

Decolonizing Paranoia: The Michael Nehass Case

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As cases of the extra-judicial killings of black subjects by police forces in the U.S. (George Floyd) and Canada (Regis Korchinski-Paquet) garner much attention, protest, and calls for the defunding and abolition of the police, ongoing police violence directed towards Indigenous people in Canada continues unabated including, only in the past few weeks, the killings of Chantel Moore and Rodney Levi in New Brunswick, brutal take-downs of an Inuit man in the Northwest Territories and of an Indigenous man in Winnipeg, and the RCMP's beating of Athabasca Chipewyan First Nation Chief Allan Adam after a traffic stop. To better understand the logic of such treatment of Indigenous bodies by the police and legal system, framed within legal and psychoanalytic discourses, we offer a brief discussion of the case of Michael Nehass. An Aboriginal man with extraordinary experiences in solitary in the Yukon, and treatment by judges and medical professionals, Nehass' story of mistreatment at the hands of the Canadian state and legal and mental health systems has much to teach us regarding shifting legal landscape with respect to solitary confinement in this country's carceral apparatus, but also in the context of questions of reconciliation, Indigenization, and what we take to be anti-colonial politics. That is, by listening to Michael's stories, his philosophy, his ready-to-hand critique (or even conspiracy theories) of how and why he has been treated in prison, we can learn something about how colonialism depends on, but paradoxically produces, a critical subject. In what follows, then we will offer an overview of Nehass' travails in the contest of Indigenous incarceration with respect to solitary confinement, stressing the demonstrable need for an Indigenization of the legal system; then, a reading of the Michael Nehass case in terms of a theory of anti-colonial paranoia, arguing

that by listening to Nehass's words, we can better understand an explicit anti-colonial politics.

On Sept. 29, 2017, Mister Judge Veale of the Supreme Court of Yukon released his "Memorandum Following a Crown Stay" in the case of Michael Nehass. Mr. Nehass at the time was before the Supreme Court of Yukon as a result of charges including assault, threatening to use a knife, uttering a death threat, and forcible confinement. Mr. Nehass was charged with these offences at the time they occurred in Dec. 2011. He turned himself in to the RCMP on Dec. 29, 2011, after which and up until the 29th of Sept. 2017, he spent much of his time in a segregated cell in Whitehorse Correctional Centre ("WCC"). Justice Veale referred to Mr. Nehass' time between 2011 and that day in 2017, as follows:

His nearly six-year odyssey of incarceration as an Indigenous accused presumed innocent of these offences included escalating mental health concerns in the jail; a court finding he was unfit to stand trial; a finding by the Review Board that he was fit; a return to court after the Review Board to stand trial; followed by his conviction; a determination that he was unfit to be sentenced; a successful mistrial application; and a Crown stay of proceedings at the hearing of an application for a judicial stay of proceedings.

Speaking directly to Chief Judge Ruddy when he was sentenced on June 11th of 2010, Mr. Nehass stated: "I found myself in a situation where the – I ended up like a noose that just kept getting tighter and tighter and I just want to move on with my life now and I have chance with my community to prove myself. And you know, I've been to the end of this road, I've

been to max prison and there's nothing there. And I would like to see what's on the other road now.”

Michael Nehass' theories can be broken down into three components: he believes that he is being persecuted by Court and government forces (with a concomitant cover-up); he believes that there is a government effort to exterminate Indigenous peoples; finally, he believes that there is a technological aspect to all of this, from the implanting of nano devices in his brain, said particles in his food, and interference from what he calls “cyber-educationalists.” So Nehass' theories are not only devoted to his own persecution, and this is where that specific case (his trials and tribulations) can be thought of in terms of an anti-colonial argument. For again and again, according to court documents and media accounts, he returns to the theme of the “the government's interest in exterminating him and exterminating Indigenous people,” that, as another psychiatrist testified in 2017, “[a]t the core ... is his delusional belief that there is a conspiracy between the crown and/or the court system to find him a Dangerous Offender and/or mentally ill so as to ‘shut [him] up’ regarding his delusional beliefs that, broadly, involve the trafficking/killing of Aboriginal women (amongst many other paranoid delusions).” What is apparent here is that while the various medical and legal professionals involved in Michael Nehass' case have listened to what he has said, they have not heard it. That is, we argue that it is not delusional to believe that, given the history of settler-Indigenous relations over the past 150 years, from the *Indian Act* and the setting up of reserves; the banning of potlatches and other forms of ceremony; the establishment and 160 year history of Indian residential schools; restrictions on voting, university education, and other aspects of Indigenous life; to, finally, only the very recent public knowledge (but a long-term knowledge for Indigenous people) of the national crisis of the missing and

murdered Indigenous women, girls, and 2SLGBTQQIA individuals – it is very clear that for Michael Nehass to posit, in his rough and ready way, a conspiracy, cannot be seen as delusional. Or, more precisely, just because these are delusions in some details, they are also, in broad strokes, historically accurate.

Our argument here is that we should read or listen to Michael Nehass' theories in terms of contemporary anti-colonial, psychoanalytic, and cultural studies discourses on paranoia and conspiracy theories. These range from the canonical studies of Schreber (a turn of the 20th century German judge) and his *Memoirs of My Nervous Illness* (studies by Freud, Lacan, Eric. B. Santner), the anti-colonial writings of Frantz Fanon, the postmodern theories of Fredric Jameson, and such contemporary cultural representations of well-founded paranoia in, say, the 2017 film *Get Out*, Claudia Rankine's book of poetry *Citizen*, and fiction by writers such as Cherie Dimaline that imagine not so dystopian futures of ongoing Indigenous genocide. The psychoanalytic tradition differs, then, from the carceral-psychiatric apparatus, in taking seriously the analysand's delusions. What this means, it should be stressed, is neither downplaying the actual suffering of Nehass nor setting him up as a "Subject supposed to know." Rather, it means listening to the signifiers of his discourse, and, better, realizing that they speak of things it is our task to understand. Here Fanon's critique, in *Wretched of the Earth*, of the "Algerian school" of psychiatry, which persisted in finding reasons for criminality in biological, rather than political causes, is worth remarking: "The criminality of the Algerian, his impulsiveness, the savagery of his murders are not, therefore, the consequence of how his nervous system is organized or specific character traits, but the direct result of the colonial situation."

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