

Being Anishnaabe

A report of an address given by Justice Murray Sinclair, Court of Queen's Bench of Manitoba, on the 40th Anniversary of Citizens for Public Justice and the Public Justice Resource Centre, Winnipeg, March 19, 2004

by Aiden Enns, a freelance writer and editor in Winnipeg, with assistance from John Bird of *Skiff of Snow Productions*

Justice Murray Sinclair, the first Aboriginal judge in Manitoba back in 1988 and the major figure behind the federal Aboriginal Justice Inquiry, spent the last 40 years learning what it means to be a human being.

Or, in the language of his ancestors, he's on a perpetual journey to be *Anishnaabe* – a responsible person in this world. Being Anishnaabe has "all of the layers and depths of meaning about being a responsible person in the world," said Sinclair during a talk at Indian Family Centre in the North End of Winnipeg in March, 2004.

Sinclair was the keynote speaker at the Winnipeg celebration of the 40th anniversary of Citizens for Public Justice and the Public Justice Resource Centre.

Murray spoke personally and candidly about his encounter with the residential school system, his spiritual quest and constant sense of obligation to help others in need, especially Aboriginal people.

"From the earliest times I can remember, I always had that strong sense of spirit and belief about me," said Sinclair.

Almost the priesthood

When Sinclair was only a year old, his mother passed away after giving birth to his brother, as a result of tuberculosis. Sinclair's father, a traumatized veteran of World War II, was not able to raise the children on his own. As a child, Sinclair preferred to stay in his home community and therefore spent his early years raised by grandfather and grandmother.

His grandmother took her Catholic faith very seriously. She wanted at least one of her 10 children to be a priest. But none did. Then along came Murray.

"From the time I was very young, I was told I was going to be a priest," said Sinclair. "I actually embraced the idea. I very strongly believed in the Creator and all things spiritual."

Unfortunately for his grandmother, "puberty hit me rather hard". The priesthood lost its appeal. He kept the news from her as long as he could. But when he entered grade 11 and decided to take the courses necessary for university, he needed her signature of approval.

"It was a very sad day for her. She cried a lot," said Sinclair. To save face, she insisted that Sinclair complete high school, go to university and "do something" with his life.

"I got out of the priesthood, rather easily I think.... I loved school, I loved learning about things," he said.

As he looked back at this childhood, Sinclair had mixed comments. On the one hand, he acknowledged that the residential school system kept him from following the traditions of his ancestors. There were legal impediments against practising Aboriginal culture following in the traditional ways of faith. On the other hand, he was given a profound sense of the Creator, and a respect for the elders in his community.

"It's not God who worries me, it's my grandmother. I'm going to have to stand in front of her and explain why I did what I did. That's an important part of my spirituality and my faith as well," he said.

Distance and despair

University life was a stark contrast to the ordered life back home; Sinclair entered a time of searching and despair. Without the structure and discipline of household and church, Sinclair entered university but then left, feeling dissatisfied, discontent.

"There was something else that I wanted but I wasn't quite sure what it was.... The older I got, the more a sense of responsibility grew within me regarding my role in society and what I should be doing."

He took a more active role in the wider community. He became vice-president of the Manitoba Métis Federation and worked as an assistant to Attorney General Howard Pawley (who would go on to become premier).

This was the late 1960s and early 1970s and Sinclair was heavily influenced by the civil rights movements and Indian rights in particular: the occupation of Wounded Knee in South Dakota, the take over of Anishnaabe Park in Kenora, Ontario. Charged up for a life in politics, he went back to school.

"I decided to get a law degree because I thought it would give me instant credibility, and allow me to become involved in politics. So I went to law school to become a politician. From the priesthood to politics – what a drastic switch."

While at school, he took an interest in the justice system, particularly the judicial process. He'd often duck out of work, run across the street, sit in the courthouse and observe trials.

After graduation, he practised as a lawyer. But the law left him unfulfilled and within a year he quit his practice and found himself searching once again.

"Part of it was the great disillusion I felt about the way the justice system was dealing with Aboriginal people and issues – the way I was being treated as an Aboriginal person by judges and lawyers and the legal system. The way police officers conducted themselves towards my client base didn't impress me. I didn't really see that things were going to change there."

Elder counsel

Before abandoning the legal profession all together, his wife Catherine suggested he seek the counsel of an elder. She proposed he speak with Angus Merrick, a magistrate and a respected elder in the Aboriginal community,

"Those of you who have had experiences with elders will know that when you go to them with the big question, you never get the big answer," said Sinclair about meeting Angus.

Angus advised Sinclair: "The thing you must remember is that from the time you are born until the time you leave this world, you'll always be Anishnaabe.... You don't know how to be a lawyer now because you don't know how to be Anishnaabe."

That one word, Anishnaabe, summed up the teachings of his people. Its meaning was worthy of pursuit. Sinclair decided to stay with his work as a lawyer and dig deeper in to his identify as an Aboriginal person.

Grandmother appears

At this time, when Sinclair was especially vulnerable to spiritual guidance, his grandmother appeared to him in a dream. Together with his grandfather, she told him to travel down the road, and do not linger at the side, for what is at the end is important.

"To me that message was all about a reinforcement of the way I was finding my faith," said Sinclair.

At first he turned to books for guidance, but found few Aboriginal authors writing about spirituality. Fortunately there was a resurgence of Aboriginal elders coming to town and he took part in several youth-elder workshops.

"One day when one of those presenters said, 'You have to go talk to your mother,' I said, 'I don't know how to do that because my mother's passed away.' He said, 'I'm not talking about the woman who gave birth to you. I'm talking about your real mother. You have to go and find her, out there somewhere. You have to go and sit with the Earth, because that's the one who is the mother for all of us. You'll find your answers there.' He was talking about fasting, and meditating. So that's been part of my exploration as well," said Sinclair.

Base of support

This exploration has gone on for nearly 30 years since then. At pivotal moments in his life, he's relied on the teachings. For example, when their youngest child had problems with

friends drinking and experimenting with drugs, Murray and Catherine turned to the wider community for support.

"We formed a circle at our house and we invited... all the people she considers aunts and uncles... to come and talk with her about those things. They did, and she'll tell you that it helped her find her way."

When Sinclair's father died and when Catherine's mother died they found comfort in the traditional teachings about death and the journey of the spirit.

One difficult time was after 1988, in the aftermath of the shooting of J.J. Harper and the onset of the Aboriginal Justice Inquiry, of which Sinclair was co-commissioner. Shortly after the hearings had begun, a police officer connected with the case unexpectedly shot himself. Sinclair felt "a great guilt" and "particularly fragile for a long time." Initially, the Aboriginal community called to offer consolation. Then they gathered around Sinclair in a circle to share in the sadness and offer support.

"They helped put everything into perspective, that it wasn't what we were doing in the inquiry that brought this about, it was the whole issue that started back on March 8, 1988," he said. This was a time when culture, faith, elders and community came together to deal with grief, pain and injustice.

Old women in the gym

In his daily work as a judge, Sinclair is still guided by lessons from the elders. He recalled a trip he made during a circuit to remote northern Manitoba First Nations communities. He entered a school gymnasium in Little Grand Rapids. As the lawyers and police were making arrangements, he joined a circle of old women sitting and talking at the back of the room.

"Finally I said, 'I've got to go and get things started because they're waiting for me over there.' This little lady put her hand on my arm and said, 'Just wait. We want to tell you something.... All those people over there,' she pointed to all the people who were talking to the lawyers and who were waiting to be called, 'we want you to remember, those are our children. Never forget that whoever is going to stand in front of you, that's somebody's child. Never forget that.' And I've tried not to forget that. Whoever this is, this is somebody's child."

Sinclair carries with him a healthy sense of obligation. It's an obligation not borne from duty or guilt, but which stems from a sense of inter-connectedness and respect for life.

For example, when he now makes presentations to Aboriginal students in law school, he says it's important for them to become practitioners.

"The community needs us, not just the Aboriginal community, but the whole legal system. This is not a White man's system, this is our system too. And it's not working right now. We have an obligation to make it better." Some of them have a hard time with this, he said.

His sense of obligation is to help those in society, young and old, who have made decisions that caused them to get into trouble. The vast majority of the people he sees in court are people who have lost their faith.

"And not just their sense of connection to church, or religious teaching, but their ability to believe in their future." He said they've lost their sense of direction and the knowledge that "they are people about whom our Creator has pride. That's why they behave as they do."

How does he suggest we help these people who've lost their way?

"It's actually a relatively simple formula," said Sinclair. He returned to the lesson from the elder Angus – help them understand that no matter what, "they will always be Anishnaabe."

"This has implications for all of us in every profession, for the people involved in education, in medical care, in the legal system, ... even for those helping to take care of people who can't take care of themselves.

"If we help them know where they've come from, their history; and where they're going, what lies in their future in this world and the next; it will help them understand why they are here and who they are. I believe in that. It's the kind of work I try to dedicate myself to."

Life after judging

When he first got the call to be a judge, at age 36, Sinclair balked.

"No, it's boring," he said. "Besides, everybody hates you. You can't make one side happy without making the other side mad." He didn't relish the thought. But he took the job, and he's still at it a decade and a half later.

But in his early 50s, Sinclair hints at life beyond the Court of Queen's Bench.

"I still have things to do," said Sinclair at the conclusion of his talk to those gathered at the Indian Family Centre.

He recalled the day when Angus held up a stick and said, "This is like your life. And you may be a lawyer for that much of your life. You might even become a judge. And you'll be a judge for that much of your life." Sinclair doesn't expect to be a judge much longer.

"But who knows how things are going to change? I didn't think I'd be a judge for this long, to be honest," he said.

The Honourable Justice Murray Sinclair

The Honourable Justice Murray Sinclair was appointed Judge of the Court of Queen's Bench on January 31, 2001. Prior to this appointment, he was appointed the Associate Chief Judge of the Provincial Court of Manitoba in March of 1988. He was Manitoba's first Aboriginal Judge, and at that time, Canada's second.

Murray is deeply connected to his traditional Anishinaabe spirituality. He is part of Three Fires Society and the Midewin Lodge and regularly participates in ceremonies. Murray is from the Fish Clan – traditionally the mediator, the judge, the one that brings people together. Murray connects that spirituality to his understanding of justice.



After serving as Special Assistant to the Attorney General of Manitoba, Murray attended the Universities of Winnipeg and Manitoba and, in 1979, graduated from the Faculty of Law at the University of Manitoba. He was awarded the A. J. Christie Prize in Civil Litigation in his second year of law and articulated with a law firm in his hometown of Selkirk, Manitoba.

He was called to the Manitoba Bar in 1980. In the course of his legal practice, Murray practiced primarily in the fields of civil and criminal litigation and Aboriginal law. He represented a cross section of clients but by the time of his appointment he was known for his representation of Aboriginal people and knowledge of Aboriginal legal issues.

Shortly after his appointment as Associate Chief Judge of the Provincial Court of Manitoba in 1988, Murray was appointed Co-Commissioner of Manitoba's Aboriginal Justice Inquiry, along with Court of Queen's Bench Associate Chief Justice A. C. Hamilton. Most recently, in December 2000, Mr. Justice Sinclair released the Pediatric Cardiac Surgery Inquest Report, concerning an inquiry he conducted into the deaths of 12 infants in cardiac care.



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