

The Mass Graves That Weren't

By Bruce Bawer

The news was shocking. In the last days of May 2021, media around the world reported that “with the help of a ground-penetrating radar specialist” hired by the Tk’emlúps te Secwépemc First Nation, an aboriginal tribe in British Columbia, the remains of 215 children had been found buried in unmarked graves on what were once the grounds of the Kamloops Indian Residential School. The school, [noted](#) the BBC, had been a Catholic institution that, from its founding in 1890 to its closing in 1978 had been the largest in a system of “compulsory boarding schools run by the government and religious authorities during the 19th and 20th centuries with the aim of



forcibly assimilating indigenous youth.” The BBC further stated that there was no extant documentation for the deaths of the children, some of whom were reportedly as young as three years old, and cited a 2015 report by Canada’s Truth and Reconciliation Commission (TRC) to the effect that the deaths

of many indigenous children at the residential schools amounted to an act of “cultural genocide.”

Upon learning of the discovery at Kamloops, Prime Minister Justin Trudeau tweeted that it was “a painful reminder” of a “dark and shameful chapter of our country’s history.” Carolyn Bennett, Canada’s minister of Crown-Indigenous Relations, [told](#) CNN that the discovery spoke to a “horrific chapter in Canadian history.” And the leaders of indigenous groups in Canada pointed to the findings at Kamloops as proof that the Canadian government and people had yet to do right by their peoples. Mary Ellen Turpel-Lafond, director of the Indian Residential School History and Dialogue Centre at the University of British Columbia in Vancouver, [told](#) the CBC that it was unsurprising that the children’s deaths hadn’t been properly recorded, given that “they weren’t treated with dignity and respect because that was the whole purpose of the residential school...to take total control of Indian children, to remove their culture, identity and connection to their family.”

The Kamloops story was big news around the globe. Canadian newspaper editors [voted](#) it the “news story of the year.” *Sugarcane*, a 2024 documentary on the subject, won an award at the Sundance Film Festival, received universal critical acclaim (its Rotten Tomatoes score is an exceedingly rare 100%), and was nominated for an Oscar.

There was just one wrinkle in this horrific tale. It wasn’t true. In a 2024 article based on *Grave Error: How the Media Misled Us (and the Truth About Residential Schools)*, the bestselling 2023 book he edited with C.P. Champion, Tom Flanagan explained that while the news media initially accepted the Kamloops narrative without question, a “substantial pushback gradually developed among a group of retired judges, lawyers, professors, journalists and others who have had careers in researching and evaluating evidence” and who became the contributors to *Grave Error*. “It’s no

accident that most are retired,” added Flanagan, “because that gives them some protection against attempts to silence them as ‘deniers.’”

Among these contributors were the academic Frances Widdowson, who showed “how the legend of murdered children and unmarked graves was spread by defrocked United Church minister Kevin Annett before it popped up at Kamloops,” the journalist Jonathan Kay, who called the Kamloops story “the worst fake news in Canadian history,” and the retired professor Ian Gentles who showed that, popular myths to the contrary, indigenous children enjoyed better health at the residential schools than on reserves (the Canadian word for reservations). Flanagan’s own essay challenged the “weak body of research purporting to show that attendance at residential schools created a historical trauma that’s responsible for the social pathologies in Indigenous communities.”

Grave Error wasn’t alone in debunking the Kamloops story. Five months ago, Michelle Stirling, a journalist in Alberta, made a [documentary](#), *The Bitter Roots of Sugarcane*, that powerfully refuted the narrative presented in *Sugarcane*. Stirling called that narrative a “blood libel” against the Catholic Church, the schools for indigenous children, and Canada itself. It’s now widely understood that ground- penetrating radar didn’t identify unmarked graves at Kamloops – for the simple reason that such radar *can’t* identify such things. But like many of the hoaxes about Donald Trump that have been endlessly repeated by the media in recent years – among them the Russia hoax, the “fine people” hoax, and the drinking bleach hoax – the story of dead aboriginal children at Kamloops continues to be repeated by the Canadian media as well as by public and private actors who know they’re lying but who have a vested interest in perpetuating the lie.

Which brings us to a related story, one that has yet to be resolved. In British Columbia, lawyers are required to complete something called the Indigenous Intercultural Course

(IIC), which is offered by the Law Society of British Columbia (LSBC) and which professes to teach the facts about the history of relations between the aboriginal people of Canada and the Canadian government. The course materials, as it turns out, contain a passage presenting the original claims about the 215 bodies at Kamloops as absolute fact. After James Heller, a criminal-defense lawyer in Victoria, B.C., became aware that the course was teaching this fiction, he wrote, on July 26, 2024, to the course providers asking them to correct their materials. Receiving no response, he wrote again on August 1 and August 9. Finally, on August 19, he and a colleague, Mark Berry, submitted a resolution, to be voted on at the LSBC's next general meeting, on September 24, demanding that the course materials be corrected.

The LSBC reacted to the resolution in several ways. For one thing, as Heller told me in an e-mail, "the law society used our resolution to try to eliminate private member resolutions altogether, putting up their own two motions, one requiring 50, not two, signatories and the other giving the Executive Director the discretion to table them anyway." For another, the LSBC posted the resolution on its website – after which, on September 9, a group called BC First Nations Justice (BCFNJC) posted a statement on its own website accusing Heller and Berry of "denialism," calling their resolution "distressing, painful, and disrespectful to survivors, as well as the First Nations communities who are continuing to discover unmarked burials and mass graves," and suggesting that lawyers like Heller and Berry need "skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism."

Astonishingly, on the day after this statement appeared on the BCFNJC website, it was linked to on the LSBC's website, with the LSBC adding its own press release to the effect that Heller and Berry's resolution "only highlights the need for the IIC and confirms much work remains to be done to increase

knowledge and understanding, continue our efforts of advancing meaningful reconciliation with Indigenous people, and eliminate racism in our profession.” Plainly, this was a brazen act of character assassination, and Heller’s lawyer wrote to the LSBC demanding that the press release be taken down and that the LSBC issue a retraction and apology. No such actions ensued, and so on February 4, 2025, Heller filed a civil suit in the Supreme Court of British Columbia, accusing the LSBC of libel.

On March 10, the LSBC filed a response to Heller’s lawsuit – and a remarkable document it is. Never mind that the IIC course materials had presented the discovery of 215 bodies at Kamloops as thoroughly factual. Now the LSBC accused Heller of evincing “a basic misunderstanding of the difference between and relevance of certain evidentiary standards, namely: (1) scientific certainty, (2) the criminal standard of proof beyond a reasonable doubt, and (3) the civil standard of proof on a balance of probabilities. It is not necessary to have ‘scientific certainty’ (as a result of ‘unearthing’ bodies) to be able to conclude, on a balance of probabilities, that the Kamloops site contains unmarked burials.” Yet of course the IIC course materials had said nothing about “a balance of probabilities.” Not only had they stated flat-out that bodies had been found at Kamloops, they had provided an exact number.

The LSBC went on to identify Heller as a “denialist” in the matter of indigenous children’s graves – his “denialism” being demonstrated by his statement “that to date none of the missing children investigations have located human remains” – a sentiment, commented the LSBC, that “is profoundly disrespectful to Indigenous communities experiencing the intergenerational trauma inflicted by these schools.” In other words, the objective facts be damned: the truth about this particular subject is offensive to a protected minority, and must therefore be cloaked in silence. Or as Heller put it in his March 17 reply to the LSBC’s response: “The defendant

asserts the painful and sensitive nature of findings made by the TRC, which the plaintiff has not contested, to imply that it is somehow reprehensible for a lawyer to simply request that legal educational materials be factually accurate.”

This isn't the first time I've written about James Heller for FrontPage Magazine. In December 2020, lawyers in British Columbia were instructed that they would thenceforth be required, when appearing before a judge in a courtroom, to provide their pronouns of choice as well as their clients' pronouns of choice. Heller questioned the merits of the policy, but also, even more fundamentally, the fact that it had been adopted at the instigation of transgender activists without any discussion in the law community. Heller pointed out that when Jordan Peterson had opposed Bill C 16 (2017), requiring Canadians to honor one another's pronouns, he'd been ridiculed for warning that things like this would happen. In my October 5, 2021, [article](#) “Pronoun Coercion in Canada,” I recounted Heller's fight against the forces of so-called social justice, which, needless to say, has nothing whatsoever to do with actual justice, individual liberty, or the democratic process.

Unfortunately, Heller failed to persuade the law society to seek a broad, honest debate on the pronoun directives. He tells me now, however, that his LSBC resolution on the Kamloops story has had a surprising side effect. The aim of the resolution, he wrote to me in an email, “was only to affirm the principle that, as lawyers, we should have debated...‘big idea’ changes...Instead, the profession was endorsing a woke narrative that from the outset was beyond scrutiny.” At first, “judges were taking the orders seriously and forcing lawyers to utter their pronouns.” But in the wake of the resolution, the courts stopped enforcing the rule. It's still on the books but only some lawyers follow it. No one talks about it. It's as if they're in some kind of limbo.

Yet when it comes to the Kamloops story, too many of Heller's

colleagues are meekly nodding along with the officially approved untruth. One can only assume that while the pronoun madness is on the wane, the fear of offending aborigines and their advocates is still formidable. Last September, Heller and Berry's LSBC resolution went down to defeat by a vote of 1,499 to 1,683, with some LSBC members publicly dismissing it as racism. What to say about a purportedly free common-law nation in which a majority of lawyers no longer respect established facts, and are willing to condemn a colleague as a racist simply because he refuses to parrot a politically correct lie?

A verdict in Heller's civil case against the LSBC won't come anytime soon. What we can expect before then is the fourth anniversary of the sensational announcement, on May 27, 2021, that the graves of 215 children had been discovered in Kamloops. Is anyone in a position of political or cultural power in Canada really interested in settling this question one way or the other? Or does it serve the interests of those in authority never to dig into the earth and hence keep the Kamloops narrative alive?

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