevens would instruct Clark on the course of action with regard to the native sovereignty issue. Clark said that in recent times, Stevens has disassociated himself from Clark and has retained a new lawyer, one who filed the complaint against Clark with the L.S.U.C. Clark went on to say that this complaint to the L.S.U.C. was largely responsible for his inability to obtain an Occasional Appearance Certificate.

Clark testified that while he was at Gustafsen Lake in late August, 1995, the police tried to use him as an agent by trying to interfere with his duty to represent his clients. He said the police separated him from his clients and that he did not have an opportunity to see his clients again until September 15. He testified about the events that occurred at the court house at 100 Mile House on that day. He testified that while he was in court representing his clients, he had been "pushed around" by a police officer. He said that he was arrested and charged with assaulting a police officer, charges which were later dropped. He was sentenced to three months in jail for the contempt charge. He is presently out of jail, but he wears an ankle bracklet designed to electronically monitor people who are serving time but who are not physically incarcerated.

Pitawanakwat took Clark through a series of questions that permitted Clark to respond as to his belief and that the only way genocide can occur in peace-time is with the complicity of the legal system. Clark said, "Genocide is an institution."

For a time, the two of them, Pitawanakwat and Clark, engaged in an exchange of thoughts and beliefs as if no one else were around. Here were people, each from a different culture, having a conversation about what is right and what is wrong without any regard for colour, race, culture or religious or spiritual beliefs.

Pitawanakwat talked about "The Great Law" and Clark went on to explain that attempts are now being made to write down the law as given by the Iroquoian speakers. He told

of the significance of the two-row wampum belt as a symbol of a treaty between two nations - the Indian nation and Great Britain. He said that the two rows of purple beads signified two sovereign nations living together side-by-side. The three rows of white beads which separate the two rows of purple beads signified peace, dignity and respect.

They talked about the native interpretation of the BC flag as being representative of an agreement between the natives and Great Britain "for as long as the sun shines."

Pitawanakwat brought into the conversation Chief Pontiac and the twenty one commitments that are part of the law that he lived by. One was "You shall not commit murder except when on the war path." Pitawanakwat pointed out that the native people have not been on a war path for centuries. Clark commented that this was consistent with his studies for his M.A. The second commitment Pitawanakwat introduced was "One's got to be brave and not fear death." Clark explained that it translates into dignity and courage, "the cream of humanity, in my opinion."

Clark was asked why the Canadian legal establishment outlawed native ceremonies. Clark said because they wanted to "steal the land". He called it "judicial fraud". Clark said they [the Canadian establishment] committed genocide. He said this has gone on for years. He said that he was not only concerned with the seven generations of native people but also seven generations of white society. He said racism is a very strong aspect of Canadian society and that native people have been considered inferior, but that this is not true. He said "Native people have been superior. They [natives] can function in my society, I cannot function in theirs." He pointed out that he does not know how to live off the land or use other skills that natives have.



# James Pitawanakwat

by Lyla Smith

Pitawanakwat reminisced about trying to help young natives in Northern Ontario who had formed a suicide pact and were in the habit of sniffing gas. He felt he was making some progress with them by sharing stories of his personal experiences including the death of his brother and cousins. He said that when word got out that he was trying to help them, the government shut him down. Pitawanakwat said the government did this by picking up the young people and moving them south. Pitawanakwat said "Government works in mysterious ways." Clark responded "Not so mysterious." Clark mentioned a book by Sarah Carter "Lost Harvest" and explained that the author had revealed her findings of conscious government policies to destroy Indian farmers in Saskatchewan.

At one point, Pitawanakwat engaged in commenting on what is being done to the earth by the majority of people. Crown counsel objected and the judge agreed. The judge told Pitawanakwat those comments were for the jury, and he would have an opportunity to address the jury "in any manner you want" and Pitawanakwat replied "I'm looking forward to that." The judge said, with a smile on his face "Within reason."

(Copyright by Noreen Gale.)

[Next Story](#)

*[Table of Contents](#)*

# The Gustafsen Lake Trial



## The Crown Cross-Examines

April 7, 1997 Surrey B.C.

by Tim Wees

Today in court, Lance Bernard, the crown prosecutor, cross-examined Mr. Ignace's witness, Dr. Bruce Clark. Mr. Lance asked Dr. Clark about several individuals who might have been in the camp, but Dr. Clark did not recall who was there and who was not.

Dr. Clark was asked if his purpose in securing an affidavit from the people in the Gustafsen Lake camp was to have them say their piece regarding an alleged ambush because, " .. the press was misleading the public."

"Yes," said Dr. Clark.

As well as taking the affidavit, Dr. Clark obtained a high-8 video of action that had taken place in the camp. It was determined that the video camera was a small hand-held camera. One needed to look through the view-finder to see what was on the tape. Dr. Clark testified that video tape was in short supply in the camp. To his knowledge there was no other video equipment in the camp.

Bruce Clark had earlier testified that he had seen short bits of the video during his visit to the camp during the time when he took the affidavit but that he had never viewed the video tape from beginning to end until the tape was shown to the court. He also said that none of the accused nor defense attorneys had viewed the tape.

Mr. Bernard then asked if the video might have been edited before Dr. Clark took it out of the camp. The crown prosecutor noted that there were several sections of the tape where only ground or other seemingly meaningless material was presented. Were portions of the tape that might have been prejudicial to the camp residents' case, deleted by someone by selectively over-recording the tape?

Dr. Clark said he was not aware of this happening. Mr. Bernard suggested that there was, in fact, discussion about editing the tape. "Did you hear people talking about

material on the tape that might prejudice them?" he asked. The crown prosecutor pressed Dr. Clark to remember any such conversation, but Dr. Clark seemed unable to recall any such conversation. Mr. Bernard then quoted from transcripts at a previous time in the trial. Dr. Clark was quoted as saying, " .. if they wanted to hide something, it was up to them."

Dr. Clark agreed that the quote was accurate.

The witness was then asked if he had seen any weapons in the camp. he replied that he had not .. but that when he was leaving the camp in a pickup truck, one of the accused, Suniva Bronson, was in the back of the pickup and had a weapon. Dr. Clark said that he remembered her .. as an image in his mind of hope and youth, idealism and strength.



**Suniva Bronson**

by Lyla Smith

As far as this writer has been able to ascertain, Suniva Bronson was the only person in the Gustafsen Lake episode who took a bullet. She was wounded while evading capture by the police.

Mr. Bernard ended his cross-examination. Mr. Ignace then recross-examined the witness by asking a couple of short questions about Dr. Clark's interaction with the Supreme Court of Canada on native Indian issues.

Mr. Ignace then looked up at the jury and said, "It's been a long drawn-out fight. Thank you for hangin' in there." He rested his case.

[Next Story](#)

# The Gustafsen Lake Trial



## A Child Speaks

April 8, 1997 Surrey B.C.

by Tim Wees

The Gustafsen Trial is coming to conclusion. The day in court, before the jury, was a short one. The only witness was Sirena Bondy, seven years old and daughter to Rob Fleming, one of the accused. It was the father who called the daughter to the stand.

Judge Josephson had a friendly conversation with Sirena to determine her ability to swear an oath to tell the truth and then testify in the witness stand. The judge asked Sirena if she knew the difference between a truth and a lie.

She said, "Yes."

Did she know what it is to swear on the bible to tell the truth?

"You have to tell the truth," she said. Sirena said she would say if she did not understand a question and that she would say she did not know if she did not know the answer.

The judge smiled and said that he was impressed with the little girl and allowed her to be sworn in and take the stand.



## Sirena Bondy

by Lyla Smith

Her father, Rob Fleming, began the questioning that moved through other defense lawyers and finally to the crown prosecutor. One could feel a level of tension in the court room with a young child on the stand, but at all times she was questioned, and gave her answers, in a true spirit of dignity and respect.

Sirena testified that she had come from north of Campbell River with her mom and dad to go to the Gustafsen Lake Camp. She said that it was fun at the time that she was there, but then it began to be a little scary, and she and her mom left.

She spoke of making friends with a couple of dogs in the camp, of going for walks to the lake, of sitting around the campfire in the evening and singing songs. There were always lots of people coming and going .. like a picnic. It was, "a really nice place."

She also had chores to do as part of the camp activity. She helped with the dish washing and general cleanup and helped gather firewood.

Under questioning, Sirena pointed to several people in the courtroom that she knew who had been in the camp. There were also a couple of other kids there, she said.

When defense attorney Sheldon Tate asked her how she felt about leaving camp, she said, "I had to. It was getting a little bit dangerous .. Mommy went with me," when they left the camp, "and daddy stayed behind .. I didn't feel very good about that."

"What did you understand about why you had to leave?" she was asked.

Sirena said, "Some things were going down and it wasn't a real camp anymore."

Why did her daddy stay there?

"He wanted to stay there because they were his friends, and he didn't want them to die."

Another defense attorney, Manuel Azevedo, asked what Sirena meant when she told Mr. Tate that it wasn't a normal camp anymore. Sirena responded, "It was getting a little bit scary. I didn't know what the problem was. Mom told me we had to go .. She was scared and I got scared .. She was scared and so we had to go."

Was she scared of the Indians? "No .. they were all my friends." Sirena talked of a woman Toby, in the camp, who offered her comfort and, "put me up on her knee and told me stories of when she was a little girl and got scared."

When she was asked if she knew what was happening at Gustafsen Lake she responded, " .. from the starting it was their land and somebody wanted to take it away from them."

Mr. Azevedo asked, "Did you think you were there to help the Indian people?"

"Yes."

"Do you know if your dad was scared too?"

"He was a little bit scared, but he wasn't that scared."

"Would you go back?"

"If I could .. yes."

Crown Counsel, Lance Bernard, asked if Sirena and her parents brought anything to the camp with them. They had brought food and fuel for the stove. Sirena testified that she and her mother would go out every day or two in the truck to get supplies for the camp. She said she only saw police when they passed the check point.

Was she frightened by the police?

"Not at that time," she said.

Later?

Sirena didn't remember.

Sirena said that when she was about to leave the camp, she remembered that, "They were worried for their safety .. My dad tried to stay and help them." She said that on the day they left it was made clear that when they went through the check-point this time they would not come back.

At this point, Mr. Bernard showed Sirena some photographs and asked if she knew the woman in the picture. She said that yes she did. It was her mom. He then asked if she knew the people behind her mom who were wearing masks.

"No."

In the next few days, the jury will not be present in the court. The judge will be hearing applications from defense attorneys with regard to concluding the trial. There may be some more defense testimony although it is highly possible that the next time the jury appears, sometime next week, it will be to hear closing arguments from the defense and the crown.

[Next Story](#)

[Table of Contents](#)

# The Gustafsen Lake Trial



## A Matter of Integrity

April 14, 1997 Surrey B.C.

by Tim Wees

Today was another non-starter at the Gustafsen Lake trial. One of the jurors phoned in seriously ill, and court was adjourned until tomorrow morning.

Last week Judge Josephson heard an application from the defense that this court does not have jurisdiction in this matter. The essential argument is that the land where the standoff occurred is unceded Indian land and has never come within the jurisdiction of Canadian law, or, by extension, Canadian law enforcement. Representatives from the British Columbia government and the Canadian government appeared before the judge and presented arguments that support the thesis that Canada does have jurisdiction and that Canadian law does hold sway in this case. This morning the judge agreed with their arguments and denied the defense application.

These arguments were not conducted before the jury, and yet this whole matter of jurisdiction is a central theme woven into the complexity of this trial. What IS happening at this trial is that a number of people have been charged with criminal offenses ranging from mischief to attempted murder. The whole play that was staged to lead up to these charges is surely the most bizarre extravaganza ever witnessed on Canadian soil. By now you must have heard the stories of 400 armed policemen, armoured personnel carriers, high flying military reconnaissance aircraft, tens of thousands of bullets careening into the forest, most of it from police artillery .. all of this to quell whatever danger was represented by a lightly armed small band of men, women and children. Frankly, I am embarrassed to be a Canadian and have to face this foolishness. What is going on here?

Are we in a state of denial? I think so.

Bruce Clark and other members of the defense team tell stories of being repeatedly stonewalled by the courts when they attempt to raise the issue of jurisdiction. From what I have heard, they have some valid arguments to support their case. They have all

but given up on the Canadian justice system. They want what they call 'third party adjudication'. They want to take this issue before the queen and have HER do something about it. Presumably the United Nations would be another forum.

Well, personally, with all due respect to the queen, I do not think this is her business. Canada has been trying to disentangle itself from the monarchy. Running to the queen now feels somewhat ridiculous. The United Nations? Well, if all else fails then that is a more real outside forum for this issue to be aired.

However .. we should be able to dig into the closet, and bring out our dirty laundry, and wash it right here at home. It would be a real blow to our national pride to have this issue aired before an international court and be found to be guilty.

We would be found to be guilty. We are. Sooner or later we need to face that and set things right.

I think that what we need is a real honest-to-God public inquiry. I do not mean that we need a white-wash job done to cover up a couple of centuries of dirty tricks; I mean a real inquiry to get all the issues up on the table and deal with them straight-forwardly. Our national integrity is at stake here.

Public inquiries can work. I have seen them work, but they require a commitment to produce results and a judge or panel of judges who will commit to hearing all and producing a report, with recommendations for action, that will fully reconcile the issues.

The government disbanded an entire air-borne regiment to re-establish the integrity of the Canadian military when a few people destroyed our image in Somalia. Why do we not take action to restore our integrity with regard to our dealings with our aboriginal population?

A public inquiry can work. It is a place to speak the truth and address the issues that need to be addressed and in a forum that makes sense. The craziness that produced this trial started when a landowner cracked a bull whip and told a group of people performing a spiritual ritual to get off his land. At THAT point someone could have gone in there and looked at the issue and dealt with it in a peaceful manner. Really! Some simple honest conversation could have settled this a long time ago. How many millions of dollars have been spent trying to produce an army of terrorists out of a handful of people? If that same money had been spent conducting a sane inquiry, committed to hearing the truth about the underlying issues, we would have produced something useful.

All we are going to get from what has happened, and is happening, are some very angry

**Indians, who are only going to be further hardened in their resolve, and yet another layer added to the deep and long standing denial of what can only be called severe and protracted abuse of a Canadian cultural group .. and that is a kindly way to describe the wrongs that have been done.**

**There is only one way to heal the damage done by a lie. Tell the truth. Then there can be healing. Then we can look each other in the eye with honour and live our lives with integrity.**

**Next Story**

*Table of Contents*

# The Gustafsen Lake Trial



## The Defense Rests

April 15, 1997 Surrey B.C.

by Tim Wees

No witnesses were called and no new evidence presented today.

The defense has rested its case.

Judge Josephson said to the jury, "I never thought the day would arise. There is no further evidence to be heard in this trial."

There is still the "long and difficult process" when the defense and the crown present their final statements to the jury, and then there will be the closing statement from Judge Josephson in his final instructions to the jury. This final piece of work will begin sometime next week. The rest of this week will be devoted to preparation.

[Next Story](#)

*[Table of Contents](#)*

# The Gustafsen Lake Trial



## The Beginning of the End

April 24, 1997 Surrey B.C.

by Tim Wees

Today marks the beginning of the end of the Gustafsen Lake Trial. The mood in the court-room before the trial was interestingly friendly. Lawyers, deputies, defendants and onlookers were chatting and smiling with each other. But the jury was an hour late.

A small group of Indian men and women and supporters took their cue and sang some prayer songs amidst the trees beside the court-house. They shook hands and hugged each other and then returned to court.

The closing arguments began.

Sheldon Tate represents Percy Rosette with his wife Mary (Toby) Pena and Ron Dionne who are charged with "mischief .. and, by so doing did cause actual danger to life."

Mr. Tate began his statement to the jury by saying that this trial, "has been the biggest and most mammoth in Canadian history .. We are seven months overdue." He noted that the defense is placed in a difficult position. He said, "The crown prosecutor will be the last to address the jury before the judge's closing remarks." He went on to say that, "This case has a life of its own .. a Monty Python Flying circus heard in this court-room from day to day. you know that."

The defense lawyer said that any evidence against his clients is circumstantial. "There is no direct evidence against my clients," he said. " No-one saw my clients shoot at anyone."

Percy Rosette was portrayed as having been, since 1989, a faith keeper of the Sundance Ceremony, a spiritual discipline that goes back to the time of the plains Indians. "He is a man who has wanted to connect with his ancestors .. Mr. Rosette is not a sovereigntist who wants you to put on your clogs and go back to Europe."

Mr. Rosette, with his family, was a man who took up residence in the middle of nowhere on a cattle ranch the size of the lower mainland. The particular issue he had with the land owner, Lyal James, has gone back six years. Mr. Tate said that this really was a civil action that developed into something else.

In 1995, the situation took on the appearance of a "Bonanza" episode, as Mr. Tate described it, when Lyal James " .. with his bullwhip and his buddies and their sixguns .. rode down into the south forty to take the law into their own hands." Mr. Tate said that on that day, Percy Rosette was served with an eviction notice that said he was to be out at noon, but he did not receive the notice until the evening.

At one point, Percy Rosette was feeling threatened and called the police for protection and Bruce Clark for legal advice.

As the canvass that Mr. Tate was painting, fills in, when the police came into the picture, they played the traditional 'bonanza' role and ".. sided with the interests of the white rancher." In the beginning there were some native constables involved who did try to make peace but whom were withdrawn later as matters began to escalate. As for Bruce Clark, Sheldon Tate said that he did not at first take on Mr. Rosette as a client because there wasn't enough heavy stuff to go to court with, "It wasn't sexy enough for him." Later, Dr. Clark did get involved. As described by Mr. Tate, he was "Sinister .. a man so twisted in his beliefs that he can't tell the difference between black and white." Any other lawyer would have advised his client to handle the issue as a civil matter, said Mr. Tate.

Mr. Tate said that it was a pity that someone didn't do something, "while the matter was still a civil issue." He said that in the beginning, it was the native constables who were handling the issue with Mr. Rosette, but then other people came to the camp to help. Bruce Clark entered the play, and more serious police action began to build .. with direction coming from Ottawa. He said there were a number of parties attempting to escalate the issue. Of the attitude of authorities in Ottawa, he said, "The local yokels didn't know that they were having coffee with terrorists and they (the people on Ottawa) were going to make sure they did."

He said that the two 'docs', Dr. Clark and John 'doc' Hill saw this as an opportunity to create Oka Two. "Instead of a simple problem, it became a big deal." Describing Dr. Clark, Mr. Tate said, "It is as though he thinks he can lead the Indians out of the wilderness. He is NOT Jesus Christ. That kind of arrogance has no place." Mr. Tate went on to say that Bruce Clark, "Should have been charged for promoting an unlawful purpose."

According to Mr. Tate, as the situation developed, Percy Rosette was cut off by

Wolverine, William Jones Ignace, whenever he wanted to talk peace. Mr. Tate alluded to "Somebody who was not charged," who shot at the police in the much talked about alleged ambush. "Somebody with an axe to grind shot into a suburban with an AK 47 .. Whoever it was was a bad apple .. The people in the camp thought it was a hoax." Mr. Tate later asked, "Who WERE the bad apples here?"

In the course of his address, Sheldon Tate went on to work his way through the violence and intrigue of the standoff. The canvass he was painting showed a picture of a drama being painted by people who were not in the court. His harshest criticism throughout was of Bruce Clark. He spoke of the morning when Dr. Clark was talking with the police and, according to Mr. Tate, said words to the effect that if the police could get him into the camp, he could get the people out. Mr. Tate said that Dr. Clark had quite the opposite intention. Mr. Tate said that when Dr. Clark was in the camp, "He made them feel that if they did not do his bidding, they (the police) would kill them." He said that Dr. Clark betrayed his clients and used them as pawns. "The people who are responsible for this are not on trial here," said Mr. Tate.

Sheldon Tate closed with the comment, " There are two inplacable sides refusing to understand that the graves of this world are what we have to live with."

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[Next Story](#)

[Table of Contents](#)

# The Gustafsen Lake Trial



## Humility

April 24, 1997 Surrey B.C.

by Tim Wees

**Charged: mischief and weapons possession**

Rob Flemming is a mild-mannered man. It was his daughter, Sirena, who said, when she and her mother were leaving the Gustafsen Lake camp because they were frightened, that her daddy stayed behind because they were his friends, " .. and he didn't want them to die."

Mr. Flemming stood before the jury this morning with his hands in front of him, the right in the left, as though he was facing his own ultimate day of judgement, which he was.

He said, "I never intended to cause harm to anyone." He told the jury that he had only planned to stay a day or two, but he was concerned for the people there. "Over half the camp were women and teenagers," he said. "I'm glad no-one was hurt."

Mr. Flemming went on to say that he did not expect such a buildup of forces and danger to the people. He chastised the police for acting "irresponsibly" and said that had the situation continued, "no-one would be in court today."

"There are legitimate outstanding issues that need to be addressed responsibly. The solution does not lie just with the authorities, but with everyone who cares about these things. Bloody conflict is not a good thing."

Concluding his short address, Mr. Flemming said, "Thank you for all the time you took out of your lives to be here. Thank you."

[Next Story](#)

# The Gustafsen Lake Trial



## For a Better World

April 24, 1997 Surrey B.C.

by Tim Wees

**Charged: Mischief and possession of a weapon**

Shelagh Franklin opened her address to the jury by thanking the jury members for being so "open and patient. You have had your eyes open, your ears open and your mouths shut. This is the first time in Canadian history that issues of (native Indian) jurisdiction have been before the people.

"Why did this happen," she asked. "Canada is a free country in the world .. #1 in human rights," and yet, " We were surrounded, terrorised, starved, shot at .. why can something like this happen? Is it a crime to defend yourself from institutionalised violence? Is it a crime to say this is unceded land? Is it a crime to defend our children? Is it a crime to be courageous?

"I am not going to stop .. I am concerned for the future.

"Who is going to address these laws? Where do we go for justice? There is no peace when children are starving."

Ms. Franklin told the jury, "I have faith in each one of you and that you understand your role here. You are the closest to a third party tribunal that the public has ever had in this country. The public has been so effectively lied to .. what will they think? I hope that these issues will not be buried .. that people continue to press for a better world."

She concluded, "People need to know what happened and why it happened."

Final statements to the jury will continue tomorrow morning at 10am.

[Next Story](#)

# The Gustafsen Lake Trial



## Theatre of Truth

April 25, 1997 Surrey B.C.

by Noreen Gale

Today was the second day for summations to the jury at the Gustafsen Lake trial.

George Wool was the first to address the jury on this day. He defends four of the accused. They are Grant Michael Archie, Brent Shadow Potulicki, Trond Fred Halle and Joseph Adam Ignace, and they are all charged with three counts, which include wilfully committing mischief by obstructing, interrupting, or interfering with the lawful use, enjoyment, or operation of property; and did commit forcible detainer of the real property of Lyle James; and did have weapons in their possession.

One of these four accused, Joseph Adam Ignace, is also charged with eight other counts, the most serious of which these is attempted murder of a police officer.

Mr. Wool pointed out to the jury that there is really only one issue in this trial, and that is whether or not the prosecution has proven the charges against the accused beyond a reasonable doubt. "Who was in possession?" he asked. He asked the jury to examine whether there is any evidence that any one of his clients had been in possession of a firearm. He said "This is a serious, serious matter."

Mr. Wool told the jury that the judge brings the law to a trial, lawyers bring arguments and submissions, and the jury brings common sense; "You bring common sense to what I call this 'theatre of truth.'"

"Common sense - Would you give your car keys to Joseph Ignace", he asked the jury.

Mr. Wool explained to the jury that Joseph Ignace operates at the level of a six-year old. He told the jury that Joseph Ignace suffers from 'fetal alcohol syndrome', and that if he was found in the area of Gustafsen Lake, he was not there to interfere with Lyle James' property.

"I have lost count," he said. "There have been over 100 witnesses. Some told the truth and the whole truth." He gave an example of one constable who testified, and whom Mr. Wool did not cross-examine. He pointed out to the jury that there was no need to cross-examine this witness because the witness had told the truth. He compared that to the testimony of Sergeant Montague, who, only when the tapes came out, admitted to having said that he had discussed such things as putting out "smear campaigns" and disinformation against people in the camp. "He was not telling the truth", Mr. Wool said.

Mr. Wool continued by saying that Joseph Ignace was not guilty of a single thing. In fact, Joseph Ignace was not even at the Gustafsen Lake encampment on August 18, 1995.

Mr. Wool reminded the jury of the circumstances surrounding Joseph Ignace's interrogation by police. Mr. Wool said that after two hours of questioning Joseph Ignace, the officers stripped him of his clothes right down to his underwear. He said the officers were not honest when they said "Jo Jo" - as Joseph Ignace is often called - appeared normal. Mr. Wool said of Jo Jo, "He can operate in public, but just barely."

Mr. Wool said that Joseph Ignace was at his home in Chase, British Columbia on August 18th when the shooting incident, which resulted in the attempted murder charge against him, occurred. Mr. Wool reminded the jurors of the telephone call to the Ignace residence the day before the incident and that Joseph Ignace had answered the phone. When someone asked him where his dad was, he replied that his dad was in Morely, Alberta. Mr. Wool reminded the jury that telephone records had been introduced as evidence that showed that a call had been made.

Mr. Wool told the jurors that the crown would probably suggest that Joseph Ignace had jumped in a car and driven up to Gustafsen Lake, took a shot and then drove back to his home in Chase. Mr. Wool reminded the jury that there had never been any evidence to show that Joseph Ignace had ever driven a car.

Mr. Wool said "After two hours stripped down to his underwear, denials were not working, 'I don't know' wasn't working, .. there are doubts about what he said, where he was and his mental state of mind."

"What about the two officers" Mr. Wool asked. "If they were honest, they would have recorded the interview." Mr. Wool said. He told the jury "Be suspicious."

Mr. Wool went on to tell the jury that Joseph Ignace has an alibi and that a statement he gave the police is unreliable.

Mr. Wool then reminded the jury of evidence relating to the incident itself. He said that

Constable Wilby, who Joseph Ignace is accused of having shot at with the intent to commit murder, was sneaking through the bush with four other officers. Wilby said he saw a figure and heard the person say something in a native dialect.

"Here's something interesting" Mr. Wool said.

Mr. Wool explained that somebody in the camp, somebody with knowledge of horses, "somebody with intellect" noticed that the horses had sensed something. "It could not have been Joseph Ignace" Mr. Wool said. Mr. Wool explained that whoever noticed the horses, must have been a hunter, a stalker, someone who "knew how to hunt". The person went there to see what it was that the horses had sensed. Someone in the camp reported to the police that there were six to eight men in the bush dressed in camouflage clothing.

Whoever it was, did not shoot at Ray Wilby, Mr. Wool surmised. Mr. Wool theorized that if the person had intended to kill Ray Wilby, the person would not have come out into the open and allowed himself to be heard. Mr. Wool said "It's dumb. It's reasonable doubt."

Mr. Wool said that through no fault of his own, Joseph Ignace suffers from fetal alcohol syndrome, and that is the only way the police got a statement from him.

Mr. Wool asked "What started all this?" He said that this is "good old boy red-neck country. When something goes wrong, blame the Indians." He said the attitude is "Get these Indians off the land!" He said that this entire incident was a "grandstand, self-created crisis". Mr. Wool said that the police and the media never got on the news and said "sorry for all the mistakes in the last month."

Mr. Wool pointed out that the R.C.M.P. loaded up an aircraft with media people - "this is the mainstream media" - and took them up to Gustafsen Lake. He said that Percy Rosette was described as a "militant and terrorist".

Mr. Wool said that for the R.C.M.P. the media became more important than the investigation. "Police gave the media Percy Rosette's phone number." He said that the person who shot at the R.C.M.P. was dressed in camouflage clothing. He said that it was to "start up the machine to make a self-created crisis, and that they did." He continued on to say that it was a massive event to make the attorney general look good that the R.C.M.P. "were doing something."

Mr. Wool told the jury that the event was exaggerated and that the investigation was tainted. He said there was media manipulation and the media was part of it. He said: "A journalist knows that when he hooks on to an officer, he always has a story." He called

it "One great big show!"

He went on to point out that his client, Trond Halle, was not there to obstruct anything, he was there to get a story. Mr. Wool pointed to Trond Halle - who has spent all his time in court recording the entire trial on a laptop computer - and asked the jury if the police saw him with a weapon. He said that Trond could not have operated his computer or a video camera while firing a weapon.

Mr. Wool pointed to Grant Archie, and said, "He's been here every day like you." He told the jury that the most the police have on him is that he is heard to say, "I just finished a shift." Mr. Wool pointed out that he had a right to be there, people have the right to friendship and to go fishing.

Mr. Wool turned to Brent Potulicki and asked the jury "What did he do? .. Nothing!" Mr. Wool said that all Mr. Potulicki did was drive into camp. "Don't native people have friends" Mr. Wool asked. Mr. Wool put out the challenge: "Show me the weapon. He must have been doing something. Maybe he was sitting around doing nothing."

Mr. Wool concluded his summation by telling the jury that there is much to doubt in this trial. He told the jury to be the judges, to notice all the doubts in this trial, and to find "not guilty, not guilty." And he thanked them for hanging in there.

(Copyright Noreen Gale .. you may pass this on without editing)

[Next Story](#)

[Table of Contents](#)

# The Gustafsen Lake Trial



## From the Seeds of Racism

April 25, 1997 Surrey B.C.

by Tim Wees

**Charged: Edward Clarence Dick, Flora Elsie Sampson, Sheila Leanne Ignace, Francis Edward Dick, Stuart David Dick .. all charged with mischief and weapons possession**

Donald Campbell, defense lawyer for the accused, noted that something over two million words have been spoken in this trial. He cautioned the jury to distinguish between circumstantial evidence and direct evidence.

Speaking of Flo Sampson, he said that what was known about her involvement came from Bruce Clark when he testified that when he was in camp, "She may have served tea."

Mr. Campbell said that the twelve people on the jury are that which, "Breathes life into the justice system," and that this is, "Absolutely critical in this case when the conduct of the police is so much in question." He said that all essential elements must be present beyond any reasonable doubt. "Gut feelings" are just not enough to produce a guilty verdict.

First, he said, the crown must prove that his clients were even there. "Consider," he said, "That numerous witnesses have witnessed the fluidity of the camp." He talked of back country roads to the camp that were not on the map that the jury saw, and there was also traffic in and out by horseback.

If the jury does determine that his clients were there, was there any proof that they had in fact done any damage to Lyal James' property. The charge of mischief relates to damage specifically to Lyal James' property, and Mr. Campbell called into question that the Gustafsen Lake Camp was even on that property. He said that Mr. James testified that he paid taxes on the land in question and that B.C. would not charge him taxes if it were not his land. However, Mr. Campbell noted that since 1887, there never has been a 'civil test' on the land in question and that an error of a few hundred feet would make

the property crown land.

If the jury was still certain, beyond a reasonable doubt, it then needs to determine that his clients did actually interfere with James Lyal's property. He said, "It is open to you to find that it was the R.C.M.P. who committed the mischief."

He noted that there was no interference on the movement of cattle.

If the jury were still certain, it then needed to be determined that his clients did willfully, with intention, commit damage. "They were not there to interfere," said Mr. Campbell. "They were there to do the Sundance and lawfully defend themselves .. Sundancers were blamed for things they did not do."

Mr. Campbell then turned to the subject of racism. He talked of a situation where racism exists, " .. from seeds planted generations ago." He said that Mr. James had been advised by the R.C.M.P. that the affair was a civil matter and that he should act accordingly, but that he responded that it was too costly to get an injunction. "Lyal Jones disregarded advice and took matters into his own hands." When Lyal James rode to the camp to deliver the eviction notice, as it had been reported to the court, the thirteen friends with him were there to witness the event.

"They were not there to serve documents," said Mr. Campbell. "They were there for intimidation." He asked why the comment was made, "Hang the red niggers .. How could this not inflame the people in the camp?"

Discussing other incidents regarding his clients, the defense lawyer said that Stuart and Francis Dick were in a truck that had been carrying weapons. He said that they were passengers and did not know there were weapons there. He repeated his assertion, "That their lawful purpose was to maintain the integrity of the Sundance ground." He said that there was no evidence submitted that there was unlawful purpose.

He said that Edward Dick was seen in a video holding a weapon, but what was his intention? Could it have merely been that he was putting on a show of bravado?

"Sheila Ignace was said to have shot a policeman in the kneecap .. but no policeman was shot in the kneecap .. women in the camp did the cooking and were not involved with weapons." He questioned the assumption that Ms. Ignace was there for direct support .. or was she only there being in the custody of her parents?

Mr. Campbell attributed the development and escalation of the affair at Gustafsen Lake to the R.C.M.P. He said that the evidence had gone beyond a reasonable doubt that the people in the camp had good reason, "to fear an R.C.M.P. attack."

There was a situation near the beginning of the standoff where people in para-military garb were active around the camp. These people did not identify themselves, and it could easily have been misconstrued that they were white supremacist types. "There was a delay in admitting that they were para-military R.C.M.P."

Mr. Campbell said, "The R.C.M.P. escalated this .. talking was ended by R.C.M.P. action .. (who kept) pumping up the violence."

According to Mr. Campbell, the people at Gustafsen were not ever told they were committing an offense. Imagine how people would react, he suggested, when some people were coming in and saying they wanted to help while there were flares going off, explosions and armoured vehicles in the area.

He said that one person reported that, "It looked like a setup for a publicly acceptable execution." The stress increased and the people became very afraid of the police. In the camp, people were putting logs under their cars. This was adopting a last-ditch defensive position and did not reflect an intent to attack, Mr. Campbell said. "The evidence is that the invasion (by the R.C.M.P.) was the intention."

"Myths propagated themselves and created paranoia."

Mr. Campbell said that one of the "frankest comments" came from a police officer who testified, "We broke a lot of rules at Gustafsen Lake."

He told the jury, "You have heard a great deal about native repression. Successive governments have crushed native cultures in actions like this one." He said that the doors to the legal system have been "slammed in their face .. and yet they continue to speak for a rule of law solution."

Mr. Campbell said, "The Sundance embraces sobriety, truth, healing .. It is an attempt to make the next generation healthier. Is this something that the government should crush?"

[Next Story](#)

[Table of Contents](#)

# The Gustafsen Lake Trial



## Only Their Bravery

April 25, 1997 Surrey B.C.

by Noreen Gale

James Pitawanakwat, one of the defendants who represents himself, is charged with three counts including mischief, forcible detainer of property and possession of weapons. He made his summation to the jury.

He began by saying, "We all spent a very long time in this room here." Then he paused.

"I'd like to apologize for the government for making you victims and making you sit here. We've all been victimized." he said.

Mr. Pitawanakwat told the jury that they were not aware of everything that had happened. He explained that the people of B.C. have been manipulated, duped by the R. C.M.P. He said, "They've said things, done things that you have not seen because they are deemed to be irrelevant."

"There is stuff they have done to us .. like espionage - I like that word" he said.

He talked about complicity in genocide, and he said, "I live it everyday."

He said, "It's the stuff movies are made of." He continued, "I am not a movie. I am a human being, I am a red man."

He said he remembers what his father told him before he died, that he should not turn out like him, that he should be a proud warrior and protect the land.

Mr. Pitawanakwat reminded the jury of what Constable Ray Wilby had said .. how it was like a war zone. "He told you how the R.C.M.P. were the victims." He said that when the tapes of the event were shown, they showed the genocide.

He explained to the jury that the defendents had not been able to get all the information, "We have to put everthing together like a puzzle." He said that the defence lawyers had tried to put together a good case for the defendents. He asked, "Why didn't the attorney general come here and play a role?"

He pointed out, "We're bringing human rights violations out, and the attorney general was provincial chairman on human rights during the standoff." He said that the attorney general had been talking about plans to blow up the road.

"We have to ask ourselves, 'Who are the terrorists?'" he said.

Mr. Pitawanakwat asked, "What made them [people in the encampment] brave enough to stand up to the firepower of R.C.M.P. and 8 different squads from the military, large machine guns, informers and double agents?" He said, "On this side we had people standing face to face against all this firepower, less than twenty-five and with them, only their bravery."

Mr. Pitawanakwat read a lengthy statement. He said Indians have always been equal to the 'newcomers.' He referred to the Royal Proclamation of 1763 that said Indians were not to be molested or disturbed on their land.

[For the complete statement please click here.](#)

He said that they were placed here long before confederation. It was their responsibility to look after the land, and that the responsibility continues on to the present. "We have always been on our land here on Turtle Island." He said that since the newcomers came here, "we have faced a holocaust."

He read about the spirits of "our" people. He said, "We cannot tell a story of somewhere else."

He said that the white man calls 'destruction' progress, and he added that since confederation, "We have been so weakened as a people. We have never surrendered our right to be ourselves."

Mr. Pitawanakwat said the federal government gave itself power over the Indians without consulting us. He said, "They have used force against us."

"Parliament decides who is Indian and who is not. It defines the difference between Indians and persons." He pointed out that the elders have had to suffer and bear these injustices.

Mr. Pitawanakwat said that parliament was not their only problem. The courts are also a problem. He said that the statistics speak for themselves. He added that there is no justification for the poverty of native people.

He called their plight "the faceless beast" and said that it has caused all their grief. He said the faceless beast is called genocide. He said, "A stand had to be made."

Mr. Pitawanakwat said that when natives call on the prime minister to help, he sends in the "bisons" - a name for military vehicles. He said, "All we were doing was exercising our rights and upholding constitutional law and international law." He said the law responds by "defanging any resistance and stealing what is ours."

He repeated the words of Chief Seattle who said that the earth does not belong to man - man belongs to the earth. Then he said, "I want to heal my people and restore balance, that is my duty as a warrior." He explained that for the most part, native people have been fighting to survive, and those who still remain continue to be pressed by poverty. "This ain't a new fighting spirit". He said, "Dignity and means of existence are still with us."

"I believe this with all my heart. This is all I have to say - All my relations. Find me guilty or find me innocent." With this Mr. Pitawanakwat concluded his remarks to the jury.

This was not the end of it, however. There was a whispered conversation to the defense lawyer, George Wool, and then Mr. Pitawanakwat told the judge that, since he was not trained in law, he would like Mr. Wool address the jury on his behalf. There was the matter of a finger print on the barrel of a gun. The judge agreed that it was a reasonable request and permitted Mr. Wool to address the jury.

Mr. Wool told the jury that the crown had one piece of evidence against Mr. Pitawanakwat. That evidence was a fingerprint on some electrical tape on the stock of an AK47, which was found in the red pickup after it had been blown up. Mr. Wool said that it was not unreasonable to consider that his finger print had been found on a piece of tape which was later wrapped around the stock. He said he would leave it to the judge to explain to them the law regarding circumstantial evidence.

Mr. Wool also mentioned to the jury that they may recall seeing Mr. Pitawanakwat with an AK47. He added that people do some things in front of the media that they would not do otherwise.

Mr. Wool asked the jury to consider the whereabouts of Mr. Pitawanakwat when the shooting at the APC [armoured personnel carrier] was in play. He reminded the jury that Mr. Pitawanakwat was in the lake swimming.

**Mr. Wool said to the jury that they must be satisfied that the crown has proven the charges beyond a reasonable doubt.**

**Next Story**

*Table of Contents*

# The Gustafsen Lake Trial



## This is my defence

As posted through sovernet-I newslit (unedited)

April 25, 1997 Surrey B.C.

by James (Eyabay) Pitawanakwat, aka: OJ

I have composed a statement to show where my state of mind is.

I release another arrow.

Our people were seen as equals before the Indian Act. My people fought hard with the crown of Great Britain. When the British victory over France was declared, a Royal Proclamation was issued to all British colonies, including Canada. It instructed colonial officials that Indian nations were not to be molested in their possession or enjoyment of their unceded traditional territories. The proclamation recognized that the first Nations were the rightful occupants of the territory now called Canada. Respect the rights of the people to govern themselves without interference. This respect was not charity. Proclamation of 1763 did not create aboriginal land rights. It acknowledged them as pre-existing. This is told by our elders. Our people were put here to protect our sacred Mother, the land. We were placed on this land by the Creator, with a responsibility to care for her creation. By living this way, we cared for the Earth. For our brothers and sisters in the animal world and for each other. Fulfilling these responsibilities meant we governed ourselves.

Canada can only be complete through respect for our rights. Our identities and rights as distinct peoples flow from our relationship with the land and aboriginal title. And this flows before pre-Confederation period to present. our relationship with the Crown is one of allies and of equals. Despite this reality, our relationship as equals is not respected and the promises made in the treaties have been consistently breached by the Canadian Governments.

Each nation had its own defined territory, language, spiritual practices, economic institutions. It was not vacant or empty. It was not new.

**It was ancient.**

**We have always been here on this land we call Turtle Island, on our homelands given to us by the Creator, and we have a responsibility to care for and live in harmony with all of her creations. We believe that the responsibility to care for this land was given to us by our Creator, the Great Spirit. It is a sacred obligation, which means the first people must care for all of her creation in fulfilling this responsibility. We have carried this responsibility since long before the immigrants came to our homeland.**

**Each of the seasons brought with it celebrations and reflections through ceremonies and social events. Especially in the summer when the weather was good. Extended families gather together to honour those who had passed on the year before, and participated in ceremonies like the Sundance and the Ghostdance, potlatches. We practised our spirituality or religion, which is in fact very simple: honour all living creation and maintain our balance of nature. This is told by our elders. Since the arrival of newcomers we faced a holocaust. We struggled to maintain our cultures and distinct societies. We have to hold on to what our destiny is. Our ancestors roamed the plains, the mountains, woodlands. They hunted the woods, fished the fresh and salt waters that are now Canada. The spirits of our people are written on the land. Our land. Their blood stained the sand fighting oppression. We cannot tell a story of somewhere else, we are this place. Our struggle is not about power or greed, it is about understanding and taking responsibility for the land. We see what is being done. A stop has to be done. Violating our sacred mother and the children has been done. The white man calls destruction "progress".**

**More profoundly, we have suffered because of policies geared towards assimilating us and making us conform to the expectations of the growing dominant society that has been built around us. At the time of confederation more than 125 years ago, we had been so weakened and isolated as people that we had very little economic or military strength to ward off what was to come, namely the further dispossession of our sacred mother. Our land and resources.**

**Canada has been built on this history and it has not yet faced its legacy. We have never surrendered our right to be ourselves. We have never abandoned our right to live on our land. Our responsibility for Mother Earth continues.**

**We have been reduced spiritually, culturally and politically. This has been unjust - we have done nothing wrong, except to be who we are, drawing upon our ancient history. This dominance in Canada continues to be the reality of our lives. Too often we define ourselves in relation to this dominance. Our oppression by Canada has taken over our lives and now we must find ways to resist.**

The descendants of the people who arrived here five hundred years ago took it upon themselves to forge a constitution without us. It became the BNA Act. The federal government gave itself the power over Indians and lands reserved for the Indians "wilfully blinding themselves to pre-existing laws that protect us. They did not ask us if we agreed. It just assumed power over our peoples. We must ask ourselves, By what right did they get that power and how have they used it. Canada used its physical power over us, illegally, unconstitutionally, in its own selfish interest. The consequences of that kind of power are oppression and disregard to the first nations peoples' interests.

Parliament decided it was to them to decide who is and who is not an Indian. The Indian Act still makes distinctions between Indians and persons. we are in a struggle internally to decolonize ourselves. For many generations our voices were taken away from us and we were told we were unchristian, savages and godless heathens. Our ceremonies and beliefs have been attacked. We know that the Indian Act was passed to control our rights to mobility, particularly in western Canada. It was to break up our traditions and families. Why should we uphold that false law and accept the right of other people to maintain a system of dominance over us. We remember this treatment. Our elders have endured this unfair treatment. We have never relinquished our rights and family values. The Indian Act attempted to destroy many of the basic beliefs of our societies. In beautiful B.C the potlatch, like the sweatlodge was banned. These ceremonies are a very sophisticated and complex system. The potlatch was hosted by a chief's family. It forged alliances. Clan blankets were worn and songs sung. It is highly symbolic in sharing identity. It was about extending the circle of friendship and gratefulness.

Why was the potlatch banned? Was it because the potlatch was seen as pagan, ungodly. The Canadian state authorized the missionaries to stop the potlatch and seized sacred objects and sold them to museums of the world to be displayed as part of the "lost" cultures of North America.

What happened to the Proclamation that is still the law of Canada? The Indian Act made our sacred Sundance illegal. It also made the longhouse governments of our Iroquois relatives illegal, stopped the feast for the dead of my people the Ottawa. Many of these ceremonies went underground for many generations. If oppression is our inheritance from Canada, what did we do to deserve this? How did we treat the newcomers from the beginning? When the Europeans arrived they had no land, no shelter, they were barely alive after their long voyages. Since early contact the newcomers relied heavily on our goodwill and protection for their survival in an alien land with a harsh climate. We as first nations have always wanted friendship.

Policies devised by the federal and Provincial governments. Policies made it difficult for us to live our lives with dignity and respect in our own homelands. Policies killed, and continue to kill us , or drive us mad or into despair from the injustice. No oppressive

regime continues forever, and we will struggle to end it in this country. Although we have had to endure these injustices, we are still here. Because we believe in who we are. The international community is watching Canada, and would applaud an end to Canada's dominant control over the lives of First Nations. Our elders remember agreements with the people of the colonial era. The flag of BC is one of them.

The two-row wampum of Iroquois Confederacy committed us to a relationship of peaceful co-existence where the First Nations and Europeans would travel in parallel paths down the symbolic river in their own vessels which signifies "one river, two vessels", committed the newcomers to travel in their vessel and not attempt to interfere with our voyage. The two vessels would travel down the river of life in parallel courses and would never interfere with each other. It was a co-living agreement. The two-row wampum captures the original values that governed our relationship - equality, respect and a sharing of the river we travel on.

We must steer our own vessels. This is our sacred responsibility given to us by the Creator when we were put here on Turtle Island. As peoples with distinct cultures, languages, traditional governments, territories and populations in Canada, our homeland. I have a spiritual authority to speak for us. Deal with First Nations as equals and end the legacy of dominance that is as outdated as slavery.

My hope is that if we can draw upon the wisdom of the old ways and our traditional values, we will have the strength we need. The old ways are the ways of our elders, their wisdom, knowledge and kindness. The elders teach us that these are most important. That their are the ways of the warrior, and lead to good relations.

We, as people should relate to each other in the spirit of harmony . We must stay true to the traditional teachings. And restore the respect to women in their rightful position of honour in our Nations.

If we embrace our traditional values of respect, compassion, understanding and sharing, and if we apply these values in our relations with each other, they will keep us united and will strengthen our warriors wherever they are. Our Ways of the Warriors, we will approach other people in Canada in the way our ancestors did, with generosity. But we will also resist continued exploitation and dominance.

We are frustrated by the injustices done to our people. The imbalance in our relationship between Canadian governments and First Nations. I live with what I saw in the show of force against my people. The governments brought into play a new level of racial contempt and raised the level of racial intolerance and mistrust in this country. We as Native people should be able to celebrate success, victories and progress. We should not be placed in a position where we are grieving all the time due to one

injustice after another. Gustafsen symbolizes a continuation of a classic historical dominance called genocide.

Our spiritual Elders across Turtle Island teach us that love and compassion are the substance of human respect and understanding. Resistance can be passive. I reject the path of violence. But our collective actions were self-defence. Our Elders remind us that we have a rich heritage and tradition of peaceful co-existence.

It is my duty to our ancestors to maintain our stolen lands and keep these traditions for the benefit of present and future generations. The British Crown made alliances with my people. The First Nations were not "conquered". We still have our sovereign nations. The warriors sense is not of confrontation, it offers dignity and does not dishonour anyone. The Warriors sense is about protecting our children from abuse. Stop tyranny. And about mending broken promises.

Traditional society was based upon the principle of consensus. The First Nations do not want the DIA to have control over us any more. We are talking about sovereignty for our people and lands.

There is something fundamentally wrong with this country if it cannot recognize the pre-existing rights of the people who were here before Newcomers. Part of our struggle is to deny the Indian Act. But Parliament is not the only problem for us; another is the courts.

During this occupation at Gustafsen the Canadian government acted as lawyer, Judge and Jury over our claims. The government has yet to adequately address its own conflict of interests to our claims.

The government is, after all, supposed to be trustee for the best interests of the First Nations. The Crown took a hostile position towards these first Nation people in this courtroom. All evidence indicates this. Particularly to the warriors of this family for their acts of defiance. Asking for a peaceful resolution process that is independent from the government. The government has refused to make a commitment to an independent third party resolution process. They violated the concept of equality guaranteed in the Royal Proclamation. A serious breach of obligation to First Nations. Our Elders and leaders want to do something for our children. I think it's important to pour out my feelings so people will have an idea what I think, who I am. And how I believe we can work together to heal our people. I know we have problems, serious social problems like family violence , abuse and suicide, residue from long term plans, residential schools . The mistreatment of first Nations peoples in the Canadian criminal justice system is overwhelming. The statistics speak for themselves. The injustices experienced lost the respect and support by the public and first Nations. For example the problems related to poverty and racism, low self-esteem and suicide are related to

**the fact that first Nations are not treated fairly by Canadian society. There is absolutely no justification - none whatsoever in a wealthy country like Canada.**

**Our poverty is the most extreme in Canada. A result of the Indian Act. The Elders help me stay strong. It is even more less easy to be a First Nations child in Canada because that almost guarantees that you are living in poverty. The enormous pain, despair felt by these children is beyond description. Suicides, attempted suicides and alcohol and solvent abuse are rampant in Native communities across the country. Canadian government has known about our poverty and problems for many years but has done little to address it.**

**For one hundred years they have been told they have no land rights , no resources. The Indian Act made it illegal for our people to hire lawyers to protect our land rights or treaty rights. Until recently, we could not challenge the injustices done to our people in the courts . The Act has undermined the practices of all first nations. This faceless beast has caused great grief and injustices throughout its history. Fundamental principles must be adopted, and respect for our inherent aboriginal title and treaty rights. I want all of our children to have dreams - not bad dreams, but good dreams. Dreams about what they want to become in the future. Their dreams are my dreams. A Quest for freedom. A commitment to ending colonialism. So we all share a struggle for self-determination.**

**We have all been exposed to the Beast that is distorted and unbalanced. It has a history that is premised upon the denial of our human dignity. The price for us has been enormous. We had to endure the silence and not speak of the beast called Genocide, Oppression, the banning of traditions and customs, wars, government policies, disease. The faceless beast has many faces. The most dangerous face is the one that comes with a smile. I have a destiny to pick up my arrows and plunge them into the mouth of the beast that devours our children. A stance had to be made. I had to draw strength from our pride and spirit, to ensure our existence.**

**We have our ancestors to thank because they kept alive our religion and cultures even when these were deemed uncivilized. Most of our people here are involved in movements: they seek freedom. The right to maintain their identity and live on their land and to break free from the chains of colonialism. We know that our future survival depends on our present abilities to secure not only our lands, but also the recognition of our inherent right of self-rule.**

**The world is nearing the brink of destruction, propelled by the same materialistic forces that allowed the colonial powers to view the indigenous people and their lands as objects for exploitation. Some native tribes of Eastern Canada became victims of European contact. They suffered a genocide and will never walk this Earth again. Native**

nations who have been victims of genocide, condemn the government of acts of genocide but their ears go deaf. We know campaigns of genocide are waged today. Look and listen! Native nations here in B.C are determined to draw attention to governments that have carried out and continue to carry out campaigns of brutality and violence against them for protecting burial sites and peoples.

Think about what we are doing to this planet. The people who can help us are the native people regarding their relationship with the land. We do not exploit natural resources. We preserve them. Exploitation! That endangers our common survival and the survival of future generations who are relying on us to preserve mother Earth for them. We called upon the Prime Minister to help us? What happens, he signs an order to send in the bison then says the deficit. We believe people have forgotten the importance of protecting the environment for future generations.

We need access to our land and resources, given that the majority of our people still earn their living by hunting, trapping, fishing and gathering. The idea that North America was vacant and thus settlers could come and take all they wanted is obviously untrue.

Some of our treaties date from an era when provinces were not powerful forces. Not all treaties deal with lands. In some cases the provinces did not even exist. Like B.C: most of B.C is still unceded Native territory. My elders teach us that the treaties and agreements did not extinguish Indian title. The British crown's goal was to gain friendship and alliance with the first nations. Today the Crown has acted in a seemingly willful manner to undermine agreements and Laws and treaties that protect the first nations from oppressive forces. Those wounds cannot be healed until we do something. All we were doing was exercising our right under International Law, that right was: when disputes arise, submit any disputes to international bodies and/or to Queen Anne's privy council or Queen Anne's court.

The quest for resources by the provincial government stonewalled our demands. Mass suicides in native communities and armed confrontations are the only time when they open their eyes. The illusion of reality is all in Canadian minds. Business as usual. Progress. Their objective is to defang any resistance and steal all what's ours. The reason why the white man went to the moon is because he heard we had land up there.

Our societies and culture are older than Canada. Our Elders want an end to assimilation and the misery of poverty. This is the only real opportunity for first nations peoples to start on the road to recovery is to persuade the Canadian public and governments to respect us and our lands not just as individuals but as distinct peoples with traditional territories that is still rich with natural resources. Who are part of the family of the human race. As Chief Seattle told us many years ago, "the Earth does not belong to

**man, Man belongs to the Earth. This we know: all things are connected. Like the blood that unites one family. Whatever befalls the Earth befalls the sons of the earth. Man did not weave the web of life, he is merely a strand in it".**

**I have children. I see the sparkles in their eyes. I remember that once I had sparkles in my eyes. Those sparkles died because there was no hope for change, poverty crushes the spirit. I don't want my kids' dreams shattered.**

**So I have to listen to the Elders of my generation, and I take their advice very seriously. I want to heal my people and my country, restoring balance and harmony. This is my role as a warrior.**

**The Canadian legal system, it does not work for us, all my people seek is Freedom, the opportunity and capacity to exercise our inherent jurisdiction and self-governing and Justice within our traditional territories. For us that is Justice, this is a reality. We must resist to ensure future generations survive.**

**For the most of five hundred years, Natives have been fighting defensively for their right to exist - for their freedom, their lands, their means of livelihood, their organization and societies, their beliefs, their ways of life, their personal security, their very lives.**

**Those who stil remain after so many generations of physical and cultural genocide continue to be oppressed by problems, most of them are created to deny and continue to deny Indians their rights, desires and the ability to build better societies for themselves. This ain't a new fighting spirit, it's been with us. It comes out after mass injustices done to our ancestors who are sleeping. Our existence is here because of resistance.**

**Ever since the white man reached the new world, he has seen or recognized Indian problems, not recognizing that he created them himself.**

**Twenty-five thousand years of Native history cultures cannot and could not be shed at the white man's command. Land, dignity and the means of existence were all robbed by governments. The Whites, with few exceptions, never listen. In their minds the Indians were stereotypes savages, uncivilized. So they tried forcing them into the mainstream of the dominant culture's way of life. Intent on ridding the native nations of the native way of life.**

**My people the Ottawa midewin lodge people have thrown out the electoral system under the Indian Act. We all have the jurisdiction to protect our people from genocide.**

**Sovereignty is the issue, Canada's the problem. Honour the Royal Proclamation of 1763.**

**Ceremonies like the Sundance need to be protected from cultural genocide. This is the basis of my resistance. We are not militants or terrorists. We are warriors to our people. Our families. Our generations yet to come. If I was asked "if it was worth it" I would answer "I know how my ancestors felt, YES" It was worth it. I thank the Great Spirit. All my relations. We all must relate to Mother Earth to heal what's being done. I believe this then and I believe this now.**

**James Pitawanakwat (Eyabay)**

**[Return to Story](#)**

*[Table of Contents](#)*

# The Gustafsen Lake Trial



## This is Respect?

April 29, 1997 Surrey B.C.

by Tim Wees

**Charged: Glen Darwin Deneault with mischief causing actual danger to life and possession of weapons .. dangerous to the public peace.**

In opening his address to the jury, Manuel Azevedo, defense lawyer for Glen Deneault told the jury members that they are the buffer between the individual and the tyranny of the state, a citizen's last hope. He reminded them of the two "golden threads" of the justice system, 'presumption of innocence' and the idea of 'beyond a reasonable doubt.' He noted that it would be easy for a jury to presume guilt as soon as they saw the bullet-proof glass which separates the observers gallery from the court itself.

He asked, "What is a crime?". He said that a crime contains both the physical element and the mental element, that the crown must prove both the physical act occurred and that there was intent to commit the act. "What was in Mr. Deneault's mind? You have to judge? .. He did not have a guilty mind. If anyone had a guilty mind, it was the R.C.M.P."

Mr. Azevedo said that the crown will advance a theory of conspiracy with the intent to force the queen to listen to Bruce Clark's petition. He advised the jurors that the evidence supporting this theory was hearsay. He noted that Doc Hill was heard in a tape saying, "Bam, bam, bam," but that Doc Hill, otherwise known as 'Splitting the Sky', did not take the stand.

So just what was going on at Gustafsen Lake, asked Mr. Azevedo? It could have been perceived simply as a landlord - tenant dispute. It could also have been seen as an age old conflict. "But what was going on was a plea for respect. They have been denied this."

Mr. Azevedo discussed a letter, signed by Ernie Archie and by Percy Rosette with an X. It was a letter to the R.C.M.P. to say that they were having a problem with the public and tourists. They had posted signs asking them to keep away, but the tourists ignored the

signs and were "scornfull." Part of that letter read, "You have never bothered to take our concerns seriously .. We want to return to our culture .. not looking for confrontation." The letter was signed "Respectfully" and invited the R.C.M.P. to a meeting.

Another letter to Lyal James said that the Indians did not intend to give up their land, that it was needed for ceremonial purposes.

"The native constables had respect for the Indians," said Mr. Azevedo. "While they were talking, things were peacefull." But the talking ended when the A.P.C.s arrived. The defense lawyer noted that others have testified that they had no problems with the Indians.

Mr. Azevedo remembered the testimony of Ernie Archie, if anyone had doubts about genocide. "You saw that plea for respect," he said. But Mr. Archie had trouble with the english language. He also had trouble with his own Shuswap language making it not possible for the court interpreter to help. "The language was knocked out of him at residential school .. He was at Gustafsen Lake to celebrate life .. but that was not to be."

He discussed the evidence of Sirena Bondy, the seven year old girl, daughter of one of the defendants, Rob Flemming, who said that the Indians were her friends. She said she was, " 'Scared of the police' .. but she clammed up with the sherrif's deputies looking over her," (as she testified.)

On August 17th, 1995 the emergency response team (E.R.T.) moved in, " .. heavily armed .. You saw some guns in evidence (belonging to the Indians) but where were the hundreds of rifles of the R.C.M.P.? ,, They were heavily armed .. with side arms and sniper rifles .. They represented force over talk."

On August 18th, according to Mr. Azevedo, shots were fired. "Institutionalised racism took over .. Charlie Andrews (a native constable) was in the camp every day. He and Bob Wood (another native constable) took off to see what was going on. He (Charlie Andrews) was yanked back, and he testified that he was hurt (emotionally)." Constable Finley, also a native constable, is facing an internal investigation, "Because of comments he made about native land claims to the media."

"Everyone blamed the Indians," said the defense lawyer. "But when Percy Rosette phoned the R.C.M.P. on August 18th there was no answer .. to several calls."

When people were prowling through the woods, "They thought it was cowhands coming to hang the red niggers." So they phoned their friends for help. "That is when Glen Deneault went there. Who was breaking the law? Who was endangering whose life?"

Mr. Azevedo talked of a news conference where weapons were presented to the news media by the R.C.M.P. and, "They told the media that they were linked to Gustafsen Lake." He said that Supt. Olfert testified that in fact the weapons had not been linked to the Gustafsen Lake people. "They manipulated the media to mislead the public .. Do these people look like terrorists?"

On August 18, the E.R.T. were "going in. Fortunately the horses were on the Indians side, and they were detected."

On August 27, according to the defense lawyer, between fifty and sixty E.R.T. members assembled in Kamloops to plan an invasion the following day. Mr. Azevedo held up a six inch machine gun bullet, "That fire at five per second." He talked of people being armed with fifty calibre sniper rifles, "But no-one knows who ordered these."

Mr. Azevedo went on to tell the jury that after the aborted assault on August 28, all that people in B.C. saw was, "a controversial figure with the bald head and glasses." He said, "Bruce Clark gave you the law." He said that Dr. Clark had taught him a lot that he had never learned in law school. "His position was simple enough .. The rights of Indians were protected since 1763 by Royal Proclamation and further when the constitution was repatriated .. He said that they (the Indians) had a right to defend their land."

"Put yourself in the shoes of Glen Deneault .. The R.C.M.P. cut off communication and tried to seal the area .. but they allowed Bruce Clark in .. He told people he was a lawyer .. And he said, 'You have every right to hang in until Sept 12' .. when there was going to be a hearing before the Supreme Court of Canada .. What would you do?"

Mr. Azevedo said that it was interesting that the ultimate battle was on September 11th, the day before the planned appearance before the supreme court. This was the day the red truck was blown up on the way for water. It was the day that Suniva Bronson became the only person wounded throughout the stand-off, receiving a bullet in the arm. It was the day that Wolverine was chased by an A.P.C. and stood there and shot out the tires. But, "We couldn't get it out of anybody how many bullets were fired that day." The lawyer said that 3,000 bullets had been charged by the military for a C7 gun. "Supt. Olfert agreed that there could have been 10,000 to 20,000 rounds fired .. who knows? .. There was a virtual hail of bullets into the trees .. They couldn't kill themselves an Indian .. They tried but the trees stood guard that day."

The defense lawyer said that the R.C.M.P. suggested to Lyal James that he clear cut the area, and Mr. Azevedo suggested that it was only to get rid of the evidence as to how much ammunition had been expended.

**"Who was endangering whose lives? Who was possessing weapons dangerous to the public safety?"**

**"This was a small piece of land in 300,000 acres used for grazing 2000 cattle, and yet the claim was that use of the land caused over-grazing .. It doesn't make sense that the practice of Indian spirituality interfered at all."**

**"Can you imagine," said Mr. Azevedo, "What would have happened if cattle were trampling through your graveyard? .. That's why the fence was up."**

**Mr. Azevedo then said that he himself could not really do justice to his client, Glen Deneault. He played a ten minute interview with Mr. Deneault.**

**[Click here for a transcript of the first part of that taped interview.](#)**

**In the later part of the tape, Mr Deneault said, "I am here because I am a Shuswap man and this is Shuswap territory. I am here to celebrate life."**

**He said that the people who came to support Percy Rosette came unarmed. he said that when Lyal James came in with his pickup loads of thirteen friends, the camp was mostly seventeen and eighteen year olds. "They haven't seen the change," and become men yet. "We came here with empty hands," meaning unarmed.**

**In closing, Mr. Azevedo said, "Indians are remembering who they were and who they are. It is amazing that they are still here."**

**He said that Canada has not been at war with Indians in the same manner as the United States has been through its history. "We were more subtle." He talked of the use of residential schools and blankets with disease ridden fleas as Canadian methods.**

**"If you are without justice, you are not a person,"**

**[Next Story](#)**

*Table of Contents*

# The Gustafsen Lake Trial



## Transcript

An interview by Will Thomas of Glenn Deneault

*(sometime between Aug 22-27, 1995 in a vehicle at the Gustafsen lake Camp)*

*This constitutes about eight minutes of a video tape played to the court during the closing statement to the jury by Manuel Azevedo, on behalf of Mr. Deneault, on April 29, 1977.*

Mr. Denault: And I have the right to be because I'm a Shuswap man, and this is Shuswap territory. My -- my -- my duties don't come from no elected chiefs and council. They come from the Creator. He is the one who told us how to be Shuswaps. He put us on the land, and he said this is how Shuswap people live. And he gave us -- and he gave us teachings on how to praise him and how to -- and how to celebrate life. And that's -- and that's what this place is about, the sundancers celebrate life.

And the way he gave us was the scalia, the sweat, fast. And the sundance comes from some of our brothers down -- from down in the southern part of the states. This -- this ceremony involves both of ours -- this involves sweating, and it involves fasting. It involves both of our -- the two -- the two major components of our religion into it and -- (undiscernable) that's -- that's -- that's the way the dance is here. This dance is here for the Shuswap people. And for all of the Shuswap people too. Even the sell-out band councils and chiefs and all those people, even if they don't -- if they don't believe in the Indian way anymore, we still pray for them.

We pray for them that they will get better. That they will -- will remember to be an Indian again. They are going to have to start remembering soon because there, because there's not many of us Indians left. Pretty soon they won't know. You're without your culture, you're not a person. We have -- we still have pretty good culture, if we believe in it enough. To lose our life for it if we have to. It's a way of life. It's the real way.

This way of life doesn't have any regard for any outside laws. We were living this way of life before these laws were made, before those people came over here, when it was just us and these real laws. We lived like that for thousands of years, and all of a sudden

they just show up and push those aside? you know, so what. This is the new thing. these are the new laws.

Those laws never earned their validity over here. those aren't the morals from over here. They are way different from our values. And so different from us that it persecutes us.

Mr. Thomas: Here we are. Here the world is.

Mr. Deneault: We're not bothering the world out there. We are not --

Mr. Hincks: No, but this matter for the whole world. This is important. It's that big. It's that big. This little piece of land and these few people and it's as big as the world.

Mr. Deneault: There's no terrorists here. none of us are. Fuck. That's pretty strange that another society would make us challenge our own religion so soon after they just had a ceremony, a celebration of life. They would challenge that belief into putting us into a position where we might have to lose these bodies. We might have to lose this life that we are living right now. And we just celebrated life We just celebrated. We just danced and sang for four days those people here without food and water to give back to this land. We just celebrated life here and now they are going to bring their instruments of war against us.

This is a real situation. They are lining the roads. Cops are down the roads; six cars up and down. SWAT teams are in motel rooms in town. M'hmmm.

We don't go in their church when they are praying or after they pray and desecrate it. Don't try to come in their church armed. You go try -- you go look at it and you won't find -- you won't find any crimes to do with Indians bothering someone else's dead or their place of worship, and where your ancestors are resting is important.

You never see an Indian make any shopping mall or golf courses over these white people's cemeteries. you never see an Indian do that. Then there are some rather wealthy Indians that are developers that are capable of buying land where they want, doing whatever they want, but still they respect -- they still respect themselves enough to respect somebody else's beliefs.

Mr. Thomas: Has your arbor been desecrated?

Mr. Deneault: Yeah, with cows always coming around.

Mr. Thomas: Through the arbor?

**Mr. Deneault: Yeay**

**Mr. Thomas: Cowhands?**

**Mr. Deneault: Yeah.**

**Mr. Thomas: How does that make you feel? I can't imagine that.**

**Mr. Deneault: somebody coming invading your home. That makes you feel pretty bad.**

**Mr. Thomas: Yeah.**

**Mr. Deneault: Because there's a lot more to think about than what you see. You've got to look at it from our point of view: This land is ours. We fought a lot of wars to keep this land ours; Chilcot, Okanagan, Lil'wat, Thompson. there's a reason why this land is ours. Because the Creator gave it to us and we defended it. If it wasn't for the way we lived our lives there wouldn't be no land now.**

**We wouldn't have no place.**

**[Return to Story](#)**

*Table of Contents*

# The Gustafsen Lake Trial



## Liberty for My People

Tuesday April 29, 1997 Surrey, B.C.

by Noreen Gale

William Jones Ignace, also known as 'Wolverine' began his summation to the jury yesterday. He, like most of the other defendents, thanked the jury.

"I am dressed in red," he said, referring to the red sweat-suit he wears, being a resident in the Surrey pre-trial centre.

He said the red suit is a political statement.

Mr. Ignace told the jury that he had been out of prison on bail during the first week following the arrest of eighteen people at Gustafsen Lake. He said there was political interference, and he was put back in jail. That was in the late summer of 1995.

"One of the things I'd like to get into is the law," Mr. Ignace told the jury. He said that according to the Royal Proclamation of 1763 and section 109 of Canada's Constitution Acts, all land is Indian land "subject to" a treaty or a purchase.

Mr. Ignace told the jury that he has asked the crown many times to produce either a treaty between the government and the Indian people or a land purchase document. He said, "In order for the crown to make a case, they have to produce that document."

Mr. Ignace told the jury that the judge has ruled that the crown does not have to respond to his request for the document.

He said that the prosecution is involved in a conspiracy.

He said "Conspiracy is untruth, and we have had 139 years of conspiracy." He told the jury that this is what the crown and the courts have done to "our people."

Mr. Ignace said that genocide happens to the Indian people every day. "I'm the proof of it," he said.

"We're called terrorists. We're called squatters in our own homeland," he said.

Mr. Ignace said that the people in the encampment at Gustafsen Lake were dealing with the R.C.M.P. and wanted to bring about a settlement in a peaceful way. He said at first the R.C.M.P. were working with them. He said, "They would come into camp and have coffee with us while we talked." He went on to say that when the R.C.M.P. negotiators were pulled off the case and other officers came in, "We tried to explain the law to them, they wouldn't listen. Maybe our coffee wasn't very good."

Mr. Ignace said that when they tried to put the law before the courts, the crown said it was a conspiracy. "We try to bring back honour to the Canadian judicial system, and they try to gun us down," he said.

Mr. Ignace reminded the jury that only a week or so earlier, there had been two lawyers in court, one representing the federal government and one representing the provincial government. He said that under the law, the federal government has a duty to protect the Indian people. "Instead of protecting us, the lawyers lied." Mr. Ignace reminded the jury that no court has ever dealt with the native jurisdiction issue. He said the lawyers lied when they said that the jurisdiction issue has been addressed and that the courts do have jurisdiction over native people.

Mr. Ignace said that all the native people are asking is for someone to open the door to the governor general's office, since he is the Queen's representative in Canada. He said, "But we can never get justice in Canada."

He reminded the jury about the 'Duty of Disallowance'. Mr. Ignace said the government itself ignored this document, its very own 1875 Order-in-Council, by passing the Indian Act in the very next year. "This is how they defrauded the Indian people," and, pointing at crown council, he said, "And this man doesn't want this brought out."

Mr. Ignace said that according to constitutional law, "Our rights are guaranteed according to law. We are equals to the Queen." He said, "I guess the Landlord/Tenant Act supercedes the constitution." He added: "Are we the landlords? We'll be expecting a cheque in the mail in the next few days."

He told the jury that, since 1990, they have tried to introduce the 'rule of law' into the courts forty-one times, and each time they have been stonewalled by the system. "That's why we're here today," he said. "The system along with the courts is the conspiracy."

Mr. Ignace said that this could all be solved if the door to Britain's privy council was opened. He said to refuse this request meant that the Queen herself is complicit in genocide.

"I'm not a very learned man," Mr. Ignace said. "I only have a grade seven education, but I learned this after many miles on the road." He said that when Governor Douglas set aside large tracts of land for the native people, "The land was our kitchen, our cupboard. It provided five sacred foods for Indian people." With unmistakable pride in his voice he said, "We don't have to go to no Safeway store."

Mr. Ignace referred to Constable Findley's report (Constable Findley was one of the native R.C.M.P. negotiators during the early days of the standoff) and told the jury that 300,000 acres had been set aside at Gustafsen Lake in 1882 for the Indian people, "When they were going to make treaties." Mr. Ignace said that there is only a little bit of land in Victoria that is treated land.

Mr. Ignace said that the public only gets one side of the story. He said that traditionalist natives have never made war against people and jeopardized lives. He said it's the people sitting behind desks, "Yanking the chains of the paid puppets" [legislated band councils] that causes the problem. "Grassroots people are not heard. The system is imposed on us."

Mr. Ignace reminded the jury that it was the federal government that had outlawed Indian ceremonies like the potlatch, and the federal government passed laws that forbade the Indians to raise money to defend their land rights in the courts. He explained that the law forbade three or more people getting together. If they disobeyed the law, they were thrown in jail.

Mr. Ignace told the jury, "We think and try to protect rights for all our relations, including four-legged creatures. We're all interconnected. When Indians pray, they pray in that way."

Mr. Ignace turned his attention to the charges against himself. He said, "I'm charged with six attempted murder charges. They must be named Firestone and Goodyear," referring to the six tires he shot out on the armoured personnel carrier (A.P.C.) which was chasing him through the bush.

Mr. Ignace recalled that at the time he was sixty-three years old. He said, "I outran that A. P.C. or it would have run me over." He said he can't figure out how he did it.

Mr. Ignace told the jury that he has been under surveillance by the police for years. He

said that he was asked to help out at the Adams Lake Road blockade. He said he tried to get the tapes of that surveillance but was refused. "I don't know why I'm that important - maybe too much truth is getting out." He said he has had his phone tapped and that R.C. M.P. have been parked in front of his farm in the early morning hours and late at night. He said a helicopter has even been landed nearby. He said this has been going on for many years.

Mr. Ignace told the jury to consider three options. He said the jury could refuse to render a verdict. They could render a verdict of 'not guilty' against all of the accused. They could demand that any land issues or other native issues should go to a third-party tribunal in the future.

Mr. Ignace said that Canada is portrayed as being 'number one' in human rights. He said this is because Canada hands out a few million dollars in aid to other countries. He said that when Indians go to other countries to tell their side of the story, no one listens because the Canadian government reminds their audience of the money it gives to them.

Mr. Ignace asked, "Is it conspiracy to bring out the law?" He said, "It is truth we are trying to bring out. Everything is based on law. It's a long time since the law has been addressed in this country."

He said, "If there is conspiracy, it is this man," as he pointed to crown councillor, Lance Bernard. Mr. Ignace said that his witness, Dr. Clark was almost thrown out of the courtroom. He said, "You see how mad people get when the truth comes out. For once the truth is coming out."

Mr. Ignace said, "We are not greedy people. We can co-exist if we get our recognition." He said the native people really want justice. He said, "I'll have to wait a long time to pick up that cheque in the mail."

Mr. Ignace said, "I guess I just have too big of a heart .. a very strong in spirit." He said he did not want to come out of the camp at Gustafsen Lake. He wanted to stay until the issue was addressed or until he came out in a body bag, but his daughter and granddaughter wouldn't leave without him. "They wanted to stay with me," he said.

Slowly, Mr. Ignace said, "I see why Chief Joseph cried. Tears came out of my eyes .. My daughter and granddaughter wouldn't leave without me. I had to come out."

"If there are any charges for those tires or for bringing out the truth," he said, "You better take a long look."

"Everytime they try to gun me down, the price goes up. I'll ask for my nation back. I know how to play poker," he said.

He said that this was a land issue. He said the crown is trying to make something legal that is based on fraud. "The crown has not proven its case."

Mr. Ignace said that we will never know the whole story. Half of it is hidden. He said that the responsibility for this event goes right to the prime minister's office. He told the jury that the defence tried to bring in the attorney general, Ujjal Dosanjh, but it couldn't. "Why?" he asked. "Because that would bring in the politicians." He said that the politicians like to take a tough stand like they did in Ontario. "It doesn't matter if an Indian [referring to Anthony O'Brien 'Dudley' George] dies as long as their popularity is good," he said.

Mr. Ignace apologized for being long-winded. The judge told him that he could have all the time he needed.

Mr. Ignace talked about native spirituality and how other natives, even those who do not know him personally, call him the 'man of the mountain.' He said, "I am just a messenger, myself."

Mr. Ignace repeated, "We are not greedy people. Someone has to stop this.. The genocide every day, its got to stop." He said that ninety-five percent of Indian people are unemployed and forced to live on welfare.

Mr. Ignace said that it will be a "miscarriage of justice if you find our people guilty, because we're standing on the law."

Mr. Ignace talked about the evidence, a rack of guns, that was on display in front of the jury. He said it didn't amount to anything compared to the hundreds of guns and ammunition that the police used. He demanded that an R.C.M.P. sniper rifle and 50 caliber machine gun be displayed as well. The judge stood down. Momentarily, the sheriffs brought out the two guns and layed them on the floor in front of the others.

When Mr. Ignace resumed his summation, he told them he is a seed grower. He said, "I grow seeds and give them away to the poor people so that they can eat." He said his problem is that he has a big heart. He stands up for people when they have problems. He said he can take the abuse.

Mr. Ignace said, "Sometimes I have anger. I can't carry the pipe yet. I have to carry the pipe in a good way."

"Maybe when I'm 70," he added.

He said, "Some who carry the pipe today have not grown up yet. There is still anger and jealousy."

Mr. Ignace told the jury, "If you find me guilty, you're imposing a life sentence."

"If you impose a life sentence on me, let my life be the seeds of liberty of our people."

(copyright by Noreen Gale)

[Next Story](#)

[Table of Contents](#)

# The Gustafsen Lake Trial



## The Crown Closes

Friday May 2, 1997 Surrey, B.C.

by Tim Wees

*Material not attributed to the Crown Prosecutor, or seen as part of the Crown's presentation will be in italics*

Justice can work when all parties have the opportunity to have their say. This article is as seen through the eyes of the crown prosecutors, Lance Bernard and Jennifer Fawcus. This summarizes a final submission that spanned three days. Mr. Bernard undertook the bulk of the presentation and was quiet, straightforward and incisive throughout.

Mr. Bernard, began his summation to the jury with the words of Ovid Mercredi, "I won't debate getting justice. I will debate the use of violence to get justice." Mr. Bernard said that the method for obtaining justice at Gustafsen Lake was to break the law and use violence.

He said to the jury, "You will not be asked to decide if the land is ceded or not." He said that the job of the jury is to attend to criminal charges relating to mischief causing actual danger to human life, possession of weapons for a purpose dangerous to the public peace and attempted murder.

"Your role is to bring your life experience and common sense to this trial. Your role is as finders of fact. The judge will tell you how to apply the law to the evidence."

Mr. Bernard filled out more of the canvass of an already complicated panorama.

In offering some background, he said that in June of 1989, Percy Rosette first approached Lyal James and asked permission to have the Sundance ceremony on his land near Gustafsen Lake. Mr. James said 'yes ' to the request, and the Sundance was held. In 1992 problems began to develop when the Sundance was again held, this time without permission. In 1993, there was an agreement that there could be one last

Sundance, and it was further agreed that the property in question belonged to Mr. James. It was agreed that the agreement applied only to the current year and was not for other times in the year or for other years. This agreement was signed by Mr. Rosette and Mr. Archie and was witnessed by constable Andrews and others. In August of 1993, Mr. Rosette sent a thank you letter, but announced that he would be pursuing the issue of ownership of the land.

In 1994 the Sundance was again held and again without permission. Lyal James was advised to start eviction proceedings.

On January 3, 1995, Bruce Clark petitioned the queen to intervene, and then on March 27, he requested an audience. Mr. Bernard said that this was a lawful attempt to seek resolution to the problem. The petition was signed by John Stevens and Percy Rosette.

On April 10th, a response was received from the queen that she would not act without referring to her Canadian Ministers through the Governor General. Dr. Clark had said that he did not want to deal with the Governor General because he considered him to be complicit in genocide.

Continuing with the background, Mr. Bernard said that in May and June of 1995, Earnie Archie and Percy Rosette began preparations for the Sundance, again without permission. Mr. James had said that this year the activities at Gustafsen Lake began to affect his cattle operation. A fence was built .. and a cook shack. Signs had been posted telling people to stay away. Mr. James took the signs down. It was reported to the court that bullet holes had been found in campers' tents. Lyal James felt pushed to act. On June 13, he served a Notice of Trespass. His son, Dale James, said that some had thought it would be better to have the R.C.M.P. with them, but they, "Didn't want to be there, so we didn't take them in."

Lyal James went there during the day to serve the notice and waited for two hours before Percy Rosette and Mary Jane Pena showed up. He testified that that no-one was carrying any weapons. His son, Don James, had testified that the only weapon he knew of was a rifle he kept behind the seat of his pick-up. It was there to deal with predators and was never brought out. It was reported that Percy Rosette had refused to take the paper, and so it was stuck on a pole and the James group left.

Mr. James said that he had wanted to drive his cattle to the summer range and had to hold them back due to the fence. He was upset and frustrated.

Mr. Bernard said, "What happened on that day in no way justified further acts."

He said Percy Rosette claimed the land was Indian land. Things began to heat up.

On June 14th, Mr. James returned to the site to see if it was vacated and was turned away, this time by the police. Shots had been fired. Lyal James said that the matter was then out of his hands. He did not come back and told his employees to stay away.

Between June 14 and 17, other players began to show up. Jones Ignace was one of those. Percy Rosette had called for help. Suddenly things came to a head.

The prosecutor observed that on June 17, Shuswap Chief, Agnus Snow, arranged a meeting with local Shuswap chiefs in an attempt to make peace. Percy Rosette, Earnie Archie and John "Doc" Hill, among others, were there, and members of Lyal James family were there. The R.C.M.P. were present to keep the peace.

At this point, Jones Ignace and Doc Hill had become spokespeople for the camp, said Mr. Bernard. By now the issues had broadened beyond the matter of the right to hold the Sundance. People had begun to hear about the Royal Proclamation of 1763, "genocide" and other issues. What was being discussed was consistent with the views of the Native Sovereignty Association. The bottom line was that most of B.C. was unceded land and that no treaty had been made to purchase it.

Between June 17th and July 1st the police held regular patrols. They hoped that the people would leave the land after the Sundance Ceremony. The police felt the tension mounting and the Sundance preparations continued.

Then the Sundance was over. Those who were just there to do the Sundance left, said Mr. Bernard. Others, who stayed in the camp, began to say that they would not leave the land until their demands were met. He said that the police had hoped in vain that everything would die down, and the people would leave. Preparations began for the stand-off. According to a camper, trees were being felled across the road. Campers, who had been tenting by the lake, needed to remove them to get out.

The court was shown a video that showed Doc Hill, Splitting the Sky, directing the preparation for, as he described it, "An invasion by the R.C.M.P." Where could people invading the camp be coming from? One could see Mr. Hill pointing this way and that to show various routes of entry to the camp that needed to be covered. "Bam, bam," he said at one point. He talked of, "Corrupt corporate interests." It was reported that at this time there were two AK47s in the camp and \$1000. worth of ammunition.

Mr. Bernard said that one native constable who was able to talk with Mr. Hill reported, "John Hill did not respect my uniform. He respected me for being Shuswap."

The tape, Defenders of the Land, was made in the camp. Jones Ignace was quoted

saying that nobody, "Has the balls to stand up for the rights of people." Attempts at communication were not successful. The people in the camp did not have the support of the native community in the area, said Mr. Bernard. They were focused on their own purposes.

The prosecutor talked of a camper who reported that as he was passing the camp, a man in camo clothing was running and jumped into a pit and pointed a rifle at himself, the camper, and his family.

On August 11, two people driving outside the camp were stopped by fisheries officers and searched. Officers found an AK47 and some banana clips, a hunting rifle, and a pistol. Mr. Bernard said that these weapons came from the camp and were going back there .. before they were seized. The police realised they had to do something, said Mr. Bernard. People in the camp had begun arming themselves and were wearing camo green. An R.C.M.P. spokesman said that they felt they were not being dealt with in good faith. "While they were engaging in friendly conversation, the camp was arming with assault weapons."

Then, said Mr. Bernard, police needed more information. They planned a covert reconnaissance mission which led to the Ray Wilby shooting. Who was in the camp? What was the layout? At five a.m. the group, in camo garb, started to move to the camp, but it was decided to abort the mission when the horses stirred. While walking across an open area, Constable Wilby said that he heard a noise in the bush. He asked, "Who is it?", and then he heard one loud gunshot. He heard the bullet whizzing past. Another officer heard the question and the shot and then saw a man in the bush. The man looked at him and said, "Oh shit!," and fled into the bush.

Mr. Bernard told the jury that later in the summer, after the arrests had been completed, Joseph Ignace gave a statement to police *after two hours of interrogation and after being stripped to his underwear by police*. In talking of the shooting, he said, "I missed him. I was aiming for here," and he pointed at his nose. In that 'confession' he said, "I'm proud of what I did. I was a warrior." He is reported to have said that he fired three shots.

In arguments before the jury, the prosecutor agreed that Joseph Ignace was the product of 'fetal alcohol syndrome' and that he was at the mental age of a young child. He said, however, that less than normal intelligence is not the same as being unaware. The prosecutor noted that people in the camp gave him responsibilities and allowed him to carry a weapon. He disagreed with defense allegations that Joseph Ignace couldn't have been there. He said that records of phone calls made to another location in the province, that were used as evidence of an alibi, still allowed lots of time for him to be present in the camp at the time of the Wilby shooting.

On August 24, a police helicopter was flying about half a mile from the camp at 1500 feet. The pilot heard rifle shots and veered away. The prosecutor said that the helicopter was definitely in range of an AK 47. It had no protection. The aluminum skin could easily have been penetrated. If the engine or any of the control linkage had been hit, the helicopter could have crashed.

A video shot from the camp showed a helicopter approaching and then panned to a person on the ground with a rifle aimed into the sky in the direction of the helicopter.

A news conference was called to apprise the public of the situation.

At this point, Bruce Clark was writing to the Governor General saying that if he was not ready to do his duty and intervene then he, Dr. Clark, would go to the European Court of Human Rights. As of August 25, there was a clear indication from the Governor General that he would not intervene.

On August 25th, police stopped another vehicle with four people and found a twelve gauge shotgun, an automatic rifle, ammunition and ammunition belts. Police at this point were instructed to stop and search but not to prevent traffic flow. *No charges were laid.*

Also on this day, Ovid Mercury visited the camp and was asked to sign a list of demands being made by the people there. He refused to sign the document, said Mr. Bernard.

On August 27th, more trees were felled across the road. Some forestry workers were assigned the task of clearing the road. R.C.M.P. officers were present. As they were clearing away the last log, they were fired upon from the bush. *R.C.M.P. returned fire.* A video shown in court, said to be taken at the time, crackled with gunfire and showed people in the woods with guns and wearing camo clothing. In the video, Suniva Bronson was portrayed carrying a gun, dressed in camo garb, and holding herself in a crouching position in the woods. The gun was not raised in a shooting pose. *This image was in sharp contrast to the same woman who, only moments before, had been laughing and playing with the children on the front steps of the court-house during the break.*

Mr. Bernard said that a couple of officers at the site, wearing bullet proof vests, said they had been shot. One talked of a large bruise in the small of his back. A police vehicle was severely damaged by gunfire.

On August 28, more logs went down on the road. *The R.C.M.P. had planned to assault the camp this day but aborted due to the August 27th incident.*

The police strategy was one of negotiation and containment, said the prosecutor. It was a difficult situation and they did not want lives to be lost.

On August 31st, Bruce Clark visited the camp and spoke to the group. He brought out the affidavit and the HI 8 tape that showed events associated with the shooting at the two police officers.

On September 7th two officers were flying a helicopter patrol. They saw the red camp truck at a bend in the road, and, as they banked to the right, they heard four sharp clear rifle shots.

On September 10, a letter was sent into the camp delineating a 'no go' zone. Beyond a marked line, anyone would be arrested.

September 11th was the day explosives had been placed on the road, and the red truck was disabled. The prosecutor said that the intention was not to blow up the truck, just to disable it. It had been the intention to arrest the occupants. He acknowledged that the video from the reconnaissance aircraft showed a great plume go into the sky from the explosion, but this was attributed to a layer of dust on the road. Two people ran for the bush. Firearms were later found in the truck. The yellow dog was shot.

Later, the two people came out of the water with their hands up to surrender to an A.P.C., but the A.P.C. was fired upon from another direction, and the arrest was abandoned. Mr. Bernard said that an officer in the vehicle reported that bullets careened off the hatch beside his head, and he had to duck down to avoid being hit. The officer said, "When the rounds came that close, I would say they are trying to kill me." The hatch was pulled down out of fear that something would be thrown into the A.P.C. The A.P.C. turned to face the source of the gunfire and drove into the trees to find the shooter. The prosecutor claimed, from witness reports, that Jones Ignace fired on the A.P.C. The A.P.C. chased Mr. Ignace, knocking down trees, until it was itself disabled by a tree falling over and fouling the steering gear when the roots came up under the vehicle.

Mr. Bernard talked of Corporal Preston who was in the disabled A.P.C. and had said, "We were in a small clearing with the hatches up .. setting out cover fire by firing blindly .. taking fire from the tree line .. high velocity rifle rounds .. radioed for assistance .. gunfire picked up .. green bison arrived .. the ramp dropped .. intensity of fire increased." The officers were ordered to run from the red to the green bison. One did. Others did not. They feared for their lives.

Mr. Bernard reported that the army crew commander said that he saw a person by the tree line with a rifle to his shoulder and firing. The rifle had a magazine attached. He was

described as being an older native man, about sixty-five. He recognized Jones Ignace, Wolverine, from photographs he had been shown in Kamloops. Later, in court, he identified the man.

On September 11th, people started leaving the camp and surrendering. By September 17th, it was over. On that day the majority of arrests were made.

In his closing arguments, Mr. Bernard argued that the affair at Gustafsen Lake was a conspiracy. He said, "The law says that if you engage in a conspiracy, and weapons will be used, you are responsible for the crime." He argued that everyone in the camp, regardless of the roles they played, was guilty. "There should be no doubt that all the accused are members of an unlawful agreement . . . You don't have any evidence that any of the accused did not know what was going on."

He showed another video where Jones Ignace, Wolverine, was heard to say, "Canada is going to pay for everything they have done to us .. We're prepared to go out in body bags." The prosecutor noted that people were openly carrying weapons, including the AK47s which are assault weapons. Mr. Bernard said, "Anyone who walked into that camp and didn't want to be part of an armed stand-off would run a mile. You couldn't be there and not be intending to be party to it." He said that everyone in the camp knew that the police were trying to get them to leave.

He cautioned the jury, "Not to confuse the degree of participation with guilt." he said that the judge has a wide latitude when he sentences the guilty parties, if that happens.

Mr. Bernard told the jury that there well might be other people who should have been charged in this case who were not charged. He suggested that possibly Bruce Clark should have been charged and possibly John Hill should have been charged. "But that doesn't concern you," he said. "It's not a defense that others should have been charged and weren't charged."

In closing, Mr. Bernard said, "Taking the law into one's own hands cannot be tolerated .. The law shows the accused are guilty." In asking for a guilty verdict, Mr. Bernard said, "The method they chose to advocate their beliefs was wrong."

He asked the jury to send a clear message to Canadians that, "This is not acceptable and will not be tolerated in Canada."

[Next Story](#)

# The Gustafsen Lake Trial



## An Evil Brew

May 7, 1977 - Surrey B.C.

by Tim Wees

In my experience as a journalist and, for that matter, as a human being, I have never encountered such an evil concoction as has been revealed, and left unrevealed, at the Gustafsen Lake trial. It has been a play of plots within plots and written to satisfy many different play-wrights, most of whom are as yet skulking in darkened corners, and to satisfy the vicarious delights of a host of sleezy onlookers, sipping beer in the bleachers, reveling in the violence and vitriol and egging on the antagonists.

Oh .. you thought it was simple. You thought that this was just a band of terrorists in a stand-off with the police, or maybe you thought the cops were the terrorists bullying a small innocent band of Indians? Well there is some truth in each of those simplistic analysis, but neither is accurate nor complete.

Percy Rosette was sponsoring a Sundance ceremony, a native Indian spiritual discipline, at Gustafsen Lake. He had a good working relationship with the registered land owner, Lyal James, but that relationship broke apart and developed into a small war. Why?

Percy Rosette does not appear to be an angry man who uses violence. He came to court every day and sat and quietly listened. His lawyer though, Sheldon Tate, went for the throat when it came time to cross-examine Bruce Clark. As far as Mr. Tate was concerned, it was Bruce Clark who upset the balance and sucked Percy Rosette into turning a perfectly comfortable relationship with Lyal James into a deeply divisive land dispute. Mr. Tate was defending his client by looking the real culprit straight in the eye and calling a spade a spade, or at least doing his best.

Bruce Clark's trump card was that he was right. He has done his homework well .. as his supporters say. He is correct to say that most of British Columbia is unceded Indian land .. at least I have yet to hear anyone effectively deny it. Bruce Clark is also right to say that Canada has been practicing genocide against its native Indian population .. for a long long time. And why Bruce Clark is able to drive everyone crazy, and stir up such

**an incredible hornets' nest, is that almost everyone is in denial about both of these issues.**

**Almost nobody wants to fess up to the truth that in a country that professes to live by rule of law, we as a country, are in serious and unmistakable breach of the law. In truth we never did settle with the Indians in most of this British Columbia, and constitutional law says that until we do, it is theirs, albeit no current Canadian court has accepted the proposition.**

**Furthermore, very few people want to accept that what Canada has been doing to our Indian peoples amounts to genocide. Sheldon Tate was in denial on this issue while he was confronting Bruce Clark, and it weakened his case. Mr. Tate tried to tell the jury that we may have been guilty of creating a "melting pot" where we have attempted to meld all cultures into one, but that there is no way we have tried to murder a culture. Well, we have, Sheldon. Sorry. But that is the truth. There are numerous and clear methods that the Canadian government, on behalf of Canada's citizenry, have attempted to destroy Indian culture, and in large measure the process has been effective.**

**But back to Dr. Clark ..**

**It is probably true that without someone like Bruce Clark, these matters would not have seen the light of day. He is right about the two aforementioned issues, but, knowing that, he has coerced the government, to wit the people, into compounding the complex and longstanding dispute and turning it into a violent conflict. If we have not got the intelligence and compassion to face the truth and deal with it, and if he manages to set things up to force the issue, the only possible result can be an eruption of violence, and when the people live in the fear and anger of violent conflict, unscrupulous and false messiahs take over.**

**From the government's corner, if there is reticence to deal with either of these issues, and they are both plastered square in the government's collective face, then the government must find some other way to respond. If the Indians can be suckered in to becoming violent and in clear breach of our Canadian criminal law then the credibility of the Indians will evaporate in the public eye. If the public can be made to stop caring, if the public ever did, then the government can bury the issue and forget it .. or so the government may think.**

**This dynamic offers an explanation for the dominance of certain forces within the R.C.M.P., an enforcement arm of the government, who turned what was a small well-intentioned and effective squad, with native Indian officer participation, into a small army of four hundred with armoured personnel carriers, high flying reconnaissance aircraft, helicopters and other military paraphernalia. It also explains why a police force**

that has a history of integrity and honour could stoop to conducting smear campaigns as part of its strategy in dealing with people in Canada .. anyone.

As for the Indian encampment, one person from the defense group said to me that the violence, "Only reared its ugly head after heavily armed SWAT members attempted to ambush the Indians in the early hours of August 18th, and (before that) after local rednecks failed to dislodge the Indians by threatening to hang themselves a 'red nigger.'" Fair enough, but someone was stirring a vitriolic brew that would cause these people, from all sides, to ripen, ready for violent action. A variety of sources say that there was very little support for a violent response from the local indigenous Indian population. You could probably count the people of actual violent intent, in the camp, on your left hand, and they were conned. They were conned by a manipulative lawyer who gained credibility from knowing the detail of these issues, probably better than anyone else in the country. He persuaded the Indians that he was probably the only one who could, "Lead them out of the wilderness," as Mr. Tate put it. They were mesmerized by a man who seeks power.

Bruce Clark could care less for the Indians or for Canada. He stood to make millions out of a dispute in Ontario where he sided with the Indians. Mr. Tate confronted him on this in court. Dr. Clark mumbled something about having made nothing in twelve years of working with the Indians, as though that made any difference. But the most telling tale was told in a few lines when Bruce Clark, while engaged in his duel with Mr. Tate, talked about a battle-line stretching across the continent with "flash points," as he called them. Gustafsen Lake was a flash point. This is a man creating a war scenerio.

There is one other area of denial that has yet to be unearthed, one other group who have an interest in this affair. This group is composed of industrialists and bankers who have a very interested eye on Canada's resources. We can discuss all the metals in the ground, and we can discuss the rape of our forests, but these issues are well in the public eye. What is not brought clearly to the fore is Canada's water. Wolverine, Jones Ignace, brought this up at the end of his address to the jury. He talked about the "New World Order" and said, as have others, that there are those who are gradually and purposefully taking over the world's food production and creating a "bread basket" in the United States. This bread basket needs water, and Canada has water. Mr. Ignace talked about the "Grand Canal project", a grandiose, but not impossible, scheme to dam a huge lake in the Canadian Rocky Mountains, a resevoir of water designed to feed an American bread-basket. It stands to reason that if the Indians can be neutralized and any threat of land claims taken off the table, the project can go ahead. "We will be enslaved, when this happens," said Mr. Ignace.

All of these issues taken together account for media coverage that has been at best spotty, and, for the most part has been pro-government and anti-Indian. If you have not noticed, in the last thirty years, most of Canada's media has slipped into the maw of the

international corporate machine. We do not own our own media, or very little of it. Even the small town newspapers have become the property of high corporate interests. They have said that they do not control local editorial content. Hooey! Of course they do. Canadians can speak freely until they speak on matters that can affect corporate interests. Then we are muzzled. Nobody who is in denial wants these matters exposed, and nobody who wants our resources wants these matters exposed.

Probably all these interested parties would have been happier if the police had gone in and slaughtered the whole lot at Gustafsen Lake. Then there would be no need for a court case that has at the very least made a permanent record of everything that everyone has had to say .. over two million words worth.

Bruce Clark may be a dangerous person in that he mesmerizes innocent people and causes them to be violent when it is not their nature to be so, but he is also but a pawn being played like any other pawn by people who have absolutely no interest in a healthy Canadian democracy and a huge interest in owning and controlling our country. If he actually succeeds in clawing his way to a position of power then he will have something to offer to get into the real power brokers' club. If he loses then maybe he could use the opportunity to learn the meaning of the word humility.

Would that Percy Rosette could get back to the Sundance and communing with the Creator. That would open up a real possibility for Canada's native Indians to reclaim themselves. Therein is the source of real power .. and it is theirs for the asking.

All my relations.

(copyright by Tim Wees)

[Next Story](#)

[Table of Contents](#)

# The Gustafsen Lake Trial



## Charging the Jury

May 10, 1977 - Surrey B.C.

by Tim Wees

The final address to the Gustafsen Trial came from the judge as he charged the jury with the responsibility of arriving at a verdict. The judge said to the jury that the jury's responsibility is to determine the facts of the matter from the evidence presented, and it his responsibility to provide a legal context for the interpretation of those facts for the jury to determine a verdict.

"You must accept the law as I explain it to you, without question. This means that when you decide what the facts of this case are, you must apply the rules of law that I give you. It also means you must apply the law as I explain it to you when you decide whether the Crown has proved the elements of the offenses beyond a reasonable doubt. You are not allowed to decide this case on the basis of what you think the law is or what you think it should be if that conflicts with what I tell you about the law ..

"As jurors you are the sole judges of the facts .. It is your recollection and memory of the evidence that must prevail, not mine or that of counsel. At the end of the day, it is you and you alone who must decide what the facts of this case are .. I realise that there are some very heartfelt and emotional matters that have arisen in this trial. That must not deter you from your duty to deal dispassionately with the issues before you ..

"The presumption of innocence is the most fundamental principle in our criminal law. Every person charged with a criminal offense is presumed to be innocent until the Crown proves his guilt beyond a reasonable doubt. The accused does not have to prove he is innocent."

Judge Josephson cautioned the jury that, "The Crown relies heavily on circumstantial evidence .. (for example) It relies on circumstantial evidence in attempting to prove the identity of Jones Ignace as the person discharging a firearm at the red APC."

He said, "There have been miscarriages of justice due to mistaken identity. You may

feel that the eye witness is convinced in his or her own mind that the identification is correct .. But a convincing witness, though perfectly honest, may also be mistaken, and several such witnesses may also be mistaken."

The judge noted that the identity of Jones Ignace, "Was made in far less than ideal circumstances, from a moving APC, through a viewer port, and for a relatively short period of time.

"The witness had seen a photograph of Jones Ignace before arriving at Gustafsen Lake, a photograph which was not produced for your examination and comparison.

"The driver of the APC had as good an opportunity to identify the shooter as did the commander. He gave a physical description of the shooter, but did not identify that person as being in court even though Jones Ignace was present in the court room at the time."

The judge spoke to the jury about the, "Credibility or truthfulness of the witnesses at the trial."

He said, "You have to decide which evidence you will believe. You must also decide how much weight or import you will give to the testimony of each witness .. Generally, I would suggest that you use your common sense and experience as men and women of the community to assess the credibility of each witness .. As you know, people hear and see things differently. This means that we should not be surprised to find innocent discrepancies in the testimony of a witness. Such discrepancies do not mean that you must reject the testimony of a witness. Discrepancies in minor matters are often unimportant.

"On the other hand, it is entirely different when a witness deliberately lies under oath. A deliberate lie under oath is always serious, and may well taint the entire testimony of a witness.

"You should apply your common sense and decide what evidence you accept and how much weight or importance you wish to give to it. You bring twelve different backgrounds and sets of life experiences to this task. You should pool that experience."

The Crown Prosecutor, Lance Bernard, had advanced a conspiracy theory and said essentially that everyone in the camp, including cooks and firewood gatherers, were party to the offense because their activities contributed to the alleged crimes.

Here's what the judge had to say, "The Crown here invites you to conclude that, in view of all the surrounding circumstances, the continued presence in the camp of the

accused you are considering was an act of encouragement and support. The defense argues that the evidence is not sufficient that this is proven. Again, I caution you to keep in mind my instructions with regard to circumstantial evidence.

"There is one thing I wish to emphasize. Both aiding and abetting mischief causing actual danger to life requires something more than just standing by and watching someone commit an offence. Mere presence at the scene of an offence, in and of itself, is not sufficient to make a person an aider or an abettor, unless that act of presence, as is alleged here, is proved to be an offense of mischief. A mere onlooker is not an aider or an abettor unless he or she actually encourages or does something and that act actually aided, abetted or encouraged the principal offender to commit the offense to private property causing actual danger to life ..

"In the end, you will have to consider all the surrounding circumstances (including what the accused you are considering said and did) in order to decide whether the accused knew or intended that his or her conduct would air or abet the principal offender. Please remember that the question for you to decide is what did the accused did in fact intend."

Judge Josephson's charge to the jury comprised several hundred pages of material which covered the law as it applies to this case and a summary of the evidence. His address will have spanned four days of the trial. He allowed frequent breaks so that the jury could absorb the material.

The charge to the jury will conclude on Monday. At that time the jury will be sequestered to determine the verdicts.

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[Next Story](#)

[Table of Contents](#)

# The Gustafsen Lake Trial



## Percy Rosette Speaks

May 15, 1977 - Surrey B.C.

*The following statement was released publicly today. Mr. Rosette and his defense counsel, Sheldon Tate, said that the statement had been held from public release until the jury in the Gustafsen Trial had been sequestered. This is an unedited version of Mr. Rosette's statement with an accompanying letter from the Mohawk Nation to the Shuswap nation, as submitted through Mr. Rosette.*

March 5, 1997

### A Statement from Percy Rosette

Faithkeeper of the Shuswap Nation and the Ts'peten (Gustafsen Lake) Sundance.

I regret that it has become necessary for me to publicly disassociate myself from the following persons: John Hill (a.k.a. Dacajewiah, Doc, Splitting the Sky, John Pasquali Boncore), Bruce Clark and Glen Kealey. The reasons are as follow.

In the summer of 1995, Lyle James and 12 of his cowhands threatened me and my family with eviction from the sacred grounds known as Ts'peten (Gustafsen Lake). As the faith keeper of the Shuswap Nation, a job given to me by the old people, I had sworn a sacred vow to protect Ts'peten and the Sun Dance site there. Many brothers and sisters arrived to protect my family and Ts'peten. For this, I am grateful.

One of my brothers, Wolverine, introduced me to John Hill, a man who claimed to be a Mohawk. I trusted Wolverine's judgement and said nothing when he made Hill a spokesperson during the summer of 1995. I now regret this. Both Wolverine and Hill endorsed a white lawyer named Bruce Clark who argued that even the white man's law supported the position that Ts'peten was Indian land. While I was glad to hear this, there has never been any doubt in the Shuswap people's mind that Ts'peten is Shuswap land. regardless of what any man-made law says, I always place the Creator's law above all else. The fact remains that me and my family were at Ts'peten because it was sacred ground. And that's why we stayed.

As news of the stand began to spread through native communities, people soon learned that John Hill was also involved. A letter from the Mohawk Nation was faxed to the Adams Lake Band warning the Shuswap Nation that John Hill did not represent the Mohawks and that they did not support him. Unfortunately, I never saw that letter until a few months ago when it was already too late.

In August of 1995, the RCMP surrounded Ts'peten with 400 officers and eight Armoured Personnel Carriers. For a month, a handful of Defenders stood on the sacred ground refusing to leave. John Hill was not there. One day, the police fired thousands of rounds which resulted in a dog being killed and a woman being shot in the arm. How did we survive? We survived because we were on powerful ground and we had the support of our ancestors with us. Prayer and sacred Power shielded us from serious harm.

In September, our medicine man, John Stevens, came into the camp and told us it was alright to leave, so with heavy hearts, we left Ts'peten. We were all arrested, jailed and given bail. Most of us took Bruce Clark as our lawyer, but one day, he disappeared. The last time I saw him was in October '95 on a sidewalk outside of the 100 Mile House courthouse. I asked him what we were going to do next and he said nothing. He put his wife into his van and drove off without a word. At the next court appearance in November 1995, the Defenders found out that he had taken off to Amsterdam to avoid contempt of court charges. I will never forget that day. All the Defenders looked around wondering what to do. Our lawyer was gone and we felt lost and abandoned. That was the same day that sherriffs wrestled Wolverine and his son to the floor. I kept wondering where our lawyer was who was supposed to stand up for us. he was gone.

I have recently read in the newspaper that Clark claims that he didn't leave to avoid arrest, but was under instruction from his clients to continue to represent them abroad. That simply isn't true. We wanted his help here - not in Europe. To make matters worse, I learned that our medicine man had also been deceived by Bruce Clark. John Stevens had paid Clark a lot of money, but Clark didn't do the work he promised. It made me sad because I know John Stevens was hurt because he had trusted Clark.

The trial began in July 1996 and everyone was in good spirits. That didn't last long. John Hill forgot everything that Clark had done to us and began campaigning to get him involved again. Unfortunately, Wolverine forgot too. This created a rift within the Defenders. Some supported whatever Wolverine wanted, including his desire to bring Clark back on board. Others, like myself, couldn't trust Clark after he abandoned us the first time.

I was not happy that the Defenders had broken into two camps, but these things happen. (I have since heard that Clark has a history of dividing native communities.) I

wasn't going to prevent Wolverine from using Bruce Clark and hoped we could just agree to disagree. Unfortunately, things got worse. Wolverine fired his lawyer, Harry Rankin, and enlisted the help of Glen Kealey. In January 1997, Kealey sent out a two page letter to Indian Bands all over the province attacking myself, my wife, her children, John Stevens and other defenders and their families. Kealey also tried to discredit the Sun Dance and the spiritual reasons the stand was made. The judge threw Kealey out of his courtroom when he learned what he had written.

I am convinced that the smear campaign was designed to discredit everyone who refused to support Bruce Clark and his legal position. Wolverine, Hill, and Kealey are intent on claiming that the stand at Ts'peten was a political one. They want people to believe that the Defenders risked their lives to prove a point in law and that those who don't support Bruce Clark or Wolverine are now "sell-outs" and "collaborators". Since me and John Stevens will tell the truth about the spiritual origins of the stand, we threaten the Clark camp's credibility. It must be remembered that all three of these people were not inside the camp during the standoff and are now using it to further their own political agendas.

I must state for the record that in no way is John Hill to be regarded as the spokesperson for the Ts'peten Defenders. He may represent a few, but not all. Hill claims to be the spokesperson, with Bill Lightbown, for the Ts'peten Defence Committee and the Free Wolverine Campaign. I endorse neither of these John Hill creations.

Finally, I'd like it to be known that the Ts'peten Trust Fund, set up in October 1995 to assist the Ts'peten Defenders with their legal and living expenses, has been closed. We were instructed by the Royal Bank of Canada in Hinton, Alberta to close it out since the account is under investigation by the RCMP for fraud arising out of forged cheques. Roz Royce and Anne Bronson Notnes, two of the signatories on the account, instructed the bank to equally divide the balance of the funds into 18 separate cheques, payable to each of the Gustafsen Lake defendants. This was done on February 28, 1997.

The Ts'peten Defenders wish to thank everyone who contributed to the fund. Since the trial is almost over, there are no plans to re-open another trust fund.

It recently came to my attention that while the Trust Fund was operating, Hill solicited loans for the fund. Unfortunately, he did this without permission from the three signatories of the fund or from all the defendants. Whatever money he collected did not go into the fund. I regret that the Defenders cannot help anyone who may have been dealing with Hill. He simply wasn't authorized to do what he did and I can't take responsibility for his actions.

A final reminder that the stand made at Ts'peten was a spiritual one. It may have had

political undertones, but it began and ended as a spiritual stand. Now that the trial is into its ninth month, many people have forgotten this and would like to remember the stand purely as a political one. People are free to do as they choose, but the truth cannot be altered. There are some who believe that the Indian people are going to get justice from this trial. They forget that this is a white man's court run with white man's rules. The white man will not lose at his own game. The only law that the Indian people can rely on in the end is the Creator's law. That is where we will all find our freedom.

Truth and love

Perce Rosette

Faithkeeper of the Shuswap Nation

*Table of Contents*