From Lawyers to School Children: Deconstructing the Mass Grave Narrative

Lloyd Hawkeye Robertson

This article was first published in the Spring 2025 issue of *Humanist Perscpectives*

In February, 2025 a British Columbia lawyer took the unprecedented action of suing his professional association for libel. BC Law Society training materials for all lawyers in the province claimed that the Kamloops Band had reported the discovery of 215 bodies on the former Kamloops Indian Residential School grounds. Jim Heller asked the society to use the phrase "potential unmarked burial site" since, after three years, no bodies had been found. In its response, the Law Society issued a press release accusing Heller of unethical practice, denialism, racism, and insensitivity to aboriginal people. This extreme reaction suggests a process of demonization. Beginning with a historical overview, this article examines how residential schools and colonization contributed to a new quasi-religious movement. We begin by referencing a related story aimed at school children.

Every year on September 30, Canadians observe Orange Shirt Day to educate and promote awareness of Indian residential schools and their lasting legacies of trauma, suffering and genocide, Young students are taught that Phyllis Webstad, as a Grade 1 student of the residential school in William's Lake, B.C., had her new orange shirt taken away on her first day at school. She had been excited to wear her orange shirt and felt confused and in pain when it was taken away. Phyllis was left feeling that her emotions and identity did not matter and she cried without comfort. Her feelings of worthlessness lingered into her adult life necessitating a "healing journey."

Phyllis Westab's story is taken to represent a broader narrative of the Indian Residential School system within the framework of European colonization which has been described as "genocidal" (Brave Heart, 2003; Duran & Duran, 1995; Wesley-Esquimaux & Smolewski, 2004). "Genocide" is a word coined to reference the elimination of a people from the gene pool as was done to Jews in Nazi concentration camps during World War II, so its use in the Canadian context can be confusing. In the 19th and 20th centuries, Canadian authorities provided food aid and vaccinations to aboriginal populations. There were exceptions. The Sioux who escaped to Canada following "Custer's last stand" were not given any rations. Amerindian bands in Canada that did not sign a treaty were given half rations. The Métis, who were not recognized as aboriginal at the time, were given no rations.

The history of warfare with aboriginal populations differs across North America. During the Riel Rebellion in 1885 16 to 25 Métis were killed in three confrontations with the final battle at Batoche ending when the rebels ran out of ammunition. Although Canadian deaths were twice as high, the numbers paled in comparison to the Indian Wars in the United States. Three hundred to 360 people lost their lives in the battle of the Little Bighorn occurring just prior to the Riel Rebellion. Four thousand U.S. troops and between 5 to 15 thousand warriors lost their lives in the U.S. "Indian wars" of the 19th Century. The countries have different histories.

Canada sought treaties to prevent war. The Royal Proclamation of 1763 recognized an aboriginal interest in the land that had to be settled by treaty before European expansion could occur. Eleven numbered treaties were signed between Canada and Amerindian peoples between 1871 and 1921 covering the Prairie Provinces, north-western Ontario and the North. In each the aboriginal signatories agreed to give up their interest in the land in exchange for reserves, the right to hunt, fish and trap on all crown lands, assistance in times of famine, and education.

Three Cree bands had joined hostilities during the Riel rebellion and the Canadian authorities implemented strict control of all reserves, but particularly in the southern grain belt region. For example, band members had to obtain the permission of the Indian Agent to travel off reserve or to harvest their produce.

The Canadian government attempted to meet this obligation to provide education through a combination of on-reserve day schools and residential schools. Four Christian denominations offered to operate these schools if the government would pay the capital costs. The churches planned to pay for their residential school operating costs using an industrial school model as was used at some schools for non-aboriginal students. Students would learn the skills of farming and ranching with the schools selling the produce. This model did not work, in part because school attendance was voluntary. The Anglican Synod spent over half its national budget prior to World War II covering the short fall (Woods, 2012). This may have meant that the students in Anglican schools were better fed and received a better education. The federal government began issuing per capita operating grants for the schools in 1898 but this created a new problem. Financially viable schools were overcrowded accepting all students including those who were obviously diseased. Teachers were often poorly educated and some were physically and sexually abusive. A 1991 survey of 187 adults who had attended the residential school at Williams Lake produced 89 who said they had been sexually abused (Waldram, 2004).

Abuses at Indian Residential Schools have resulted in numerous lawsuits by aboriginal litigants. Post-traumatic symptoms of physical or sexual abuse can include intrusive memories, disturbed sleep patterns, avoidance of situations reminiscent of the traumatizing event and mood swings. B.C. physician Charles Brasfield (2001) noted that many who had gone to residential school exhibited a parallel set of symptoms without any traumatizing or life-threatening

initializing event. Their symptoms included rejection of cultural activities, alcohol and drug abuse, and outbursts of anger. I have suggested that in attempting to make “good Christians” the churches were, in effect, attempting to re-engineer the partially formed selves of aboriginal children which, in some cases. resulted in residential school syndrome (Robertson, 2006).

In a *Globe and Mail* article, Fraser, Logan and Oxford (2021) said the Indian residential school were created to kill children. They falsely claimed that in 1907 the government “turned a deaf ear” to the recommendation of a Canadian doctor, Peter Bryce, to close the residential schools. He had reported that the 35 schools he visited were often overcrowded, frequently lacked proper nutrition, and had substandard sanitation. But instead of recommending their closure, he recommended that more be built with better financing under government, as opposed to church, control. It was the government that decided in 1907 to close the residential schools but a lobby of churches and their aboriginal allies convinced them to reverse this decision (Robertson, 2022). But the *Toronto Globe and Mail* refused to print a rebuttal.

In this climate of anticipatory genocide, soil disturbances were found in an apple orchard near the old Kamloops Indian Residential School. In May, 2021, Chief Casimir of the Kamloops band said the findings represented the 'undocumented deaths' of missing children some as young as three years old (Rouillard, 2023). On May 28 the New York Times covered the story with the headline: “‘Horrible History’: Mass Grave of Indigenous Children Reported in Canada.” Other media like the Washington Post, Toronto Globe and Mail and the Canadian Broadcasting Corporation eventually retracted the “mass grave” story with its implication of genocide but the Times did not. On May 31, Prime Minister Justin Trudeau ordered that Canadian flags be lowered stating:

> The findings in Kamloops are part of a larger tragedy. They are a shameful part of our past that we must acknowledge and that we must work together to address… To the

> Tk’emlúps te Secwépemc First Nation and to all Indigenous communities across Canada: we remain ready to support you in the healing that is needed.

Although in her June 4 statement Chief Casimir emphasized that what had been found was soil disturbances, on July 6, 2021 she co-sponsored the following resolution before the Assembly of First Nations:

> The mass grave discovered at the former Kamloops Indian Residential School reveals Crown conduct reflecting a pattern of genocide against Indigenous Peoples that must be thoroughly examined and considered in terms of Canada’s potential breaches of international humanitarian and human rights law.

Beverly Jacobs, acting dean and law professor at the University of Windsor demanded that any church or government in Canada involved with the residential school system be immediately charged with genocide by the International Criminal Court. Some people took the law into their own hands. Thirty three churches were set on fire in the two year period following the Kamloops grave story. Justin Trudeau condemned the arson but said it was “understandable.” The federal government allocated $321 million to First Nations communities to search for 'missing children' but none were found (Flanagan & Giesbrecht, 2023). The Kamloops Band has refused to allow excavations. In this environment, Jim Heller moved his motion that B.C. Law Society training materials should say there are “potential bodies” in the Kamloops apple orchard.

The position of the B.C. Law Society seems very “unlawyer-like.” Lawyers are trained to be careful in their wording and from this vantage Heller’s motion could be seen as a friendly amendment. But the law society was forwarding and elaborating on a position taken by the B.C. First Nations Justice Counsel a day earlier. But why would a law society feel compelled to follow the lead of an outside body with a vested interest in the narrative? We need to consider that perhaps it is not a matter of law but a matter of religion.

When asked about systemic racism, the former commissioner of the Royal Canadian Mounted Police, Brenda Lucki said (June 23, 2020),: "I've looked at our policies and our procedures, and I will say that we don't have anything in our policies that says, you know, 'Be racist toward this group or treat this group differently," Following the intervention of the Prime Minister's Office, Lucki voiced a humiliating reversal stating that there was systemic racism in the RCMP. Actual systemic racism would show up in an organization's policies and procedures. If, however, systemic racism is assumed, then Lucki was not diligent in finding it. Similarly, if genocide is assumed, then lack of evidence is only evidence that the person requesting the evidence is either not diligent or racist. If there is invisible racism and genocide that can only be seen by the elect, then those elect form the basis of a new religious movement.

In 2003 Steven Pinker noted a rising "quasi" or proto-religion based on three myths: the Blank Slate, the Noble Savage and the Ghost in the Machine (Pinker, 2003). The *blank slate* is the view that humans have no inherent talents or temperaments and are shaped by culture. Accordingly, our language is moderated for "political correctness" to shape our worldviews. The *noble savage* myth postulates that evil motives flow from corrupting institutions and that aboriginal people lived in a veritable Garden of Eden before the land was stolen from them. This view ultimately justifies the tearing down of "western" civilization and Enlightenment reason. The *ghost in the machine* myth holds that the most important part of us is independent of our biology. For example, sex is "assigned" at birth and sometimes doctors and parents get it wrong. People in this proto-religion are divided into racial and gender groups with whites, particularly white heterosexual males, deemed to be oppressors. Since people who share this view see themselves as being "awake to racism" based on collectively assigned identities, this movement is sometimes called "Woke Identitarianism" or "Wokism." Wokism as a political ideology draws

on aspects of social justice, postmodernism, Marxism, and Fascism, without being true to any (Coughlin & Higgins, 2019; Pluckrose & Lindsay, 2020; Robertson, 2021).

In telling the truth, Jim Heller blasphemed against this new religious movement. Similarly, Orange Shirt Day was created to bring a spotlight to the evils of assimilation, but we are not supposed to notice that Phyllis Webstad started school in 1973 – after the church run schools had been replaced. The nuns did not take her shirt; it was likely an aboriginal school employee. Further, she only went to residential school for one year before the self has a chance to develop so she did not suffer from residential school syndrome. But truth is not as important as the Narrative. Those of us with aboriginal ancestry need to decide whether we want our histories to be used to advance this new religious movement.

References

Brasfield, C. R. (2001). Residential School Syndrome. *B.C. Medical Journal*, *43*(2), 78-81.

Coughlin, S., & Higgins, R. (2019). *Re-remembering the Mis-Remembered Left: The Left's strategy and tactics to transform America*. Unconstrained Analytics.

Flanagan, T., & Giesbrecht, B. (2023). We had a "knowing": /thge fakse barratuve if IRS burials. In C. Champion & T. Flanagan (Eds.), *Grave Error: How the media misled us (and the truth about residential schools)* (pp. 190-203). True North and Dorsett.

Fraser, C., Logan, T., & Orford, N. (2021, July 17). A doctor's century-old warning on residential schools can help find justice for Canada's crimes. *Globe and Mail*. https://www.theglobeandmail.com/opinion/article-a-doctors-century-old-warning-on-residential-schools-can-help-find/

Pinker, S. (2003). A biological understanding of human nature. In J. Brockman (Ed.), *The new humanists: Science at the edge* (pp. 33-51). Barnes & Noble.

Pluckrose, H., & Lindsay, J. (2020). *Cynical Theories: How activist scholarship made everything about race, gender, and identity and why this harms everybody*. Pitchstone Publishing.

Robertson, L. H. (2006). The residential school experience: Syndrome or historic trauma. *Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health*, *4*(1), 1-28.

Robertson, L. H. (2021). Year of the virus: Understanding the contagion effects of wokism. *In-sight*, *26*(B). Retrieved March 1, from https://in-sightjournal.com/2021/02/22/wokism/

Robertson, L. H. (2022). Did the Canadian government build schools to murder children? . *Humanist Perspectives*, (219). https://humanistperspectives.org/issue219/did-the-canadian-government-build-schools-to-murder-children/#gsc.tab=0

Rouillard, J. (2023). In Kamloops, Not one body has been found. In C. P. Champion & T. Flanagan (Eds.), *Grave Error: How the media misled us (and the truth about residential schools)* (pp. 19-63). True North and Dorchester Books.

Waldram, J. B. (2004). *Revenge of the Windigo: The construction of the mind and mental health of North American aboriginal peoples*. University of Toronto Press.

Woods, E. T. (2012). *The Anglican Church of Canada and the Indian Residential Schools: A Meaning-Centred Analysis of the Long Road to Apology* London School of Economics and Political Science]. London.