

Opinion

## Cindy Gladue case sends a chilling message to indigenous women

SARAH HUNT and NAOMI SAYERS

Contributed to The Globe and Mail

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The logic usually goes that if someone admits to injuring another person to the point that those injuries contribute to their death, the law will respond by convicting that person of a crime – the crime of murder, or manslaughter, if intent to kill cannot be proven. Not so, it seems, for indigenous women like Cindy Gladue.

Last week, a jury of nine men and two women in Edmonton found Bradley Barton not guilty of Cindy Gladue's murder, despite evidence that he had caused the wound that led to her death. The details of the case are too traumatizing to recount in full, but you have to question what is considered justice if an 11 cm wound inside a woman's vagina that results in her bleeding to death is not evidence enough that a crime was committed.

The details of the trial indicate how mechanisms within the justice system can be used to normalize violence against indigenous women. The violence they experience often seems to lie beyond the arms of the law: Violence with impunity; murder without fault. The illogics run deep, yet to indigenous women, they sound all too familiar.

The courtroom treatment of Cindy's body is just one efficacious expression of the dehumanization of indigenous people – especially indigenous women – by processes of Canadian law.

Her preserved pelvis was brought into court. On a screen, the wound to her vagina was displayed as proof of her dehumanized status. Is there any reason the jury needed anything more than hard copy photos of the wound? Indigenous peoples bodies have been treated as specimens for centuries, though usually not in murder trials these days.

This treatment of Ms. Gladue demonstrates just how a 36-year old mother can be imagined as different from the jurors' own mothers, and how the stigma of her work in the sex trade, her indigeneity and her womanhood all combined to naturalize her death as routine by jury. It was well established that Ms. Gladue met Mr. Barton in the context of her work in the sex trade. She met with him twice and camera evidence was presented showing the two of them entering the hotel room where she later died.

Mr. Barton said her death was due to consensual rough sex – even though in our view she could not give consent since her blood alcohol level was four times the legal limit. He admitted to his actions, but he said he didn't mean it. The jury has sent a message that killing an indigenous woman is acceptable. How many more deaths will it take before the system is compelled to change?

Prime Minister Stephen Harper and other politicians have focused on improved policing as a key element of increasing safety for indigenous women. Yet we can see that legal violence comes from many sources,

not only from police. How can native women be expected to turn to a system in which racism, sexism, and stigma against sex workers runs rampant. The criminalization of prostitution conspired to make the victim's sex work experience the origin of the violence she faced instead of placing fault in the violent actions of the assailant. If the defence concedes that Mr. Barton committed the acts that contributed to Cindy's death, the fact that money changed hands does not magically nullify the act. An acquittal should not have been an option.

While Cindy's family has been mourning her death for four years, this week should be one of mourning for all Canadians. Mourning for Cindy Gladue. Mourning missing and murdered 1,200 Indigenous women and girls. And mourning the loss of any illusion that there ever was justice for racialized women in this country.

Mr. Harper has said the legal system is equipped to address the murders of native women. We have seen just how the law treats these deaths. Indigenous leaders – and by that we mean community advocates, not elected officials – continue to call Mr. Harper's message out for what it is: a lie. There is no justice for indigenous women. Not for Cindy Gladue. Not for the thousands of our loved ones.

Imagine a world where all indigenous women, in life and in death, were treated with the utmost respect. Imagine a world where a woman's value was not dependent on how she makes a living. Cindy Gladue is a person worthy of justice, as all of us are. Many Indigenous women are expressing outrage that her life seems so expendable in the eyes of the law. Who will join us in continuing to seek justice for Cindy Gladue?

*Editor's note: An earlier version of this article incorrectly said the jury hearing the case in the death of Cindy Gladue was comprised solely of white men. In fact, the jury included white and non-white jurors with 9 men and two women. The article also said that Ms. Gladue's vaginal tissue was passed around in court to show the wound. In fact, the jury saw live images on an overhead projector with pathologists showing the tissue, which was behind an opaque screen. The article also said it was impossible for her to consent given her blood alcohol level was four times the legal limit. In fact, the judge told the jury that they should consider whether Ms. Gladue had the capacity to consent or not because of her consumption of alcohol.*

Exhibit: *National Inquiry into Missing and Murdered Indigenous Women and Girls*

Location/Phase: Part 2: Calgary

Witness: Josie Nepinak

Submitted by: Sarah Beamish, IAAW

Add'l info: P02P01P050.1

Date: JUN 01 2018

Intials

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I/D

Entered

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