

Nfld. & Labrador

Residential school survivor uses settlement to pay for protest defence



Shirley Flowers paid \$12,000 in legal fees fighting Muskrat Falls charge

[Bailey White](#) · CBC News · Posted: Mar 04, 2018 9:00 AM NT | Last Updated: March 4, 2018



Shirley Flowers addresses fellow demonstrators at a protest in October 2016. (Janet Cooper)

Shirley Flowers had a decision to make.

She wasn't planning on taking the settlement money because she didn't think it would make up for what she went through in residential school.

On the other hand, clearing her name wouldn't be cheap. Flowers knew she had broken no laws by demonstrating at the Muskrat Falls site but still found herself accused of civil contempt.

She needed a lawyer.



Hundreds of people protest at the Muskrat Falls site in October 2016. Some cut open a locked gate and occupied a work camp for a number of days. (Katie Breen/CBC)

Flowers is one of dozens of people in Labrador accused of breaking a court injunction granted at the height of resistance to the Muskrat Falls project in October 2016.

The order restricted the movements of demonstrators to one side of the Trans-Labrador Highway and forbade blocking traffic.

- **[Court order threatens Muskrat Falls protesters with arrest](#)**

"I didn't go on their property and I didn't block vehicles," Flowers said. "I didn't know what they could find against me, because I didn't do anything."

She doesn't know why, exactly, she was suspected of breaking the injunction — Flowers insists she was careful to stay in the area designated for protest — but it wasn't a total surprise, either.

She was a regular fixture at demonstrations.

In fact, Flowers regularly held a one-woman vigil across the road from the Muskrat Falls work site entrance. She also attended protests elsewhere in Happy Valley-Goose Bay. All perfectly legal.

"I deliberately tried to keep myself from breaking any laws because I have responsibilities in my family," she said. "I have children and I didn't want anything to happen that would be scary or threatening."

With that in mind, Flowers hired a lawyer. She couldn't risk going it alone in front of a judge and couldn't really afford the \$12,000 it would eventually cost, but Flowers knew where she could get the money.

“It was like accepting money from one oppressive act and giving to another.”

- Shirley Flowers

Like thousands of Labradorians, Flowers was sent to residential school in North West River when she was 13.

It was a painful experience that left her feeling isolated from her family. She eventually ran away from school.

As part of a class-action lawsuit [settled in 2017](#), Flowers was entitled to \$15,000.

"I wasn't going to accept the compensation because to me, I don't think it does the experience justice."



Prime Minister Justin Trudeau apologizes to residential school survivors in Happy Valley-Goose Bay in November 2017 after a class-action lawsuit was settled out of court. (CBC)

The irony of using money won in a court battle to pay for another proceeding isn't lost on her.

"It was like accepting money from one oppressive act and giving to another," Flowers said.

"It seems like we have little room to say anything or to resist, or to challenge [the Muskrat Falls project]. Soon as we did, we find ourselves in the court system."

In June 2017, 10 months after she was accused, Flowers was found not guilty. In a written decision, Justice George Murphy said there simply wasn't enough evidence to prove she'd broken the injunction.

No regrets

In civil court, it is typical for the losing side to pay the winner's legal fees. Flowers' lawyer, Geoff Budden, applied to the court to have Nalcor cover her costs, but Justice Murphy ruled against it.

Whatever is left of Flowers' settlement money will help make up for an opportunity she lost because of her court obligations.

She was part of a national committee on truth and reconciliation and received an honorarium for attending meetings.

"I had to give it up, because every time there was a meeting I had to go to court. So I lost a considerable amount of money there."



Shirley Flowers, second from left, regularly attended demonstrations near the Muskrat Falls site but says she was careful to obey a court injunction that restricted protesters' movements. (Beatrice Hunter)

Still, Flowers said she doesn't regret anything. Doesn't wish she hadn't protested. Doesn't think she could have fought the case alone.

When she looks at her fellow demonstrators, many of whom are slowly making their way through the court system with no legal support, she says she made the right choice.

- [**Worn down by delays as court hearings drag on 18 months after Muskrat Falls arrests**](#)

"It's all very frustrating, and still yet, I think, we still have to continue to challenge what's happening."

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