

# The Trial of the Death of Cindy Gladue: #CindyGladue Degradation, Representation and Competing Ideologies

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I recognize that many Indigenous nations have longstanding relationships with the territories upon which York University campuses are located that precede the establishment of York University. I acknowledge its presence on the traditional territory of many Indigenous Nations. The area known as Tkaronto has been care taken by the Anishinabek Nation, the Haudenosaunee Confederacy, the Huron-Wendat, and the Métis. It is now home to many Indigenous Peoples. I acknowledge the current treaty holders, the Mississaugas of the Credit First Nation. This territory is subject of the Dish with One Spoon Wampum Belt Covenant, an agreement to peaceably share and care for the Great Lakes region.

## PURPOSE OF RESEARCH

To explore the relationship between Indigenous women and the Canadian Criminal Justice System in regard to sex related crimes. By the representation of this trial in the media and the CCJS, it can be concluded that this trial became popular due to the representation of Indigenous women's body and the ideologies of sex workers.

## RESEARCH APPROACH

Exploratory Secondary Research

- Reviewed news articles and social media platforms
- Draw data from published academic papers and legal documents
- Cross analysis of information

## ABSTRACT

Each year, women and girls from Aboriginal and Indigenous communities are missing or murdered with no justice served. The trial of the Death of Cindy Gladue, was one that could set precedent for women who are indigenous and women who are sex workers. I reviewed and analyzed the trial and media trends and found three common themes; degradation ceremonies, representation of women and ideological contestations. This review focused on the denouncement of Cindy Gladue, consent and sex workers and the ideologies of indigenous communities and sex workers. This paper concludes that the CCJS continues to fail women of colour and Indigenous communities; however, the growth of social media channels has increased public knowledge and increased awareness about the rights and protection of individuals.

## BACKGROUND INFORMATION

June 23<sup>rd</sup>, 2011, Bradley Barton was charged with first degree murder of the death of Cindy Gladue.

- Ms. Gladue died from an eleven-centimetre wound in her vagina
- Crown argued that Ms. Gladue's vaginal wound resulted from a sharp object and requested to have the victims vaginal tissue as evidence
- Ms. Gladue's vaginal tissue was admissible as evidence for the trial for Mr. Barton
- The jury found the accused not guilty; Ms. Gladue's death was deemed accidental due to rough foreplay from fisting
- The conviction has been on appeal since the verdict was determined

## CONSENT AND SEX WORKERS

The nature of Ms. Gladue's death and verdict garnered media attention. The criminal *code* states that one cannot consent to sexual activities that will cause bodily harm such as stitches and broken bones.

- "Rough Sex Defense"
  - Men are not found criminally responsible for sex that leads to death.
- A not guilty verdict of a women who was a sex worker discriminates the social life between sex work, security, consent and representation.
  - This is a form of ideology where power struggles threaten the social order of life.



Image 1: Sean Fine, Lawyer says Indigenous Women Cindy Gladue was 'objectified' in Alberta Trial :The Globe and Mail.

## CINDY GLADUE DENOUNCED

The denouncing of victims induces social rupture and revictimize women and change the discourse surrounding consent.

**Denunciation themes**

- What the denounced appear to be and what they are seen as
  - Human, mother, parent, sibling vs drug addict and prostitute
- The origins and redefinition of the denounce.
  - The social issue of the dehumanization of indigenous women since the era of residential schools.

## IDEOLOGY: INDIGENOUS COMMUNITES AND SEX WORKERS

The production of meaning, signs and values in social life that encompass systemically distorted communications; motivated by social interests and helps to legitimate a dominant political power.

**The images below represent ideologies within communities regarding sex work and Indigenous communities**



Image 2: The Canadian Press, Sex Workers take to The Streets to Protest Prostitution Legislation: CTV News



Image 3: Leslie MacKinnon, Top Court Orders Alberta Trucker to be Retried for Death of Cindy Gladue: iPolitics

## CONCLUSION

- The Supreme Court of Canada ordered a new trial; they concluded that the justice system failed to protect Ms. Gladue and rape shield laws were neglected.
- A popular trial generates public interest and interferes, maintains or change situations.
- Social media trends have expanded the depth of information communities received.
- Hashtags have categorized this tragedy as a popular trial.

**#RvBarton #injusticesystem #NoMoreStolenSister #Indigenous #JusticeforCindyGladue #Barton #CindyGladue**