
Operation Fleck

The battle for Economic
Sovereignty



Bernard A. Shepherd

The day of the RCMP Raid

Whitebear First Nation - March 22, 1993 4:00am

It was March 22, 1993, at around 4 am Monday morning, when they burst through the doors with their AK47's pointed at the casino employees. They were dressed in black and wearing balaclavas. At first the young employees thought they were being robbed.

I was awakened by the honking of a vehicle horn outside my bedroom window. I glanced at the clock and it was 4:18 am. I opened the window and a community member was yelling. "Chief, they're raiding the casino!! They have helicopters and they have a roadblock set up at the resort entrance. I'm going off the reserve, because they've jammed the cell phones!!" I dressed as quickly as possible and flew out the door. I jumped into my big GM dually diesel pickup. I anxiously waited for the glow plugs to go off before I started it up, it seemed to take longer than usual. I had no time to let it warm up, so I slowly rolled towards the highway, recalling the community member mentioning the road block. I slowly shifted the truck into 4x4 high.

As I drove down my driveway and onto #9 highway, a marked RCMP cruiser slowly passed going north, the RCMP marking on their patrol car illuminating in my headlights. As I turned south on #9 highway, I was faced with another 3 miles to the resort entrance, my mind was racing with the thought of the road block. I knew the resort entrance well, the ditches were steep, how do I get around them? From my dirt biking days, I recalled a 'high spot' just before the resort entrance in the ditch where I used to cross on my dirt bike. I'm sure it was wide enough for my big truck to get across. As I rumbled down the highway, I noticed unmarked civilian cars at every curve of the road. I wasn't concerned, it wasn't unusual for cars to be broken down on the side of the road. I later learned that they were surveillance vehicles tracking my movements.

As I rounded the last curve, before the Resort entrance, there they were. The resort entrance was lit up with flashing blue and red lights. The police scanner announced my arrival "ok, I can see him" I crossed to the opposite side of the highway and peered into the ditch for that high spot. "Whats he doing?" screamed over the police scanner. There it was, it was covered in 2 feet of snow. I hit the ditch, barrelled across the high spot and ended up in a field. The big diesel engine was roaring, all 6 wheels were spinning, there was snow coming up and over my hood. I jumped back onto the road leading to the Golf Course Club House, where our Casino was opened back on February 26, 1993. As I roared past the White Bear Lake Resort entrance I looked in my rear view mirror and all I could see was red and blues lights chasing me. Up the hill and past our school, community centre and rink I raced towards the golf course. At every side road, I could see a police cruiser racing to cut me off, none of them succeeded. As I reached the golf course entrance, a beige unmarked suburban pulled up and blocked the entrance, I hit the ditch and went around them. I

noticed another beige suburban heading towards me from the parking lot. I made the decision to go through the back road entrance. As I rounded the corner, I could see them, a whole lot of RCMP cruisers and men dressed in black. I imagine they were all listening to their police radios, following my movements as I headed in their direction.

As I pulled up to the first cruiser, I recognized a familiar face. It was Joe, a local officer from Carlyle. I rolled down the window "Joe, whats going on here?" Joe, quivering, with his hand on his gun "your under arrest!!" "For what" I asked. "get out of your vehicle, your under arrest!!" "Bull***t" I said, as I began to roll my window back up. "Wait, Staff Sergeant George Francis is behind you, he wants to talk to you" Joe said. "Ok, I'm going to pull over" I said. As I stepped out of my truck. staff sergeant George Francis came walking up to me. This was a man I had great respect for, I sat in his office many times and laid out my plans to him. He, along with a few of his colleagues understood what we were trying to accomplish, he's worked in many First Nation communities and witnessed the state of affairs that we lived in. "George, whats going on?" I asked. "Come into the clubhouse, I'll show you the papers" George answered. As we walked along a path towards the clubhouse, I could see a silhouette of a man kneeling with an assault rifle in the bushes. Pointing to him I said "George, there's no need for this". "I know" George answered, with his head slightly down. I could tell his answer was sincere. I went to great lengths to ensure that our community was transparent, safe, and that no guns were allowed around the casino. For the past month, the only guns were the ones the RCMP were carrying as they did their nightly rounds and inspection of the casino, our employees felt safe with their presence. In the months leading up to our Grand Opening , most of our security personal were trained by the local RCMP detachment, they were considered to be one of our community partners.

We approached from the rear on the Clubhouse, and as we rounded the corner and into the clubhouse entrance, there was a semi with a trailer parked in front. As I walked into the clubhouse, I immediately heard all this noise and laughter. They were ripping our slot machines out and loading them into the semi trailer. I read the Search Warrant papers quickly and walked into the main part of the club house. It was a mess, wires all over, smashed up gaming boxes, and people carting our machines out the door. As they strode past me with the slot machines, one officer glanced at me and smiled. I asked where our employees were, they led me to the Golf Course Managers office and I was quickly locked in there with them. The 7-8 employees were shaken up, but otherwise they were holding up through all this chaos. A little while later, we were asked to move to the upstairs loft because they wanted to search the office we were in. As we walked up the stairs and into the room that was used as our 'tables room', where Blackjack and other table games were played, we were met with another mess. All the tables were smashed apart, the green cloth ripped from them. We walked over to the window and peered out. There were men, dressed in black, walking around the clubhouse with dogs and assault rifles. It wasn't long afterwards that we were told that we were not allowed to look out the windows.

We were finally released around 9 am. I was told that they had two (2) of my councillors locked up in Carlyle RCMP cells, Edward Littlechief and Brenda Standingready. I later learned that they came up to the blockade and were arrested. I went into town and about a block away from the RCMP centre, I came across them, walking. I picked them up and took them back to our community.

Back at the Clubhouse, people were picking up quarters from the Gaming floor and outside on the ground, compared to the approximately \$125,000 they took, they couldn't be bothered with what they dropped. As we took stock of what happened and surveyed the damage, I got word that a Bear Claw Casino support group had formed and wanted to meet me at Kenosee Inn. I told my council that we would meet when I got back. I went to the meeting and there were mainly business people from Carlyle, Kenosee, Wawota and Whitebear Resort. We discussed what happened and they said they supported our community. The only stipulation that there be no violence.

Just before noon, I arrived back at my office on Whitebear. Like the Golf Course Club House, our office was constructed from Logs that we imported from northern Alberta and built by our local people. Councillor Edward Littlechief greeted me and motioned me into the boardroom, "Chief, you need to take a look at this" he said. My council had met and broke for lunch, but passed a Band Council Resolution (BCR) before they left. It read "We, the White Bear Chief and Council pass this motion to set aside \$50,000. for guns and ammunition." This was the first sign of the fear, and anger that swept over our community that day. Our community members moved our heavy equipment to the highway and told me "just say the word Chief, we'll rip up that highway". This highway still remains a active issue to this day, the Provincial Government gave us a dollar (\$1) carved up our land, from north to south to make way for their economic interests. One of our very respected elders said "ok, if they want to fight, we'll fight!!" This was coming from an elder that was my mentor and I never heard of him speak this way. Yes, March 22, 1993 had a huge impact on our community.

We had a community meeting that evening and the community hall was packed. People were angry, and couldn't understand why the RCMP raided our casino the way they did, pointing guns at us and wrecking our property. Even at our local school, children were writing letters to Provincial and Federal governments, including the Prime Minister, asking them why they did this "damaging our property and scaring us". A spokesmen for newly formed Bear Claw Casino Support Group was there and reiterated their support for Whitebear. I asked the community for 48 hours. I knew that the Government was counting on a violet response from us.

We were inundated with media calls and interviews. We had people from all over, calling to ask if we need help to defend our territory. The general public was also not pleased with the way the RCMP stormed our Casino. We expected, and wanted to have our day in court to exercise our Inherent rights and challenge the jurisdiction of a Provincial Government that was not yet 90 years in the making, but not in this fashion. Over the next 2 days, the out pouring of support and the backlash against the RCMP and Provincial NDP Government were enough to calm our community.

In the days that following, stories started to flow in about the raid. The Friday before the raid, I drove into the Resort and noticed people looking up. I stopped to ask what they were looking at, and they told me there's a Helicopter up there. I looked up and sure enough, you could see a Helicopter hovering high above our community. People told us about how they noticed large blocks of RCMP gathering in communities like Kipling and Carlyle. After the

raid, out on the golf course we could see tracks of men and dogs, zig zagging across fairways leading to the club house.

The surrounding communities demanded a meeting with their elected representatives. It was an NDP government and the PC representatives from our areas were also siding with our cause. A week later a Town Hall meeting was convened at Kenosee Lake. We were invited, but were asked to keep a low profile, as it was their meeting. We obliged and attended the meeting. The hall was packed with standing room only. I was asked to sit at the front table, along with Sol Sanderson, and the newly minted Gaming Minister Eldon Laudermilch. As I sat there, next to Eldon, I overheard him whisper to the person seated beside him. "We sure showed Sol how it was done" followed by a chuckle. I leaned into Eldon and whispered "It would take a lot more than that", followed by my own chuckle. The meeting started and a barrage of questions were thrown at the NDP representatives. Although we were seated with them, none of the questions were directed at us. There were angry people from the back of the room, yelling at the NDP reps about why they went to these lengths to shut down our casino. After all, we were transparent in our actions and peaceful throughout the previous 9 months. It was definitely not a night the NDP wanted to remember. We later learned that the NDP were no longer willing to meet in "Town Hall meeting" and only with elected representatives.

In the days and weeks that followed the RCMP Raid, we made plans to reopen. I had to ban the RCMP from our community for 30 days, for their safety. Our community was determined to reopen the Bear Claw Casino. We ordered more "coin in -coin out" slot machines from the USA. I got a call from "F Division" in Regina and was told "Chief, we know you ordered more machines and this time we're going to seize them at the border" which also meant that our Black Jack, and other table games were also not going to get across the border. We decided to pick up green cloth from Estevan and hired our local carpenters to start making tables. We would reopen with only table games.

A few weeks after the raid, I was asked to make a presentation at the Assembly of First Nations AGM in Ottawa. I gladly accepted and flew to Ottawa to make my presentation to give the AFN a first account of what happened. On the morning I was to do my presentation, a call came into my room from the front desk and was told I had a very important fax at the front desk. I went down and retrieved it, it was approximately 15 pages and from the Saskatchewan prosecutors office. I started to read it "Bernard Allan Shepherd, you are hereby charged under the Criminal Code of Canada for operating an illegal gaming" on and on it went. I sat in disbelief and shock in my room. I knew what I had to do, I immediately booked a flight back home and when I arrived back in Regina, there was a large contingent of media waiting for me at the bottom of the escalator in the airport. One of the first questions, "Chief, what are you going to do now?" I responded "I'm going to resign, how can I govern with all these charges hanging over my head?". The next morning, at our Chief and Council meeting I tendered my resignation. I was asked to wait in the front, while they discussed this issue. When I was called back in, they told me "Chief, we agreed that we're all in this together, we don't accept your resignation" After this discussion it was decided that the next person to put their name forward to Champion the casino, was Councillor G. Bruce Standingready.

At the start of our September, 1993, gaming trial one of my trusted and respected advisors handed me a 1 page document, and said "just read this out loud in court and walk out". I read the document, it was well written as usual, but I told him, with a smile "are you crazy, thats my name on the charges". We invested a lot of time and money to be able to present our case in the Court of Law, if we wanted respect , we had to show respect. Throughout our history and this included our planning over the course of the previous 2 years, we relied on our ceremonies to guide us and our trial was no different. We asked the Provincial Judge if he would allow us to do 2 things in court. The first was to have a "pipe ceremony" in the courtroom, first thing in the morning and also to "swear in" with an Eagle Feather, instead on the Bible. Both requests were granted.

The time period that our Casino was open had a huge impact on our community and surrounding communities as well. Our people were being trained and working, our youth were traveling back home from far away places like Kelowna, BC to work. In our Gaming Trial a local merchant from Carlyle testified on our behalf. "Whitebear people often cashed cheques at our store, we noticed a big difference in their attitudes. They use to come in with their head kinda hung down and ask us if we could cash their welfare cheque and now they would come in with their heads held high and ask us to cash their pay cheques" To this day our people still frequent that store and hopefully remember those words of support. At the trial we had a RCMP member on the stand and our lawyer asked him "How many calls did you receive during the period that the Bear Claw Casino was open?" RCMP member responded "we never received any calls". Our people were busy working and starting to enjoy a quality of life that others took for granted. I asked our lawyer to ask the RCMP member what the name of the operation, thinking that was something I was going to need in the future. Our Lawyer to RCMP member in the witness box "What name was given to refer to this RCMP operation?" RCMP member responds "Oh, I can't tell you that" Lawyer to Judge "may I treat this witness as a hostile witness?" Judge nods "Yes". Lawyer to RCMP member "I'm going to ask you again, what was the name of this RCMP operation?" RCMP member reluctantly responds "Operation Fleck"