

Roach, K. (2019). *Canadian Justice, Indigenous Injustice: The Gerald Stanley and Colton Boushie Case*. McGill-Queen's University Press.

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Following the highly contested acquittal of fifty-six-year-old white, cattle farmer, Gerald Stanley, in the 2018 case involving the death of twenty-two-year-old Cree man, Colton Boushie, Prime Minister Trudeau responded with: "Indigenous and non-Indigenous Canadians alike know that we have to do better" (Roach, 2019). In *Canadian Justice, Indigenous Injustice* (2019), author Kent Roach contends that, despite such promises, this particular case highlights the striking disadvantages that Indigenous peoples continue to face within the criminal justice system. However, Roach's book ultimately fails to sufficiently prove that the root of Gerald Stanley's acquittal was solely attributed to systemic racism or Indigenous victimization. His arguments devolved into a demonstration of confirmation bias, as his book narrowly analysed the Stanley case using preconceived notions of legal fault and injustice.

Roach's book succeeds in addressing many of the broader cultural and legal ramifications of this case in relation to Canadian Indigenous Peoples. As a white, affluent scholar, he is in a unique position to voice the inequalities this demographic faces at every stage of the justice system and to advocate for their rights. Subsequently, the book asserts that the Stanley trial failed to truly acknowledge the significant historical context and racial dynamics behind the individuals involved (Roach, 2019, p. 10). Notably, Roach exposes the still prevalent racism that is rife amongst many parts of Canada. For example, he highlights the biased sentiments demonstrated by social media groups like Farmers with Firearms (Roach, 2019, p. 55). The group blatantly and publicly expressed their "American-style rhetoric" toward Indigenous Peoples; sentiments which Roach (2019) argues permeated the trial process (p. 52). However, despite the compelling nature of such arguments, Roach (2019) inadvertently injects bias by relating these sentiments to those surrounding the controversial Florida "Stand Your Ground" laws (p. 49). This could subliminally change the way readers view the details surrounding the Stanley trial.

Roach (2019) places significant emphasis on Treaty 6, signed in 1876, which applies to the geographical area of the Stanley case (p. 17). The treaty was meant to ensure equality, which would allow for Indigenous assistance in the maintenance of peace, order, and enforcement of the law (Roach, 2019, p. 57). However, the book also establishes that the Treaty was based on miscommunication; both the Indigenous and the Europeans had entirely different understandings of the treaty negotiations (Roach, 2019, p. 18). As such, though he successfully demonstrates the borderline oppressive nature of this treaty (Roach, 2019, p. 23-24), Roach nevertheless proceeds to effectively contradict himself by criticizing the trial process in the Stanley case for not upholding the treaty's promises of Indigenous equality.

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Biographie :

Dalia F. Zahreddine est étudiante à la maîtrise et assistante de recherche à l'Université de Guelph dans le programme de criminologie et de politique de justice pénale. Elle a obtenu un baccalauréat avec distinction de l'Université de Toronto où elle a complété une majeure en criminologie et études socio-juridiques et une mineure en sociologie. Ses domaines de recherche incluent le système de justice pour les jeunes avec un accent sur la violence et la prévention de la criminalité en milieu scolaire (p. ex., le programme des agents scolaires). Elle s'intéresse également aux études juridiques autochtones, et en particulier aux principes énoncés dans l'arrêt *Gladue*. Elle a déjà été publiée dans *The Society: Sociology and Criminology Undergrad Journal*.

Roach (2019) conflictingly maintains that the promises made in Treaty 6 were completely ignored (p. 57). He argues that had they been upheld, an “all-white” jury would not have been sufficient in trying Stanley for the death of Boushie (Roach, 2019, p. 91). However, this suggestion itself sees that the administration of justice – which should be equal and equitable to all, as outlined under Treaty 6 – is severely threatened. Roach (2019, p. 95) cites the use of peremptory challenges as racist, and the reason for which mixed juries are not a reality in Indigenous related cases. Yet, in the United Kingdom, wherein peremptory challenges have been abolished for some time, there has been no evidence of more diversity within juries or differing outcomes in cases (Roach, 2019, p.118).

Roach (2019) supplements his critique of the trial process by noting that the trial judge’s instructions for the jury regarding impartiality had not warned against allowing racism and racist stereotypes to prevail in their deliberations (p. 153). This is problematic, as he fails to discuss how such a warning, in and of itself, could have also led the jury to form opinions and biases. The purpose of a *voir dire* is to dismiss potential jurors with biases and prejudices regarding the case and those involved. This allows for the assumption that the chosen jury would have been impartial by nature, thus demonstrating that there was no evident miscarriage of justice that took place at this stage of the trial.

Further, though Roach (2019) argues that the defence inappropriately used lay witnesses to present controversial evidence of the commonality of hang fires (p. 129), this is not an uncommon legal practice. Similarly, Roach’s arguments that the defence focused too heavily on the credibility of the prosecution’s witnesses (Roach, 2019, p. 153-157) is not atypical legal practice either. Roach’s own opinions regarding the trial resulted in a narrative that deemed the defence’s expert witnesses’ testimonies questionable, and the treatment of the prosecution’s witnesses discriminatory (Roach, 2019, p. 156).

In writing this book, Roach failed to acknowledge the impact of his positionality. As mentioned, shedding light on the political and social injustices faced by Indigenous peoples is necessary. However, Roach relied solely on public records and the media to write his book, which potentially loaned to some of the bias and political prejudices that the book demonstrated as well. He wrote this book without having contacted any of Colton Boushie’s family members to gather their perspective and opinions regarding the case (Roach, 2019, p. 87). Roach additionally neglects to enlist the help and opinions of any Indigenous peoples or experts on the matter (Roach, 2019, p. 87). Thus, though his book is an interesting read with some strong merits, it poses a strong risk of creating more divisiveness between Indigenous and non-Indigenous communities.