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North America's Indigenous Peoples: "Ongoing Genocide…" and Its Shadow World…

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Electromagnetic Press has produced a new book by Bruce Clark, scholarly expert and 'hands-on' activist in the matter of North American indigenous peoples' history, philosophy, and – especially – the reality of their present legal being, their rights, and their status in the activity of the higher courts.

Central to his argument, Bruce Clark makes clear that the constitutional and (therefore) luminously obvious thread of law (and precedent) leading from the eighteenth century (especially from the Royal Proclamation of 1763) defines the independent and autonomous legal being of today's indigenous people living on "unceded" land – land not having been subjected to voluntary sale or other voluntary alienation.

In the very simplest terms, it may be said, Clark observes, that *all* the courts of Canada [the USA presents another jurisdiction – equally malevolent] – *all the legal and judicial Establishments of Canada* magisterially choose to violate the Constitutionally constructed law and the precedents developing from it … and so violate the rights and persons of indigenous peoples in Canada. Apart from the Constitution and precedents growing from the eighteenth century, the government of John A. Macdonald, Canada's first prime minister, created the Indian Act and the Residential Schools structure – seen by many as (whatever may have been intended) genocidal actions continuing into the present. And the Province of B.C. passed (*ultra vires)* a law alienating indigenous land from indigenous control. Thus – we have the title of Bruce Clark's most recent book: *Ongoing Genocide* caused by *Judicial Suppression* of the *"Existing" Aboriginal Rights.* (www.electromagneticprint.com)

That primary fact is worth repeating: Bruce Clark alleges the Courts, the Legal, and the Judicial Establishments in Canada *act*, concerning the indigenous people, *in open contempt of the Constitutionally constructed Rule of Law* in the country we designate by the name Canada – of which those Establishments are a part.

Bruce Clark's book is made up largely of essays published in *Dissident Voices* over the past ten years or so. As a result, certain key arguments and presentations of historical and "legal" fact are repeated in a way that gives them exceptional force. The historical structure of both the undeniable independence of North America's indigenous population and the unbroken violation of that status by the "settler populations" is presented in a way that throws light upon the real functioning of the whole of Canadian society. Bruce Clark *tends* to see indigenous legal fact and history as unique, and – in important ways – it is.

But it may be wrong to suggest that the 'habit of mind' employed to produce a complete reshaping of law and the 'judge-making' of a false reality into which *all* indigenous matters are placed is unique to what would have been called a few decades ago "Indian Affairs".

One is sorely tempted to make comparisons – which are visibly there – between the treatment of Canada's indigenous people under a 'mangled Rule of Law' and the attempts (which have already been successful in other "democracies") to vacate gigantic corporations (SNC-Lavalin, and its kind) from criminal prosecution and deliver them to a gray area of what Roman Catholics might call "Penance and Absolution". Indigenous people are mangled in a Corporate-inspired expression of greed and larceny, Clark suggests, transmuted into judge-and-Legal-Establishment-made law. Corporations like SNC-Lavalin have 'special' legislation created for them alone, so that no individual in their ranks will face adjudication under a common Rule of Law … ever … because "deferred prosecution" agreements will remove them from any universal Rule of Law… and its meaningful punishments.

What the Justin Trudeau Liberals passed (semi-secretively) in a budget package of legislation (one of the famous "Omnibus" bills: 2018) is, I suggest, an attempt to legitimize a special "*approach",* a special jurisdictional and juridical handling of alleged violations of the Rule of Law in Canada which will place large private corporations in a special category subjected to special treatment. That – according to Bruce Clark – is what has been done, negatively, (*without any visible legislation)* to the indigenous people of Canada by judge and court-made illegitimate precedent. And instead of lightening the load pressing upon the indigenous people, the "dimension" of the law which they are forced to inhabit assures that, for instance, a fake (powerless) "right of consultation" usurps their right of full, independent being. When they appear in a Canadian court, they are subjected to a regime that is unique … and nowhere ratified Constitutionally.

Bruce Clark reports his own dramatic confrontation with Established Power (as distinct from 'legitimate power') during which time he was declared in criminal contempt, was jailed for a time, and was disbarred permanently from the elegant and prestigious practice of law in Canada.

His book confronts us with reality. Canadian judicial and legal structures deliver injustice frequently and institutionally often enough to cause major concern to Canadians because of persistent and determined [improper] legal and judicial action undertaken to disallow the clear, independent status and power of the indigenous people and to saddle them with a "right of [dependent] consultation". As a result no action taken by indigenous people can (in the Canadian courts) be adjudicated with respect to their real, historically founded status, Clark argues. And so they are cheated of justice in every case.

Moving from indigenous reality … to provide a comparison … in the Nuttall/Korody case (concerning an RCMP faked Islamic Terrorist Event at the B.C. Legislature grounds on July 1, 2013) years of injustice were forced upon the two falsely accused innocents, *but* both Defence lawyers and B.C. Supreme Court judge, Justice Catherine Bruce, extracted the two from the false accusations by a highly organized RCMP Force. Justice Bruce wrote a superb judgement exposing the RCMP's alleged criminal behaviour. Her judgement was upheld by three B.C. Appellate Division justices in late 2018.

And then: nothing. *Nothing.* The Crown, the federal Minister of Public Safety and Emergency Preparedness, the Minister of Justice, the Attorney General of British Columbia, members of the British Columbia legislature in all Parties, members of the Mainstream Press and Media have maintained stoney silence, failing to demand that criminal charges be laid against every RCMP officer and any other Canadian involved in the entrapment, the preparation of a

false criminal case, the incarceration, and the trial of the innocent two … and demanding full and complete restitution and compensation to the two victims for what is almost certainly a criminal conspiracy by RCMP officers and unnamed others….

What is plain in the matter is that the extraordinary work of Defence Counsel and Justice Catherine Bruce – to prevent the success of major, highly organized criminal activity by the RCMP – is something that Mainstream Power in Canada wishes to mask, to ignore. I would suggest that *parallel to the false judicial and legal actions in Canada that create a completely contained corrupt world of "law" for indigenous people* that Bruce Clark argues exists … there also exists – in matters involving what may be called the instruments (and the people) possessing real power in Canada (outside of indigenous issues) – a consistently corrupt *legal/judicial* administration is at work *to prevent action taken to assure that The Rule of Law in Canada prevails.* The falsely staged Islamic Terrorist Event at B.C.'s Legislature grounds which viciously victimized two innocent Canadians – and which ALL of the responsible authorities in Canada are trying to ignore … is only one lamentable example.

Though many, many instances might be brought forward to underscore that truth, no case can be more instructive, perhaps, than the *huge*, multi-million dollar, nearly ten-year history involving the corrupt transfer of BC Rail to the CNR and a more than three year trial (2007-2010) of what I choose to call victims chosen to mask the major wrong-doing *and* the major actors undertaking the wrong-doing who should have been the accused in the case.

The imperfect Wikipedia entry (avoiding the major archived independent website on the issue) about the BC Rail Scandal, employing only 'acceptable' Mainstream Press and Media sources, fails to report the absolutely *primary fact.* Much, *much* about the scandal can be argued about … but not the finding late in the trial – when Madam Justice Elizabeth Bennett had been *promoted* off the trial to Appeals Court; and the choice was made by Associate Chief Justice Patrick Dohm (he announced that he had made his choice in my presence) of Justice Anne MacKenzie to complete the Supreme Court trial.

In late 2009 it was revealed that the Special Crown Prosecutor – appointed in 2003 and (therefore, normally) associated with RCMP investigations, with the preparation of charges against Dave Basi, Bobby Virk, and Aneal Basi, and then with fulfilling the role as primary Crown actor in the trial of the three accused – that he was named Special Crown Prosecutor in clear violation of the legislation creating and declaring the terms of such an appointment.

Stated simply … such an appointed person must be free of any possible bias – and the legislation says in addition … must be free of the possibility of even the perception of bias. The Special Crown Prosecutor in the case against Dave Basi, Bobby Virk, and Aneal Basi was for eleven years partner and colleague of the Deputy Attorney General and for seven years partner and colleague of the Attorney General from whose office his appointment was made as Special Crown Prosecutor under the premiership of Liberal Gordon Campbell at whose feet was laid the whole impetus for the so-called "sale" of BC Rail to the CNR: and, therefore, also, at whose feet were laid many of the allegations of impropriety in the case. (The Attorney General was, of course, a member of the B.C. Cabinet headed by the premier, Gordon Campbell.)

The revealed fact of the illegitimate appointment of the Special Crown Prosecutor in the Basi, Virk, and Basi case rendered, in my judgement, *everything about the case null and void*, without legitimacy – erasing every action in the process. I wrote to the Chief Justice of

the British Columbia Supreme Court and the Associate Chief Justice as *responsibles* in the matter. In two correspondence attempts to have them assume their responsibilities in the matter – they refused. I wrote to the judge on the case … and she refused to act in any fashion in relation to the improper appointment and *the improper presence in her courtroom of an illegitimately appointed Special Crown Prosecutor*. I wrote to the Canadian Judicial Council – the top *appeal* body concerning the behaviour of the judiciary in Canada. (The Chief Justice of the Supreme Court of Canada is 'nominal' head of the CJC.) I asked them to name the judge on the case as acting improperly in the matter of an illegitimate Special Crown Prosecutor acting in her Court. The Canadian Judicial Council refused to acknowledge any improper behaviour on the part of the judge on the case.

The picture that appears of the legal and (especially) the judicial Establishments in that short accounting leaves little more to be said.

The brutal findings by Bruce Clark… and, indeed, the brutal treatment he, himself, has been subjected to … point to a Rule of Law relating to the Indigenous Peoples that needs complete overhaul… in fact – complete restructuring. But, alas, in its *shadow world* – the world in which the Legal and Judicial Establishments act in areas other than those concerning indigenous persons and the rights of their communities – the actions of what must be called the Legal Establishment and the Judicial Establishment – mirror, I suggest, with depressing regularity, the same dismissal of Constitutional reality.

And they replace it, I believe, with 'assumptions of purity' that are used to protect the political and corporate powers enriching themselves and increasing their power at the cost of fundamental justice. The Rule of Law, and the will of the people are blind-sided by the unanimity of evil-doers and their supporters in the Mainstream Press and Media. That fact suggests the so-called "Criminal Justice System" – meaning the operation of the Legal and the Judicial Establishments in Canada (including the treatment of indigenous people) must be swept aside. The structure must be trashed. The whole fabric of law and justice – especially as it is practised within 'the system' in Canada – must be completely reconstructed.

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