

# The Media's Representation of Cindy Gladue: An Analysis

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## Author's Note

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## ABSTRACT

Cindy Gladue, a 36-year-old Cree Métis woman, was murdered in an Edmonton hotel bathroom in June 2011 while working as a sex worker. While much has been written about her death, the media's news reporting has largely failed to adequately capture the nuances of Cindy's death. This includes both the gravity of the individual crime perpetrated by Bradley Barton and the colonial gendered violences that made her death possible. Since Indigenous women are judged based on their post-mortem representation from the media, this essay analyses how the inadequate representation of Cindy Gladue's murder contributes to the negative prolificity of missing and murdered Indigenous peoples. This inadequate representation then allows for the continuation of gender-based harm. I use a Critical Discourse Analysis (van Dijk, 2015) framework to link discourses used in international, mainstream Canadian, and Indigenous news sources to the ongoing missing and murdered Indigenous women and girls, two spirit plus (MMIWG2S+) crisis faced by Indigenous communities to situate and reassign responsibility for this gender-based violence.

## Introduction

The media has extensively covered who Cindy Gladue was and what happened in the 48 hours before she died. On the night she died, Cindy's blood alcohol level was four times the legal limit. Bradley Barton paid Cindy for sex the night before and approached her again on the night she died. She

'agreed', although her ability to consent was dubious due to the amount of alcohol in her blood and was found dead in the bathtub of Bradley's motel room the next day. The cause of her death was an eleven-centimeter wound to her vagina (Ridgen, 2021).

The focus of both the Court and the media quickly turned into two directions. First, if she could have

consented to sex given the amount of alcohol in her system and second, if consenting to 'rough' sex includes consenting to the possibility of death (Woodyatt, 2020). Stigma surrounding sex work, the limits of consent, and racist tropes of Indigenous women jaded the first trial in 2011, where Bradley was acquitted. In 2019, the Supreme Court ordered a re-trial of Bradley, where Bradley was found guilty in February 2021 and is currently serving 12.5 years in prison for manslaughter (Ridgen, 2021).

In this essay, I examine how the media frames Cindy, and other MMIWG2S+ as either the victim of structural issues affecting Indigenous women and peoples, or a victim of one crime, perpetrated by one person. Separating these two representations of Cindy's murder and Bradley's trials allow for a damaging post-mortem proflicity of MMIWG2S+ and does not offer a just representation of the situation. My critical analysis aims to reassign responsibility away from those who have disappeared and/or been murdered (Strega, et al., 2014) toward the perpetrators of the crimes and those upholding structural violence.

## Social Power and the Media

The media often fails to give a nuanced view of the crimes perpetrated against Indigenous people or the context in which Indigenous people commit crimes. This is dangerous because it creates an image of Indigeneity that often does not include Indigenous voices and leads to proflicity: the process by which an individual or group "[assumes] identity through public accounts of oneself" (Moeller & D'Ambrosio, 2019, p. 36). While the concept of proflicity is commonly used in relation to social media use, it is relevant in the context of news coverage as proflicity asserts that "... [b]y presenting their profiles, people tell others and themselves who they are, and they are made accountable for it." (Moeller & D'Ambrosio, 2019, p. 36). I assert that Cindy's representation in the media and the courtroom is built by public authorities who have

the power to tell her story widely, such as journalists and lawyers. She was then held accountable for this representation during Bradley's trial in the legal Court and the court of public opinion. Thus, it is important to analyze who has the social power to speak and how they use their power (van Dijk, 2015).

Fakiha Baig, a journalist for The Canadian Press, has written much about the murder of Cindy and the proceeding trials of her killer in real time. Baig's articles about Cindy's murder appear in many mainstream Canadian news sources such as: CBC, the Globe and Mail, the Toronto Star, and Global News. In late 2021, a Google search "Fakiha Baig 'Cindy Gladue'" turned up about 2,440 results (Google, 2021). To narrow the scope, I focus on two of Baig's widely published articles.

I use two articles written by Amy Woodyatt and published by CNN, an international news source. Woodyatt is a freelance journalist based out of London, England (Woodyatt, 2021a). Woodyatt writes about the Crown's treatment of MMIWG2S+ in court cases and the usage of the 'rough sex defence' in Canadian and international court rooms. Woodyatt's stories position discourse of Cindy's death within structural issues such as violence against women and colonial violence, more broadly (Woodyatt, 2021b; Woodyatt, 2020).

Finally, I analyze a long form news story entitled "Looking back at the case of Cindy Gladue and the error that delayed justice for her family" by APTN Investigates, authored by Melissa Ridgen. Ridgen is Red River Métis and has been a journalist for APTN since 2009 (APTN News, 2021a). APTN is an Indigenous centred news network that has published 36 pieces on Cindy's murder (APTN News, 2021b). I analyze this long-form piece to include different mediums of news in this essay, and because this story includes many Indigenous voices.

As "access to specific forms of discourse is itself a power resource", all three journalists have persuasive power in discourse about the murder of Cindy

so their positionality is important to consider (van Dijk, 1996 as cited in van Dijk, 2015, p. 469). Furthermore, my own understanding of Cindy's murder has been formed by my positionalities as a non-Indigenous settler, Native Studies undergraduate student at the University of Alberta, and a resident of the city in which Cindy was killed. It is important to think about how my positionalities also implicate myself in the structural racism and ongoing colonial legacy that allowed for the conditions of Cindy's death, along with the MMIWG2S+ crisis.

## Social Power and the Media

### International News

Reporter Amy Woodyatt covered Cindy's story in a 2020 CNN article about the phenomena of defendants using a 'rough sex' or '50 Shades' defense. The defense claims the deceased were accidentally killed in a 'sex game gone wrong' or consensual sexual violence to plead for a reduced sentence for manslaughter. This defence maneuver asserts that the amount of force used in a sexual activity is separate from the scope of consent, which Woodyatt ties to the recent "commercial sexualization of violence" that normalizes sexual violence and allows perpetrators to use a victim's sexual preferences against them in Court (Gotell 2020 p.91; Woodyatt, 2020). Regarding Cindy's case in Woodyatt's 2020 article (after Bradley was acquitted of murder in 2015), the Supreme Court of Canada denounced the defence and Crown referring to Cindy as a "Native prostitute" as it had "devastatingly prejudicial effects" on the outcome of the case. Additionally, it did not dissuade "prejudicial and stereotypical assumptions about Indigenous women working in the sex trade" (Woodyatt, 2020). However, Woodyatt does not elaborate on the colonial occupation and racialization that makes these "prejudicial and stereotypical assumptions" possible. Not contextualizing Cindy's positionalities as an Indigenous woman or a sex worker leaves out the act of colonial and gendered entitlement to disposability that Bradley felt in relation to Cindy's body (Razack, 2016, pp. 292-293). Instead, the piece uses Cindy's

story as further evidence for the rough sex defence in response to the murder of Grace Millane, a white British woman who was murdered whilst on vacation in New Zealand.

This lack of context is dangerous because the reader of the news article is subject to second order observation—learning of, or 'observing' Cindy's case through the observations of Woodyatt, the writer of the article. Helpful for unpacking this, Moeller and D'Ambrosio write that through second order observation, value is communicated, including personal value. So "[n]ot the 'object' (i.e. the product, the university, the face, the human being) itself is observed, but how it is observed by observing agencies, rating mechanisms or review processes that are taken to be representative of formulating 'public opinion'" (2019, p. 586). Public opinion is thus informed by the media and those able to publicly examine the case. Thus, using Cindy's story as supporting evidence for the rough sex defence without proper context about her intersections as an Indigenous woman and sex worker perpetuates the phenomena of white women receiving wider media attention. This frames white women (and whiteness more generally) as 'more worthy' of justice than racialized or otherwise marginalized people. This contributes to the phenomena of NIMBYism (Fiske et al., 2010), unpacked later in this article, and directly upholds an incomplete and harmful post-mortem proficity of Cindy and other MMIWG2S+, which is elaborated upon later in this section.

Woodyatt later wrote a more comprehensive article in 2021 that unpacks how the ways in which Gladue's murder was mishandled largely mirrors Canada's historical and contemporary mistreatment of Indigenous women (Woodyatt, 2021). This article does a fine job of contextualizing Gladue's murder within the systemic issues and barriers facing Indigenous peoples in Canada. However, this article directs accountability for Cindy's death to the Canadian state, which detracts Bradley's responsibility as the man who killed Cindy.

Sherene Razack describes the ways in which the contract of sex work is often viewed as a landscape in which violence is seen as 'permissible', with the violence itself taking place outside of all history and context (2000, p. 117). Razack's analysis unpacks the intersections between the societal conditions in which Cindy's murder took place and the individual violence Cindy faced. This terrain of legal exclusion is especially concerning while viewed alongside an article Fiske et al. (2010) published about NIMBYism. Their article claims that bodies that are often poor, racialized, and/or disabled are not deemed 'worthy' by the 'mainstream' (white), settler community and are pushed into areas of disenfranchisement, namely inner-city areas, that become both over and under-policed; over-policed by the physical presence of police and under-policed by the lack of protection offered by law enforcement. Police, in the context of this argument, do not exist to 'serve and protect' racialized communities, but to serve and protect the settler population deemed 'worthy' (Fiske et al., 2010). Taken together, Cindy as an individual sex worker and the structural Cindy as a member of society within the settler colonial construct are acknowledged, leaving much space to imagine different societal possibilities. Without this context and space for possibility, second order observers are likely to accept Cindy's death as 'just the way it is'. This is unacceptable and perpetuates a dire post-mortem prolificity of Cindy and a prolificity of other Indigenous women who are sex workers or who may be perceived as potential sex workers under the male gaze.

### Canadian News

Baig's pieces also describe Gladue being referred to as "a 'native' and a 'prostitute'", and says that Indigenous people were "appalled" by the use of both the language and the use of Cindy's preserved vaginal tissue in Court, but does not delve into why it was wrong (Baig, 2021a). By ignoring historical accuracy and the current context in which this happened, Baig inadvertently replicates the (ongoing) colonial histories and terrains that subju-

gate, dehumanize, and label Indigenous women as 'Other' (Fiske et al., 2010, p. 79). This is especially dangerous because through second order observation via the press, Indigenous and non-Indigenous youth absorb these negative portrayals, which are then "... affirmed in gestures of contempt for Aboriginal women" (p. 79). This is an occurrence as old as Canada itself, as newspapers have been representing Indigenous women as 'prostitutes' and blaming them for the violence they have endured since the 19th century (Razack, 2000, p. 99).

### *The Portrayal of Bradley Barton*

Quoting the defense's closing remark at the second trial of Bradley Barton, Baig writes:

"When he wakes up at 7:20 in the morning and sees blood smeared all over the bathroom wall, the bathtub, faucet, side wall other locations, including on the floor, imagine how terrifying and how confusing that would be ... Did you imagine just for that moment – freeze frame – what kind of fear and confusion and terror would be overcoming him?". (Baig, 2021a)

Again in 2021, Baig wrote another article describing Bradley's defense petitioning the Court for a reduced sentence after Bradley was charged with manslaughter. Bradley's lawyer said:

"When he wakes up at 7:20 in the morning and sees blood smeared all over the bathroom wall, the bathtub, faucet, side wall other locations, including on the floor, imagine how terrifying and how confusing that would be ... Did you imagine just for that moment – freeze frame – what kind of fear and confusion and terror would be overcoming him?". (Baig, 2021a)

By publishing 'just the facts', and repeating the words of Bradley's lawyers without situating the sentiment within the context of MMIWG2S+ and the #MeToo movement, Baig is again implicated in

upholding the structural violence that killed Cindy. The statement made by Bradley's lawyer draws on the sympathy of the (white) public, and attempts to frame Bradley as an innocent bystander of —and even victimized by— Cindy's death. In both articles, Cindy herself is made invisible. In the second block quote, Bradley's defense seems to view Indigeneity as a barrier to his case. To them, Cindy's Indigeneity means that Bradley will have to symbolically "pay for the sins of [his] fathers" (Baig, 2021b).

These statements reminisce about the two white men who killed Pamela George, an Indigenous woman, in 1990. Regarding the communications between the two killers and their friends, Razack writes "In none of these conversations was there any indication that the men acknowledged that a woman has been brutally murdered; her death seemed almost incidental and simply inconvenient" (2000, p. 111). This again paints Indigenous women's bodies as Other, and as physical terrains to be colonized (Razack, 2016). It is important to connect this to post-mortem proflicity as the identity of these women are, here, not represented by themselves or their communities. The representations instead come from the reporters who are profiting from their deaths, while perpetuating discourses that allow for the conditions of such violence.

### **Indigenous News**

The long-form Aboriginal People's Television Network (APTN) video describes the way Cindy was constantly referred to as a 'Native' and a 'sex trade worker' in the 2011 trial. It is noted how this language, used by both lawyers and the judge, may have swayed juror perceptions of Cindy and could have 'negated [her lack of] consent, even though that's legally wrong' (Ridgen, 2021, 10:30). Furthermore, Ridgen's 2021 story describes the Crown's decision in 2011 to use Cindy's vaginal tissue in Court as 'even worse' than the defense's use of it. Here, Ridgen argues that if Cindy was not Indigenous, the Crown wouldn't have dared to use it. (7:12). This aligns with the argument Razack makes in "Gendering Disposability", that the pres-

ervation of Cindy's genitals without the consent of her community is both the desecration of her corpse and a continuation of sexualized violence of Indigenous women (2016). Razack says that this violence is not new, and links the treatment of Cindy's body to the abuse of Sarah Baartmann. Sarah was a Khoisan (Khoikhoi) woman from South Africa, and during her life she was forced to be both an exhibition in a cage and a sex worker. After her death, Sarah was publicly "reduced to her sexual parts", dissected in the name of 'science', and put on display in the French Musée de l'Homme (Museum of Man) from the early 19th to late 20th centuries. Sarah's body was not repatriated and buried in South Africa until 2002 (Parkinson, 2016; Gilman as cited in Razack, 2016, p. 288; South African History Online, 2020). As in Sarah's case, preserving Cindy's body without her family's consent "memorialized a terrible, sexualized violence directed at an Indigenous woman" and was made worse by the fact that her body was displayed in a Court. As such, the Court has long been a place where Indigenous women are "unacknowledged" and criminalized (Razack, 2016, p. 289).

Ridgen's ATPN story does an excellent job of using Indigenous voices to map out the violences that occurred in Cindy's murder and trial. This piece is an example of reporting that counters the negative post-mortem proflicity of Cindy and other MMIWG2S+, as asserting Indigenous voices demonstrates the resilience and resurgence of Indigenous communities as they face the crisis of MMIWG2S+.

### *Intended Audience*

By including phone numbers to multiple hotlines, not just in the beginning or end of the video, but also throughout the story, and explicitly situating the 2021 trial of Bradley Barton within the context of the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (NIMMIWG) and the #MeToo movement, Ridgen's ATPN Investigates story makes it clear that their audience includes those affected personally from this story. Furthermore, the image beneath the text of phone

numbers is a red dress, a symbol of MMIWG2S+, which situates Cindy's murder within the broader context of missing and disappeared women, girls, and two spirit plus people in Canada (14:00). This trauma-informed perspective breaks the 'us versus them' dichotomy that labels MMIWG2S+ as 'Other', which is often found in news pieces about Cindy's murder.

## Conclusion

Cindy Gladue's life and death cannot be tied neatly with a bow. Discourse pertaining to her death both sensationalized her as 'the victim' of an individual violent sexual assault and murder and as 'a victim' of a larger problem of colonial and gender-based violence. This lack of nuance contributes to the ongoing violent colonization of the lands now called Canada and detracts responsibility from those perpetuating harm.

By acknowledging the power imbalance inherent within the 'rough sex defense', and the racialized contexts in which the 'contracts' of sex work are made possible (Razack, 2000; Woodyatt, 2020), a fuller picture begins to emerge. This counters the harmful post-mortem prolificity often projected onto MMIWG2S+. It is then clear that privilege allows someone the ability to consent to such activities and when someone's consent is allowed to be withdrawn. This demonstrates the structural violence that is perpetuated by Canadian law by allowing this defense into the courtroom and explains how "Barton's arrangements with Gladue, made possible through the sex trade industry and Canadian law, provided him with the opportunity for a sexualized racial mastery, the joining of political domination and sex" (Razack, 2016, p. 295). This fuller narrative does not take away personal responsibility from Bradley, the man who committed the crime, but adds nuance by providing the context in which the crime took place. This nuance is vital for the prevention of individual and systemic gender and colonial based violence in the future.

Additionally, it serves for meaningful redress for those affected and killed by the MMIWG2S+ crisis.

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