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NAN deputy chief applauds investigation into jury rolls

By The Daily Press
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Nishnawbe Aski Nation (NAN) Deputy Grand Chief Terry Waboose is applauding the appointment of former Supreme Court Justice Frank Iacobucci to inquire into and report on First Nation representation on Ontario jury rolls.

"NAN has fought for years to uncover the truth about the systematic exclusion of First Nations from the Ontario justice system. It is right, and proper that a credible jurist such as Justice Iacobucci, independent of the Attorney General, inquire into and report on the extent of the exclusions, and propose solutions going forward," said Waboose. "First Nations alienation from the justice system is our reality.

"First Nations overrepresentation among those who are charged and jailed is only made worse by the fact that First Nations have been systematically denied their right to serve on juries."

The review will report on any relevant legislation and process including First Nations persons living on-reserve on the jury roll, from which potential jurors are selected for all jury trials and coroners' inquests. As part of the review, recommendations will be made on how to ensure there is enhanced representation of First Nations on the jury roll.

"Solutions to a meaningful harmony between First Nations' values and the Ontario justice system means above all speaking the truth about First Nations exclusions and collaboratively charting a path forward," said Julian Falconer, NAN's legal counsel.

"Convening an independent inquiry solely on the issue of the absence of First Nations from our jury processes is a first in Canada. Justice Iacobucci's credibility as an independent reviewer is a reason to be optimistic about the outcome of this historic exercise."

NAN's court initiatives followed startling revelations during the Coroner's Inquest into the deaths of Jamie Goodwin and Ricardo Wesley (the Kashechewan Inquest) in 2008 that the Kenora Judicial District jury roll only contained names of First Nations people from 14 of NAN's 49 First Nations.

In the case of Kashechewan First Nation, not a single member of that community had ever been included on a jury roll. Since that time, a NAN-led coalition publicly sought a report on the circumstances and extent of the exclusion of First Nations.

For the last three years NAN has maintained that there could be no progress in moving forward without accountability about the past.

In March 2011, NAN and two First Nation families won a landmark Court of Appeal judgment recognizing their right to conduct inquiries into the validity of the juries empanelled in the Thunder Bay Judicial District. The appeals followed the refusals by the presiding coroners at the inquests into the death of Reggie Bushie and the death of Jacy Pierre to summons the court official responsible for assembling the Thunder Bay jury roll, to give evidence as to whether First Nations people were adequately represented.

The court found that the District of Kenora jury roll was "manifestly unrepresentative" and that "there is no reason to think that the unrepresentativeness of the jury roll in the District of Kenora is unique."

The Court also found that "court officials did very little to obtain other records" and that there is little reason to believe the situation is better in Thunder Bay.

"The truth about First Nation's under representation on jury rolls only became public following revelations at the Kashechewan Inquest," said Waboose. "For far too long our questions have gone unanswered, and we have had to rely on court orders and summonses to get answers on behalf of our First Nations."