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An Indigenous Canadian Journalist Was Covering a Protest. Then He Got Arrested.

He is one of four reporters arrested while covering Indigenous affairs in a country that has been trying to make amends for its colonial past.



Karl Dockstader, an Indigenous radio reporter, is blocked from reporting on a major Indigenous event in his own backyard. Credit...Tara Walton for The New York Times

By Ian Austen
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OTTAWA — The land was theirs, the Indigenous protesters said, and so they tried to prevent the housing project near Niagara Falls from going forward — burning tires to block a highway, spray-painting slogans on the construction company’s equipment and setting an excavator on fire.

The demonstrations didn’t get much national attention, but Karl Dockstader, a local Indigenous reporter, thought it was a big story.

As the protests grew larger over the summer, he returned repeatedly to the site, finally deciding to pitch a tent nearby to do more in-depth reporting.

Then he received an email from the Ontario Provincial Police. They wanted to meet with him.

When he showed up, the police arrested him, and charged him with criminal mischief, and with violating an injunction against the blockade. Now, as he awaits resolution of the case, Mr. Dockstader, who is co-host of a weekly talk radio program that focuses

on Indigenous issues, is himself blocked from reporting on a major Indigenous event in his own backyard.

Mr. Dockstader's arrest is one of four recent arrests of reporters covering Indigenous protests in Canada, and journalism and civil rights groups immediately leapt to his defense. Canada's constitutional guarantee of freedom of speech includes freedom of the press as a "fundamental freedom."

"It's an abuse of power," said Brent Jolly, the president of Canadian Association of Journalists. "And it's a pretty effective way for them to shut down debate."

Pamela Palmater, a Mi'kmaq lawyer who holds a chair in Indigenous law at Ryerson University in Toronto, said the arrests also suggest an effort to silence coverage of Indigenous issues, which could undermine the country's efforts under Prime Minister Justin Trudeau to make reconciliation with Indigenous people for past wrongs.

"It's preventing our stories, our side, our version from getting out there, whether it's an Indigenous or non-Indigenous journalist who has been arrested, it runs counter to reconciliation," Ms. Palmater said.



Broadcast media in February reporting at a railway blockade supporting the indigenous Wet'suwet'en Nation, in St. Lambert, Quebec. Credit...Christinne Muschi/Reuters

Appeals court judges in Newfoundland and Labrador said as much in March, when they unanimously reversed the conviction of Justin Brake, a Canadian journalist who was arrested in 2016 for violating an injunction against protests by Indigenous groups against a hydro electric dam project in Labrador.

“To achieve the goal of reconciliation better understanding of aboriginal issues and aboriginal peoples is needed,” the judges wrote. “This places heightened importance on ensuring that independently-reported information on aboriginal issues, including aboriginal protests, is available to the extent possible.”

The court also strongly criticized the trial court for not considering Mr. Brake’s status as a journalist, writing that an injunction can limit “freedom of the press and, in appropriate cases like the present one, the protection of rights pertaining to Indigenous interests.”

In February, the Royal Canadian Mounted Police arrested Melissa Cox, a documentary filmmaker from New York, at an Indigenous rail blockade in British Columbia, again saying she broke an injunction. A court dismissed those charges last month, without explanation.

About two weeks after Mr. Dockstader was arrested, another reporter covering the blockade, Starla Myers, was also arrested by the Ontario police, and charged with two criminal counts of mischief and disobeying a court order.

Ms. Myers, a member of the Mohawk Turtle Clan and a nurse who also works for the Mohawk-owned website Real Peoples Media, is now under similar restrictions as those imposed on Mr. Dockstader.

The office of Carolyn Bennett, the federal minister responsible for relations, did not comment directly on the arrests but said that when it comes to reconciliation, “we believe the best way to resolve outstanding issues is through respectful and collaborative dialogue,” adding that “a strong, independent, and free press is essential.” A spokeswoman for Doug Ford, the Ontario premier, referred questions about the arrests to the police.

The Indigenous press in Canada includes the national Aboriginal Peoples Television Network, which reaches more than 11 million subscribers, and an Indigenous unit within the Canadian Broadcasting Corporation, the national broadcaster, as well as dozens of smaller outlets like Mr. Dockstader’s show and numerous podcasts.

Not only do these outlets employ Indigenous journalists, they are often the first or only news organizations to report on Indigenous matters.

“The arrests are particularly egregious when the small number of Indigenous journalists in this country are also prevented from covering their own stories,” Dr. Palmater said.

Mr. Dockstader, 40, is the host, along with Sean Vanderklis, of “One Dish, One Mic,” which was a podcast but became an AM radio station, CKTB, a year ago. The show focuses on local Indigenous issues in Caledonia, Ontario, which includes the community of the Six Nations of the Grand River.

That community has a decades-long history of disputes over land claims.

Mr. Dockstader, a Haudenosaunee member of the Oneida Bear Clan, grew up in southwestern Ontario as well as Buffalo, N.Y., and worked as a chef for about 15 years.

About two years ago, he began hosting the radio show. Earlier this year he and Mr. Vanderklis won a prestigious Indigenous journalism fellowship, which will give them training through the C.B.C.

Mr. Dockstader is also the language program coordinator at the native friendship center in Fort Erie, Ontario, which provides services and activities for Indigenous people in the city.

The story he was covering began on July 20, when about a dozen people gathered to block construction of a housing development they contend is being built on Indigenous land. As was the case at a blockade elsewhere in Ontario earlier this year, they raised Six Nations flags and painted “1492 Land Back Lane” on a construction container, a mock reference to Christopher Columbus’s arrival in the Americas.



Protesters have occupied a parcel of land in Caledonia, Ontario, since July as part of an effort to halt construction of a housing development. Credit...Tara Walton for The New York Times

Mr. Dockstader and Mr. Vanderklis drove to see the protest on the first day.

“These things start out as tiny things and you just never know what’s going to happen,” Mr. Dockstader said.

After a police raid on Aug. 5 that resulted in arrests, more protesters arrived, leading to blockades on more roads. In all, Mr. Dockstader made 15 trips to the site.

By late August, Mr. Dockstader decided to pitch his tent.

“I was interested in establishing a relationship with people that were in charge as opposed to just running around snapping photos, having cool things to post and getting clicks,” he said. “I was there for the sole purpose of documenting what was happening and doing a deeper dive.”

Being present at the scene was contrary to the injunction, but before the charges were brought earlier this month, Mr. Dockstader's lawyer told the police he was there as a journalist, not a protester.

In an email, Constable Rod Leclair, a police spokesman, declined to offer any specifics about Mr. Dockstader's case but said "engaging in activities outside of their reporting purpose, could subject media personnel to charges in relation to violation of a court order and other applicable offenses."

The police say Mr. Dockstader was charged with criminal mischief because of events on Aug. 29, the last day he was at the blockade.

"There was a concert and a lacrosse game," said Mr. Dockstader of that day. "I posted a video to my social media feed that was sort of a recap of the week. And I honestly thought I was free and clear."

He is now barred him from returning to the blockade and from interviewing people connected with it. His lawyer is trying to get those terms revised.

Ms. Myers, the other journalist arrested after reporting from the site, said she acted only as an observer, and crossed onto the land covered by the injunction after reporters and camera crews from large media outlets did so.

"Sometimes when you tell these stories it makes people uncomfortable," she said. "What do you do with people who make you comfortable? You charge them and silence them."

Mr. Dockstader is set to appear in court in November.

"For me," Mr. Dockstader said, "I set the hard line of having journalists protected so that it's not police using their discretion to decide what is and isn't journalism. But they clearly seem to want to foray into that territory. They just don't care."