

LIFE&TIMES

Author of major report on native justice,
Allan Cawsey was 'a complete judge'

DUNCAN THORNE
Journal Staff Writer
EDMONTON

Alberta's first chief provincial court judge, who went on to produce a major report condemning racism in the justice system, has died at 81.

"He was a complete judge," Chief Justice Allan Wachowich of Court of Queen's Bench said Thursday of retired justice Allan Cawsey. "He understood both the victim and the accused."

Wachowich said Cawsey was careful not to condemn a guilty person's character when sentencing, instead criticizing the person's actions.

"He always saw the self-worth in a person," Wachowich said in an interview.

After Cawsey sentenced one man to jail the accused's mother wrote to thank him for being so fair.

Cawsey, who died Wednesday of a heart attack, became Alberta's first chief provincial court judge in 1976 with instructions to carry out earlier recommendations for improving that court system.

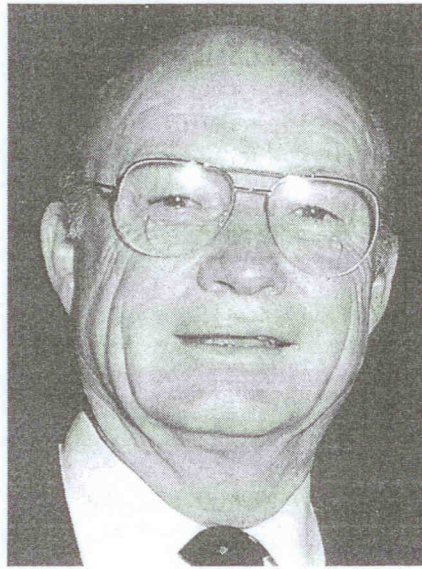
Under him, retired politicians could no longer be appointed as judges unless they had legal backgrounds. All judges had to have previous experience as lawyers.

Marjorie Bowker, the retired Edmonton judge known for her books critiquing such national issues as free trade, has said Cawsey made the provincial court function better as "a court of the people."

He instilled in his children the sense that no one is better than anyone else, son Clint Cawsey said. "He wanted to be treated like everybody else."

Instead of joining an elite club he preferred the YMCA. Socially, rather than inhibit others when the subject of their jobs came up, he described himself as working "in a little office on 97th Street," without saying it was the courthouse.

Before becoming a judge he was active with the provincial and federal Tories.



Allan Cawsey

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But while fiscally conservative, he had a "very social side," son Dale Cawsey said.

Cawsey became a Court of Queen's Bench justice in 1979. He was appointed chairman of a federal-provincial task force on native justice in 1990, producing a report the following year that found Alberta natives are "victims of racism and discrimination" in the justice system.

The Cawsey report made 338 recommendations for rehabilitating natives, deterring crime and protecting the public. It called for a shift in emphasis to crime prevention from jail terms.

"It was a significant work, and a significant amount of work came out of it," provincial Justice Minister Dave Hancock said. He said the Cawsey report led to a range of changes that included aboriginal liaison with prosecutors and special training for them about natives.

Wachowich said Cawsey was the best person to head the task force because he was sensitive to aboriginal problems. He said that was the result of having served

as a prosecutor in Wetaskiwin, which is next to four First Nations.

Cawsey almost didn't live long enough to enter the legal profession. During the Second World War he was wounded twice in Italy, at Cassino and then near Florence.

His second injury came in August 1944 while he commanded some light reconnaissance Honey tanks. His tank was destroyed when it struck a mine, killing the driver and seriously wounding Cawsey and the rest of his crew.

He was praised for distinguished service. But one result of the tank explosion was that he lost most of his hearing. As time went by he relied increasingly on a hearing aid.

Jane Somerville, a daughter, recalled that Cawsey "always said his last day in court was the day he could no longer hear every single word." When it finally happened, Cawsey switched to probate work.

Born in Wetaskiwin, he grew up in Calgary. He came from a family of RCMP officers and joined the force in 1940 before shipping off to Europe and eventually serving with the 10th Calgary Tank regiment.

After the war he returned to Calgary but went to law school at the University of Alberta, where he was class president. He remained involved with the post-war military, eventually retiring as a lieutenant-colonel.

He joined a law practice in Wetaskiwin, where he served on school and library boards and with the Royal Canadian Legion. He became Wetaskiwin's citizen of the year in 1976 before moving to Edmonton as chief provincial judge.

"In Wetaskiwin he was really a leader in the community," said Wachowich, who was a defence lawyer there when Cawsey was a prosecutor.

Cawsey also had a sense of humour, naming the family's Pigeon Lake cabin The Crown Rests.

dthorne@thejournal.canwest.com