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Supreme Court must follow first step toward full justice

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Thursday will mark the first time this country will have an Indigenous person sitting on the most important legal bench in the land.

Michelle O'Bonsawin's credentials are unquestionable. She speaks English and French, and some Abenaki - the first Supreme Court of Canada justice to do so.

O'Bonsawin's career is full of "firsts" - most notably as the first Indigenous person to serve on the Ontario Superior Court of Justice.

Prior to that, she did legal work for the Royal Canadian Mounted Police, Canada Post and Royal Ottawa Health Care Group, specializing in mental health and the law.

She has a PhD in law from the University of Ottawa, studying the implementation of Gladue principles (Canadian courts must consider Indigenous People's histories and experience during sentencing).

She was selected by her legal peers, nominated by the eight-member non-partisan Independent Advisory Board for Supreme Court of Canada Judicial

Appointments - which includes Richard Jochelson, dean of law at the University of Manitoba.

O'Bonsawin carries strong ties with Indigenous communities.

She's from Odanak, an Abenaki First Nation in Quebec, and - while raised in Northern Ontario - she has maintained strong connections. This was evidenced when the Conseil des Abénakis d'Odanak issued a "extremely proud" statement on her appointment last week, saying: "It is an invaluable honour to have such an ambassador for our Nation."

Other statements of support came in from the Assembly of First Nations, Indigenous Bar Association, and Congress of Aboriginal Peoples.

O'Bonsawin is also endorsed by my father, Murray Sinclair, the first Indigenous judge in Manitoba (and second in Canada), calling her "immensely qualified," with "deep knowledge of issues related to Indigenous Peoples in Canada."

(I've never met her, but respect is by far the most important quality Indigenous people look for in leadership.)

Canada now has its first Indigenous justice and second person of colour on the Supreme Court (Justice Mahmud Jamal was appointed last year).

This is a good thing.

But, here's the thing about firsts: they do a lot, but also can't do much.

The job of being a "first" is mostly made up of challenging all of the reasons a person like the "first" has never existed before.

By entering a profession and workplace, a first has altered the rules, policies, and beliefs embedded within the principles of these places.

Change isn't easy, particularly for those who have spent years benefiting from dominating a room. Often, a first is celebrated until he or she points out the reasons no one like them have even been there before.

Then, the first is often called "thankless," "angry" or "political," and mired in conflict.

This means much of one's time as a first is spent trying to convince those in power that change - like the inclusion of other "firsts" - is necessary.

This is exhausting, time-consuming work measured in inches of small, incremental change. Still, many will criticize a first as a "sellout," or not working hard enough.

A first must also do three or four times the job as everyone else. You're not only doing the job you're hired for but are now an advocate, room-builder and door-opener for others.

This is why being a first is like living under a microscope. One mistake or misstep and those who don't like or want change will say the first "wasn't ready."

Change doesn't come from a first but from what happens after they arrive. Will those in the room embrace the change? Will those in power share or step aside and beside? Will the room allow more than a first?

These are the same truths whether we are speaking about Canadian workplaces, government or the Supreme Court.

The appointment of Justice Michelle O'Bonsawin is a great step, but the first of many needed and necessary steps.

One judge out of nine on the Supreme Court doesn't do much when it comes to making just decisions, crafting inclusive law or rebuilding a room.

Canada's law is based in racist notions embedded in the Doctrine of Discovery, Indian Act and terra nullius - all ideas that hold at their core Indigenous peoples aren't human beings, have inferior land claims and rights, and don't matter much at all.

The Supreme Court hasn't changed much in over 150 years. One first won't

do it.

Three or more Indigenous judges - something akin to the amount Quebec gets on the Supreme Court - would be what change would look like.

Justice Michelle O'Bonsawin will bring some change to this country, there is no doubt.

The question is whether Canada is ready for the needed and necessary change that would bring justice to the highest court in the land.

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